

**DEBATE IN THE HOUSE OF REPRESENTATIVES
ON
HOUSE JOINT RESOLUTION 64
AUTHORIZING THE USE OF UNITED STATES
ARMED FORCES**

[Selections from debate]

September 14, 2001

REP. PETER DEFAZIO (D-OR): Mr. Speaker, the senseless human tragedy caused by the craven terrorist acts of September 11, 2001, weigh heavily on our minds and will do so for many days, months, and years to come.

Many have said our Nation will never be the same. I agree. Our Nation is stronger, more united, and prouder than possibly at any time in our history. The outpouring of grief and offers of assistance, both here and abroad, have been comforting. The terrorists may have collapsed our buildings; but in response, we are building a stronger America.

Our thoughts are with those who have lost loved ones and with those whose loved ones are still missing. Our thoughts are with those who have undertaken the difficult, dangerous, and heroic task of rescuing and treating the wounded and recovering the bodies of those who were killed.

As the gravity of the situation sinks in, our thoughts have also turned to those responsible for these atrocities. Our Nation must take action against those responsible, including those who provide safe havens and financial support for terrorists. U.S. actions to exact justice must be deliberate, decisive, and effective.

However, the United States must be careful not to indiscriminately attack civilian populations in other nations, which will only further the cause of the terrorists and perpetuate a cycle of violence.

Decisions on war and peace are the most profound decisions Members of Congress can ever be required to make. This is the second time in my career I have been confronted by such a decision, something I hoped would never come.

In our desire to show support for the President, we must be careful not to cede our constitutional duties now or set a precedent for doing so in the future.

Article I section 8 of the Constitution grants Congress the authority "to declare war." This right was recognized by the earliest leaders of our Nation. In 1793, President Washington, when considering how to protect inhabitants of the American frontier, instructed his administration that "no offensive expedition of importance can be undertaken until after Congress have deliberated upon the subject, and authorized such a measure."

In 1801, President Thomas Jefferson sent a small squadron of frigates to the Mediterranean to protect against possible attacks by the Barbary pirates. He told Congress that he was "unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense." It further noted that it was up to Congress to authorize "measures of offense also."

I believe maintaining this solemn congressional prerogative to send our young men and women into battle is critical to protecting the delicate balance of power between the legislative and executive branches. This balance of power was carefully crafted by our founders in Philadelphia more than 2 centuries ago and has allowed the United States to remain one of the most stable and enduring democracies in the world.

There was a time when such a power was threatened. Congress enacted the War Powers Resolution of 1973 in response to the military activities of successive Presidents while waging war in Korea and Vietnam. The War Powers Resolution reaffirmed the prerogative of the legislative branch under the Constitution to commit our Armed Forces to hostilities and declare war.

I had strong reservations about earlier drafts of the proposed resolution that authorized the use of force in an unprecedented, open-ended manner, far beyond that necessary to respond to the terrorist acts on our people, even far beyond that ceded to FDR in World War II. This is not a partisan issue for me. I would have opposed similar resolution language under a President of my own party.

This is an institutional concern for me. The earlier drafts ceded too much authority to the executive branch. In fact, one of the earlier drafts had provisions nearly identical to the Gulf of Tonkin Resolution, which had led to the unaccountable use of U.S. military forces in Vietnam.

But it is important to recognize that President Bush already has the authority to respond to the attacks.

The War Powers Resolution in section 2(c) recognizes the constitutional power of the President as Commander in Chief to introduce U.S. Armed Forces into hostile situations under certain circumstances.

Section 2(c) says the President can introduce U.S. Armed Forces into hostile situations pursuant to a declaration of war, specific statutory obligations or, in this case, a national emergency created by an attack upon the United States territories, possessions or its Armed Forces. Two of those conditions have been met.

The President has the authority he needs to respond to the current crisis without setting the precedent of ceding additional war power authority.

Given his existing authority to respond in the event of an attack upon the United States or Armed Forces, we must be careful in granting further or ceding further constitutional powers.

The use of force resolution before us today is not exactly as I would have written it. However, for the most part, it restates the authority I already believe was granted to the President under section 2(c)(3) of the War Powers Resolution.

The reference in the resolution to section 5(b) of the War Powers Resolution I believe creates a little confusion, but it is my reading of the resolution that nothing in this act supersedes congressional authority under the War Powers Resolution and the President will still be bound by the reporting and consultation requirements. Congress will reserve the right to review those actions, as it should be under the Constitution.

Make no mistake, Congress will stand united behind our young men and women who may well be put soon in harm's way, and the President of the United States as Commander in Chief. We pray that he uses the awesome power of the United States with great deliberateness and with wisdom.

REP. TOM LANTOS (D-CA): This week our Nation lost its innocence but found a new sense of unity and purpose. We now face a severe test, one demanding severe measures. The resolution before us empowers the President to bring to bear the full force of American power abroad in our struggle against the scourge of international terrorism. It will enable him, in the words of our Secretary of State, to eradicate terrorism, ``root and branch."

The President currently has many powers to deter and prevent international terrorism, including diplomatic pressure, economic measures, military action to stop imminent threats to the people of the United States. Our resolution arms the President with the certain knowledge that he has the full support of the united Congress and the American people in exercising these powers.

In considering this resolution, Mr. Speaker, the historic nature of this occasion cannot be overstated. Precious few times in our 225 years as a Nation have we been faced with such a grave and momentous decision. One need only look at the devastation, the broken bodies, the flood of tears left in the wake of Tuesday's monstrous terrorist attacks to grasp the awesome responsibility before us.

Mr. Speaker, the world is watching these deliberations and is asking: Is the United States up to the challenge? Are we, as a Nation, blessed for so much of our history with peace and prosperity, capable of mounting a costly and concerted campaign against international terror? Let us today answer those doubts with a resounding affirmation.

In committing to this fight, let us not delude ourselves. We are embarking on a long and difficult struggle, like none other in our Nation's history. It will demand resolve. It will demand patience. It will demand sacrifice. It will also demand that we draw upon the strength of each and every American.

I am deeply concerned, Mr. Speaker, by reports of violence directed at Arab-Americans and Muslim-Americans, some in my own district. This is not a clash of civilizations or a war between the Western and the Islamic world, as some would have it. It is a struggle for the survival of civilization itself against barbarism.

In this struggle, Mr. Speaker, we are not alone. All Americans deeply appreciate the many expressions of sympathy and support from our friends and allies across the globe. We trust that these words will be followed by actions—actions that may prove painful, costly and dangerous. But in the fight

against international terrorism, there can be no neutrals. Those who are not with us are against us.

Today's debate is a sign of the unity and vitality of our democracy. All among us are united in our outrage by the tragic events of this week. All among us are united in our commitment to defeat international terrorism. On this we stand undivided and indivisible. If we are to defeat international terrorism, as we must, we must provide our commander in chief with the power this resolution entails.

In granting the President this power, Congress is not abdicating its prerogatives. We do not weaken our role by approving this measure. By signaling our solidarity with the President and by trusting him with this power, we take our place at his side as full partners in this fight.

The President has a solemn responsibility to use this power wisely and to consult with and report to the Congress throughout the long struggle ahead. We in Congress also have an ongoing responsibility: to contribute to these efforts, monitoring the crisis, investigating its causes, gathering expert insights, and doing all in our power to ensure that these terrible events are never repeated.

Mr. Speaker, I am an American not by birth but by choice. Following the Second World War, I fled my native Hungary for the United States, the land of the free and the home of the brave. I chose to become a citizen of the Nation that saved my homeland and the entire world from international fascism and, later, from international communism. Today, I proudly reaffirm my allegiance and reenlist in the new struggle to save this Nation and the world from international terrorism.

I have never been prouder to serve in the United States Congress than I have during this week. The many words spoken on the floor of this Chamber echo the world over and testify to America's resilience in the face of adversity. All of my colleagues who join this debate do honor to this institution and to the American people, whom we all serve.

But the time for words has passed, Mr. Speaker, and the time for action is upon us. We must now make our rhetoric reality. We must now stand united in word and in deed, and we shall not flinch in the face of terror. Let us go forth, certain in our knowledge that should we cast this courageous vote.

We shall prevail.

REP. ELEANOR NORTON (D-D.C.): Mr. Speaker, I have always opposed the wholesale use of our mighty military power except with a scalpel. However, I have always assumed that my country would never be attacked where we live and that my constituents and neighbors would never be innocent victims.

Mr. Speaker, the language before us is limited only by the slim anchor of its September 11 reference, but allows war against any and all prospective persons and entities. This resolution shows that the challenges presented by terrorism as war have already begun with language before there is any action.

The point is to give the President the authority to do what he has to do, not whatever he wants to do. But the truth is that under our Constitution and existing law, when the country is attacked, the President's power is almost limitless.

In supporting his constitutional authority to protect our great country, Congress must remain vigilant to ensure that his power is always sufficient but never unchecked.

REP. BARBARA LEE (D-CA): Mr. Speaker, I rise today really with a very heavy heart, one that is filled with sorrow for the families and the loved ones who were killed and injured this week. Only the most foolish and the most callous would not understand the grief that has really gripped our people and millions across the world.

This unspeakable act on the United States has forced me, however, to rely on my moral compass, my conscience, and my God for direction. September 11 changed the world. Our deepest fears now haunt us. Yet I am convinced that military action will not prevent further acts of international terrorism against the United States. This is a very complex and complicated matter.

This resolution will pass, although we all know that the President can wage a war even without it. However difficult this vote may be, some of us must urge the use of restraint. Our country is in a state of mourning. Some of us must say, let us step back for a moment. Let us just pause for a minute and think through the implications of our actions today so that this does not spiral out of control.

I have agonized over this vote, but I came to grips with it today and I came to grips with opposing this resolution during the very painful yet very beautiful memorial service. As a member of the clergy so eloquently said, "As we act, let us not become the evil that we deplore."

REP. ROBERT WEXLER (D-FL): Mr. Speaker, when I put my 8-year-old son to sleep on Tuesday night, he told me his whole body felt like crying. Today, the whole body of America is crying.

As we internalize the depth of the pain and horror inflicted on our people, we cherish life, we cherish freedom, we cherish America. And that is why we must authorize military force to rid the world of the insidious scourge of terrorism, no matter what the cost, no matter how long it takes. I beg God to sustain us and permit us to be the worthy defenders of peace and freedom.

REP. AMORY HOUGHTON (R-NY): Mr. Speaker, tonight we talk patriotism, and we should. And we talk sacrifice, and we should. And we talk courage. We talk all those things about humanity and we should. But I do think it is important for the American people to realize that this is going to be a very arduous, difficult, nasty, drawn-out struggle. One of the great characteristics and many times it is unsung, but it is there, is perseverance. Just keeping on going. It is so important that we as a public and citizens understand that, because this is not going to be something which brave words will conquer. It is only our perseverance.

REP. MIKE THOMPSON (D-CA): This is going to be a difficult vote for me. Since early in 1970, when I stepped off an airplane in Vietnam and joined my infantry unit, it has been my dream and it has been my prayer that no American would ever again have to shed their blood nor give their life on foreign soil. As a Member of Congress, I never dreamed of voting to send our American men and women into combat, but then I never dreamed I would be calling the mother and the father of a young man from Eureka, California, in my district, who was on board one of those hijacked airplanes on September 11.

This past Tuesday, terrorists attacked America and they attacked the American people. They murdered thousands of Americans, and we must ensure that we do all in our power to end terrorism and to stop the terrorists from striking again. Our country is great because the people of our country are great, and we will, we will, with resolve, stand together to protect our freedom.

REP. RICHARD ARMEY (R-TX): Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. Hyde) for yielding me this time, and I thank both him and the gentleman from California (Mr. Lantos) for your leadership on the floor during this debate.

I would like to thank, Mr. Speaker, all my colleagues, all these Members of this House of Representatives. Today I have had a rare opportunity. I had an opportunity to listen to most of the speeches, and it was a good debate about a serious subject. Mr. Speaker, this is a serious moment for each and every one of us, and you can see it weighing in our hearts.

Every now and then, Mr. Speaker, we are called upon to understand and reach deep into our hearts and minds to understand who we are as a Nation. I have seen it before my eyes in all the scenes we have seen described here tonight and the horror of the attack and the splendor of our heroic response. Even in the most brief circumstances, with our hearts broken, we reached out to help others across this land.

I think, Mr. Speaker, there is one phrase from our sacred documents that tells us who we are, why are we here, why did we come to this land from all other this world, with all our different creeds, denominations, Nations of origin, nationalities.

We came here in search of one thing. We came here to secure the blessings of liberty for ourselves and our posterity. That is what we wanted. We have had to struggle too many times, Mr. Speaker, in the history of this great world as we have tried to play out that wonderful drama as a marvelous experiment in the history of the world. We have had to struggle against our own imperfections and there has been hurt; and we tried to overcome that hurt.

On so many other occasions we have been called upon to struggle for the freedom that we love so much against the enemies of freedom. Even in the beginning of this great Nation, with the minutemen, we took to our muskets to win our freedom. And another time we fought with one another, and just about lost the greatness of this Nation and we brought it back together.

But for the most part, Mr. Speaker, we have had to spend our young men and women in the defense of freedom for other people, and I always admired us so much for that.

What Nation ever in the history of the world has so much loved freedom that they spent their own peace to defend the freedom of people other than

themselves? That is to be known, that is to be respected, that is to be cherished, if only by ourselves.

And now we are challenged again. Why do they challenge us? What do they seek to achieve? Are they wanting to change our commitment to freedom across the globe? Do they think we are a bother to them as they try to suppress other people and deny them their rights? A great Nation does not change the course of its policies towards other nations and other people because of the cruel, inhumane acts of terrorism by barbaric people who do not understand respect. We will not change who we are and what we stand for in this world and who we have been and what we have stood for in this world because of this.

I am told that in some instances, with some of these people, they hate our religion. We only ask that we all gather together and give respect for one another in our religious beliefs. We try to do that for others, and I believe as a Nation we do it well. Not perfect, but well. And we work so hard at doing that for others we require that it be the same for us.

Tonight, we have gathered here to discuss something, and I have heard so many of my colleagues in this body say it, it is something we do not want to do, to join again in authorization with our President, the commander in chief of the United States of America, to commit our young men and women in uniform to the field of danger in the defense of freedom. A simple thing, done over and over and over again.

We have been reminded by others, some of us, of the costs we might expect these young men and women to pay, the costs that have been paid by the heroes we have talked about in this debate. This will not come cheap. There will be mamas and daddies with broken hearts with the loss of the most precious gift the good Lord has ever given them: their children.

But when mothers and fathers in this great land lend their children to the cause of freedom, they do just that. We do not commit our children for frivolous reasons to fields of danger. This is not about revenge. It is not in our heart. We are a good Nation. We are a kind Nation. We will forgive our enemies in victory; and we struggle to forgive ourselves for our imperfections, but we do not commit our children to acts of vengeance.

We do not cheapen the heroism of our great American heroes with the quest of territory or the thought of dominance of other people. We will spend our heroes only for freedom, decency and respect; for the right to live an ordinary

mundane everyday life, to go to work and be left alone, to do our bit and share with others, to hold our children and put them to bed at night with a very simple little kiss on the cheek and a very soft little assurance: sleep safely, my darling, for you are in America and you are free and you are safe and our heroes have made it so for you.

Mr. Speaker, let us vote for this resolution. Let us take this harsh task. Let us ask our young men and women once more in America to go out and be the sensational heroes at risk that they never wanted to be and, bless our hearts, that we never wanted them to have to be. Let us get this done. Let us remove this blight on the world. And, Mr. Speaker, let us have the blessings of liberty for ourselves, but oh so much more importantly, for our posterity.

REP. JERROLD NADLER (D-NY): Mr. Speaker, the World Trade Center is in my district, and I just this moment returned from traveling in the district with the President, walking through the ruins of the World Trade Center, where there are thousands of bodies buried.

I have spent much of my career speaking out against the use of military force when I believed it was unwarranted. In many ways, my political awakening began with my active opposition to the war in Vietnam. But, Mr. Speaker, those of my colleagues who are rightly skeptical of the use of force, and who recognize how very reluctant we must be when sending our young men and women into harm's way, must understand the threat and the stakes if we fail to act.

Many have said that the events of Tuesday changed the world forever. The world has not changed. The people who carried out this murderous attack on our Nation, the organizations which recruited, trained, and supplied them, the governments which gave them shelter and support are still there. We now know without any doubt what the price of inaction, of appeasement, of willful blindness will be.

The world has not changed, but I believe the American people have. Our Nation is now ready to recognize that we have been in a war for many years. Our people now recognize that if we do not defend ourselves in that war from those for whom our lives, our children, and our way of life are a daily affront, we will not survive as a Nation. We must now exercise the right under the United Nations Charter to collective self-defense.

I wish we had a choice, but the charred rubble and the thousands of dead Americans lying just blocks from my office in Manhattan, and the hundreds more a stone's throw from this very building demonstrate that we have no choice. We must pass this resolution. We must wage the war that has been thrust upon it. We must do it resolutely, and we must be victorious and rid the world of this scourge of terrorism.

Source: Yale Law School Avalon Project

http://avalon.law.yale.edu/sept11/house_proc_091401.asp