

## EXTENSIONS OF REMARKS

### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

SPEECH OF

**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes:

Mr. BERMAN. Mr. Chair, I rise in support of the amendment to strike section 1034 from the bill. Let's be clear what we are debating here today: the bill before us would amend the authorization for the use of military force (AUMF) that Congress passed in the wake of the 9/11 attacks—not just reaffirm the existing authorization.

As a threshold matter, I question the premise for this amendment. Proponents argue that Congress needs to act now lest a court change its interpretation of the AUMF. Proponents also argue that the President has been hamstrung in his ability to detain and target groups linked to al Qaeda, like al Qaeda in the Peninsula (AQAP).

Yet Defense Department General Counsel Jeh Johnson made clear in public testimony that DoD has all the authority it needs to fight terror. And I've seen no evidence that the Administration feels any restraints on its ability to target threats like AQAP. In fact, the White House stated yesterday it "strongly objects" to section 1034. If the Administration, which stands to benefit most from the proposed amendment to the AUMF, is arguing against it, I have serious doubts we should proceed.

I support efforts to update the AUMF of 2001. The AUMF should reflect the diffuse terrorist threat faced by the US today and clarify that the President has the authority to target groups closely linked to al Qaeda and the Taliban that came into being after 9/11 and that pose a direct threat to the United States. We should also update it as a matter of congressional prerogative. Congress should take ownership of the AUMF rather than let the courts and the Executive interpret the 2001 legislation unilaterally.

At some point, congressional failure to update the AUMF could force the President to rely on his Article II authority to target entities increasingly removed from 9/11.

But this provision in the NDAA is no way to do it.

Sec. 1034 was advanced with no hearings in the Foreign Affairs Committee—the principal committee of jurisdiction—and with only a passing mention in an Armed Services Committee hearing.

There's been no floor debate beyond this amendment, and no opportunity for the Administration or outside experts to weigh in.

This is not the way Congress should authorize an expansion of the President's authority to use force.

And make no mistake: that's exactly what we're doing here, even if the proposed authority is consistent with how courts have interpreted the original AUMF.

The 2001 AUMF makes no reference to associated forces, nor does it authorize the President to attack nations, organizations, and persons who are substantially supporting al Qaeda or the Taliban.

We need to examine these provisions closely, some of which could have unintended consequences and which remain cutting edge legal theories. For example, Sec. 1034 authorizes the President to use force against "nations who are substantially supporting the Taliban".

Would that allow the President to use force against Pakistan or Iran if they were providing material support to the Taliban?

That isn't what I signed up for when I voted to authorize the President to attack those responsible for 9/11 in the original AUMF.

With adequate due diligence, I would support giving the President authority to target so-called "associated forces". Indeed, the concept of co-belligerency is one well-founded in the laws of war, at least against nations. I could even envision authorizing the detention and targeting of those substantially supporting al Qaeda, as the McKeon provision suggests.

But there should be limits to these authorities. We need to ensure a sufficient link between an associated force and the Taliban or al Qaeda, and that such a group is hostile to the United States. We also need to make sure there are clear ways to determine whether an entity is "substantially supporting" al Qaeda. At a minimum, I would urge my colleagues to place a time limit on such authorities. I want to make sure we are not extending a war—something Jihadists might welcome—at the exact time when we should be narrowly focusing our counterterrorism efforts.

I tried to work with my colleagues to find a mutually agreeable text, one that would restrict the proposed text while addressing the proponents' interest in incorporating "associated forces" and detention authority into the 2001 AUMF.

Given the late hour, we could not reach a deal. But I remain willing to work with my counterparts across the aisle to find a mutually agreeable, bipartisan text.

Mr. Chairman, in light of the flawed language in Sec. 1034, and the equally flawed process, I urge my colleagues to support this amendment to strike that section from the bill.

ice and sacrifice of U.S. law enforcement, especially those that paid the ultimate sacrifice.

Every day peace officers put themselves in harm's way to protect the citizens of this great country.

Peace officers are the last strand of wire in the fence between good and evil.

They are what separate us from the anarchy of the lawless.

They are real life heroes in our midst.

One of these heroes is Officer Timothy Abernethy who lived and died serving the people of Texas and the City of Houston.

Fighting crime was a personal calling for Timothy, not just an occupation.

Officer Abernethy worked hard to protect the citizens of Houston, working overtime, all while earning a degree, and providing for his family.

He was killed in the line of duty, defending his community, in 2008.

We reflect on the sacrifice of Officer Abernethy, as well as other fallen peace officers, not only during National Police Week, but every day.

And that's just the way it is.

### IN REMEMBRANCE OF MR. HARLELL X. JONES

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Harrell X. Jones, a civil rights leader and community activist whose determination and leadership helped strengthen the Cleveland community.

Prime Minister Jones devoted his life towards his community at a young age, helping African American youth to develop an individual identity within the community and foster a more peaceful neighborhood. He encouraged African American youth to demand economic empowerment by boycotting Cleveland stores to secure private ownership. He also led a movement to increase community safety by securing a truce and cease fire between police and Black Nationalists.

Harrell Jones spearheaded voter registration and get out the vote campaigns that resulted in the election of Carl Stokes as Mayor of Cleveland, as well as his brother, Louis Stokes, as a Congressman in the U.S. House of Representatives. He also worked with Lutheran Metropolitan Ministries and prominent civil rights leaders Malcolm X and Martin Luther King, Jr.

Mr. Speaker and colleagues, please join me in honor and remembrance of Mr. Harrell X. Jones, whose life is worthy of celebration and emulation. I offer my heartfelt condolences to Prime Minister Jones' family and friends. Although he will truly be missed, his unwavering devotion to both African American youth and the Cleveland community will not be forgotten.

### NATIONAL POLICE WEEK

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. POE of Texas. Mr. Speaker, last week was National Police Week honoring the serv-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## TRIBUTE TO DR. HARRY COURNIOTES

## HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. NEAL. Mr. Speaker, I rise today to pay tribute to a friend and fellow educator, Dr. Harry Courniotes. Dr. Courniotes served as a visionary in the advancement of my alma mater, American International College, throughout his unprecedented fifty-eight years in academia and thirty-five years as AIC's President.

Attached is a copy of the eulogy of Dr. Courniotes delivered by Richard Sprinthal at a memorial service on March 15, 2011:

First, I want to thank you for taking the time out of your busy schedules to be here with us today to honor President Courniotes, and I know right now Harry is thanking you too. Over the years I have had the honor of introducing Harry Courniotes many times, but today we are not here to introduce Harry but bid him a farewell.

Harry was a member of what Tom Brokaw called the "Greatest Generation" who fought their way through the Great Depression and World War II. Harry served his country in WWII and for those of you who were at the cemetery, you know that he was buried with full military honors.

Several years ago, Sheriff Ashe introduced me to ex-Governor Michael Dukakis and when I told him I was from AIC he lit up and said "my father graduated from AIC." Then he told me had he been elected President, Harry Courniotes might have become Secretary of Education.

Harry was a superb teacher and academic administrator, he embodied that formula for success: a high IQ and a strong work ethic. Harry was a relentless worker, and totally dedicated to the college. He was there morning, noon, and night. Let me illustrate with a tad of hyperbole. Joe Ramah story.

Many of us have the ability to think critically, but very few of us have his astonishing memory and his ability to stay focused. And I know I speak for many of you when I tell you that he both encouraged me with support, and sometimes intimidated me with his unwavering sense of ethical certainty. And once committed to a goal, Harry could stay on task like no one I've ever known. He could hold a strategy in his memory, but then be flexible enough to revise it when he got new input. He told me what he was going to do, and equally important, he told me what he wouldn't do, clearly and with finality. Ask Harry a question and he gave you a straight answer . . . no bluntly, not without support . . . but honestly and directly. Not only did he ever tell me an untruth, he never misled me by omission. Unlike some leaders, Harry Courniotes never poured ambiguity over his intentions.

I have never been more flattered than to have Harry Courniotes asked me to assist him on some project, such as the athletic control board or to help him prepare for an accreditation visit.

And as you all know, he didn't hand out complements as part of some facile social pleasantries. When you received a complement from Harry, he meant it and you could luxuriate in it.

Ted Byrne, former Professor of economics here at AIC and now the editor of a major financial newspaper in Pennsylvania, wrote to me last week and said, "Harry Courniotes saved AIC. I watched him do it up close and personal." And those words have been echoed

by many of you sitting with us today—Congressman Richard Neal, former board member William A. Collins, and former board member Peter Novak to name a few.

Harry was a great man. Too often those words are banded about and are not really earned. In Harry's case they were earned. He was a great family man, husband, father, grandfather, and great grandfather. And to us at college he was a great leader and to me a great friend.

For me life has suddenly become less full, knowing that his wise counsel is no longer possible.

## HONORING THE MINNESOTA NATIONAL GUARD'S 34TH INFANTRY DIVISION

## HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Ms. McCOLLUM. Mr. Speaker, today I rise to honor the highly capable and courageous men and women of the Minnesota Army National Guard's 34th Infantry Division, known as the Red Bulls, as they prepare for their third deployment overseas, and to commemorate the 150th anniversary of their predecessor, the First Minnesota Infantry. This May, the Red Bulls will begin their deployment to Iraq in support of Operation New Dawn, the drawdown phase of U.S. military operations in Iraq.

Since September 11, 2001, the Red Bulls have been called to duty three times to join U.S. military forces in Iraq. During their current mission, their responsibilities will include providing convoy security, route protection and base defense as other troops leave the war zone in Iraq. The Red Bulls have made tremendous contributions to our nation with their honorable military service.

The men and women of the Red Bulls comprise a highly skilled force which routinely accomplishes critical missions both on a federal and state level. During deployment from March 2006 to July 2007, they served in Operation Iraqi Freedom. The Minnesota Army National Guard's 1st Brigade Combat Team, 34th Infantry Division holds the record for the longest serving unit in Operation Iraqi Freedom.

During the spring of 2009, more than one thousand Red Bulls were again tapped for deployment to Iraq. On this mission, the Division and their leaders were in charge of 16,000 multinational forces. The Division's leadership abilities were proven as they commanded all the coalition military operations in nine of Iraq's 18 provinces and had a direct partnership with more than 40,000 Iraqi Security Forces. They continue to display their excellence with their readiness and preparation for new missions.

Each deployment of the 34th Infantry Division has provided an opportunity for the men and women to share their knowledge and leadership to other troops and help lead operational trainings. The Red Bulls have proven themselves again and again to be an essential part of the Total U.S. Army. Their dedication to United States is always evident through their selfless service and courage in undertaking each mission.

It is a fitting historical coincidence that the current deployment coincides with the 150th anniversary of their predecessors, the First Minnesota Infantry, which heroically supported

the Union Army at the battle of Gettysburg. The First Minnesota's great contributions and sacrifices during the Civil War were exemplary. They have helped to shape the men and women from our state and throughout the United States who choose to serve our great nation in the U.S. Armed Forces. The Red Bulls continue to carry on this sterling example of leadership and commitment to our nation.

Mr. Speaker, please join me in rising to honor the commitment and dedication of the men and women of the 34th Infantry Division, the Red Bulls, as they prepare for their next deployment.

## 375TH ANNIVERSARY OF THE FOUNDING OF THE CITY OF SPRINGFIELD, MASSACHUSETTS

## HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. NEAL. Mr. Speaker, it is my honor to enter into the CONGRESSIONAL RECORD an article that appeared in The Reminder newspaper last week commemorating the 375 anniversary of the founding of the City of Springfield, Massachusetts.

This was truly a joyous occasion, and this article does an excellent job of recording what a wonderful event this was. Congratulations Springfield!

[From The Reminder, May 18, 2011]

CITY CELEBRATES 375 YEARS OF HISTORY, INNOVATION

(By G. Michael Dobbs)

SPRINGFIELD.—For Congressman Richard Neal, Saturday's events to acknowledge the 375th anniversary of the founding of Springfield had a *dj vu* quality.

Speaking on the steps of City Hall, Neal recalled that he stood on the small spot 25 years ago as Springfield's mayor during the 350th celebrations.

Neal was part of the thousands of people who attended the day's activities, from the annual pancake breakfast, to the kick-off event at City Hall with the chorus comprised of Springfield school children to the parade that went through downtown to the fireworks that ended the day at Blunt Park.

Neal, whose fondness for history is well known, noted, "The city has given great moments to the country and to the world."

He read a letter of congratulations from President Barack Obama that said in part, "You've written your own chapter in the narrative of the United States."

Mayor Domenic Sarno told the crowd, "You know, we are a good city."

He then said, "We need each and every one of you to be ambassadors for the city of Springfield." The children's chorus clearly moved the audience with its rendition of "The Springfield Song," written by Springfield School music teacher Diane Rodriguez.

Even after the ceremony at City Hall concluded, the pancake breakfast was still being served to hundreds of people.

Sarno and his family led the parade, which started at the Springfield Technical Community College campus and went down State Street to Main Street and concluded at Mill Street in the South End neighborhood. Organizations, businesses and representatives all marched in the parade, which was a little more than an hour in length.

Although the weather didn't give the giant Cat in the Hat balloon any difficulty, the new