Mr. Speaker, I want to start

by expressing my sorrow and outrage at Tuesday’s

cowardly attack. Tuesday’s savagery

tore our national fabric, but the tragedy also

united the Nation. Our immediate priorities are

treating survivors, supporting victims’ families,

restoring essential services, protecting our civil

liberties, healing the national psyche and finding

and judging anyone who participated in the

horrendous act. We all share these imperatives

and will do all that we can to help. We

all support the President in these endeavors.

This is the indomitable strength of our country.

But our eyes also turn to the future with

three critical questions, each of which calls for

thorough congressional hearings. First, how

should we punish those guilty of these dastardly

crimes, once we determine who were involved?

Second, how can we make sure this

nightmare never occurs again? How can we

better collect intelligence, tighten security and

insist that other Nations do their share to prevent

terrorism? Third, how can we pursue both

of these goals without abandoning America’s

hallmark commitment to civil liberties or forgetting

the necessity to constantly battle ethnic,

religious and racial prejudice.

PUNISHING THE PERPETRATORS

This week, a United Airlines flight attendant

expressed the thoughts of many Americans

when she told the press ‘‘As horrible as it is

to say, I want revenge.’’ Clearly the United

States will not stand for such a brutal assault

on our citizens and our country. The perpetrators

must be punished. But if we unleash the

full fury of America’s military might and we kill

innocent people in the process, we will be no

better than the terrorists who unleashed their

fury on America’s civilian population. These

acts of hijacking, murder, and terrorism are

crimes for which there are laws and punishments

under Federal law. These atrocities are

not known to have been committed by nation-states

but rather by cowardly individuals who

we should arrest and try as our justice system

demands. We must react with righteousness

and justice and not allow ourselves to succumb

to the momentary seduction of emotional

revenge.

And if we do retaliate, we must exercise our

best efforts, as we have always done, to minimize

collateral damage against innocent civilians.

To disregard that concern because feelings

are running so high is to take a path to

mayhem that we will live to regret.

PREVENTING RECURRENCE

Some voices have described Tuesday’s attack

as a ‘‘massive intelligence and security

failure.’’ That path could easily lead to frenzied

finger-pointing that would distract us from necessary

improvements. Of course, we must upgrade

air travel safety through a greater government

role in airport security, rather than airline

hired-security employees. Some airline pilots

and other observers have deemed current

security at some U.S. airports as a ‘‘farce.’’

We now know the terrible price paid for our

neglect.

Similarly, intelligence collection about potential

threats must be improved. We should not

underestimate U.S. technical and human intelligence

capabilities and past FBI and CIA successes

in detecting and disrupting terrorists’

plans. Nevertheless, Tuesday’s disaster demands

improved analysis of information that

pours in daily. If that is now hindered by ‘‘information

overload’’, we must deal with that.

But in intelligence, as in athletics, the best defense

is a good offense. The best way to defend

against terrorism is to penetrate terrorist

groups in order to preempt their plots before

they begin. We have probably neglected this

aspect of intelligence gathering, preferring instead

to rely on the latest technology. This

must change.

But as we take bold steps to ensure our security,

we must be equally vigilant to protect

our liberties. On Tuesday, one TV network

commentator, during an interview, flatly asked

what civil liberties should be cut back for certain

groups in this country. There is always

tension between public safety and liberty, a

tension that we have tested each time we

faced a new threat. Americans are proud of

our commitment to protecting citizens from foreign

and domestic threats without abandoning

the Constitution’s guarantee of civil liberties.

There has been backsliding, to be sure, such

as the relocation of innocent Japanese-American

families in the post-Pearl Harbor panic.

While the Supreme Court later upheld the constitutionality

of that action in the *Korematsu*

case, most scholars now regard that as one of

the modern Court’s most shameful decisions.

Eventually, the U.S. Government apologized

to the surviving victims and provided compensation.

Thus, history demonstrates that we

must periodically review the delicate balance

between national security and civil liberty, and

that when the balance is readjusted it should

be done cautiously, with great care and with

an eye beyond today’s headlines. Just as terrorism

can destroy lives and property, so can

it destroy us from within, causing us to turn

our back on our most treasured freedoms.

PREVENTING SCAPEGOATING

Times of great stress also spawn

scapegoating. These are very stressful times

for America, and signs of scapegoating have

already surfaced. The twentieth century has

taught us the terrible consequences of directing

hostility toward an entire group of people.

America has a long, difficult history of struggling

to overcome discrimination simply on the

basis of religion ethnicity and race. Now, we

must guard against turning diffuse feelings of

anger against a whole group of Americans

such as Muslims or Arabs, if a handful of their

members are accused of Tuesday’s murders.

Already, shops and businesses owned by

Americans of Arab descent—and I emphasize

‘‘Americans’’—have been trashed and in some

cases burned. Individuals have been attacked.

These hate crimes must be stopped immediately.

Federal, state and local officials should

use their powers of persuasion and publicity to

stop it and, if necessary, vigorously enforce

every applicable law. I will ask the appropriate

authorities in Detroit to convene a city-wide

conference to address this danger and to exercise

the necessary leadership. I have also

introduced a sense of the Congress resolution

condemning these hate crimes.

PREVENTING GOUGING

There is one point that I should not have to

make. Regrettably it appears that I do. If there

ever were a time when all Americans should

show a spirit of cooperation, collaboration, and

mutual concern surely this tragedy is it. Yet

there are credible reports of price gouging,

profiteering, and other despicable efforts to exploit

the situation fuel prices have soared in

parts of the Midwest have jumped alarmingly.

The mayor of New York has had to warn grocers

and other merchants against raising

prices as customers seek to stock up in the

face of uncertainty. This selfish behavior is intolerable.

I am calling on the Federal Energy

Regulatory Commission and the Federal

Trade Commission to immediately establish a

joint task force to police and pursue any abrupt

price hikes in energy fuels.

I also commend my state’s Attorney General,

Jennifer Granholm, for taking legal action

against nine Michigan gas stations accused of

price gouging. In notice of intended action

served yesterday and today, Granholm accuses

each station of charging prices for gas

that are ‘‘grossly in excess’’ of the marketbased

price at which gasoline would normally

be sold. The Michigan Consumer Protection

Act expressly prohibits such sales practices as

unfair and unconscionable under the law.

Next, I will turn to the specific language of

this resolution.

THE RESOLUTION

In terms of the specifics of the resolution, as

ranking member of the Judiciary Committee, I

believe it is important that the RECORD reflect

what the resolution does and does not do.

By not declaring war, the resolution preserves

our precious civil liberties. This is important

because declarations of war trigger

broad statutes that not only criminalize interference

with troops and recruitment but also

authorize the President to apprehend ‘‘alien

enemies.’’ Having said that, the President has

declared that we are in a national emergency.

Such an emergency triggers other, less severe

statutes, including criminal prohibitions on the

destruction of war materials.

Second, this resolution does not give the

President perpetual authority to use military

force. Not only does Congress have the constitutional

duty to oversee the President’s use

of our men and women in uniform, if has

every expectation of revisiting the President’s

need of the Armed Forces during his pursuit of

the terrorists. Should Congress later determine

that the President needs more or less authority

than he has been given, we will act accordingly.

Finally, this resolution implicitly requires that

the President comply with section 4(a) of the

War Powers Resolution. That section requires

the President to report to Congress whenever

U.S. Armed Forces are introduced into hostilities,

into foreign territories while equipped

for combat, or into foreign territories to substantially

enlarge an existing force. These reports

will allow Congress to ensure that the

needs of the President and the Armed Forces

are being met during this on-going crisis.

Mr. Speaker, let us grieve for the victims.

Let us restore the destruction. But let us also

rededicate ourselves to preserving those very

principles that have been the ultimate source

of America’s strength.