

watchdogs who exist to safeguard the public interest.

During the 1790s under the Alien and Sedition Acts, and then again during the Civil War and World War I, the government prosecuted journalists. Today, we are again hearing government officials calling for prosecution of journalists who report on the conduct of the global war on terrorism and the war in Iraq and disclose to the American public information which the Administration would rather the American people not know. Some even accuse journalists who do so of treason.

But what these self-styled media critics fail to understand is that the American people have a need for a free press to check the excesses of government, and never more so than today.

Mr. Speaker, the resolution declares, without any proof or evidence, that the House of Representatives “finds that the Program has been conducted in accordance with all applicable laws, that appropriate safeguards and reviews have been instituted to protect civil liberties, and that Congress has been appropriately informed and consulted and will continue Program oversight.”

This is a major flaw in the resolution. Affirming as fact claims that are not nothing more than unsupported assertions is not persuasive or in the best interest of the Congress and the country. Rather, it is merely argument by ipse dixit. Today the Supreme Court ruled that the Administration overstepped its bounds regarding Guantanamo Bay detainees. Who’s to say that the Administration has not overstepped boundaries in the area of domestic spying as well? The fact is we simply do not know. We do not know because this Republican-led Congress has been derelict in its Constitutional duty of oversight.

Mr. Speaker, as a senior member of the Homeland Security Committee, I support efforts to identify and track down terrorists and oppose the leaking of classified information. But I will not play politics with this Nation’s security. Nor will I support the majority’s trampling on liberty and freedom of the press.

Most disconcerting is the chilling effect this ill-conceived resolution will have on the press. In the words of one of our distinguished founding fathers, George Mason, “The freedom of the press is one of the greatest bulwarks of liberty, and can never be restrained but by despotic governments.”

I oppose the resolution and urge its defeat.

Mr. STARK. Mr. Speaker, I reject all the ridiculous premises of the resolution: The premise that terrorists would have had no clue that international wire transfers would be subject to monitoring until they read about it in the *New York Times*; the premise that the media should conceal information leaked by responsible officials who are concerned about the runaway police-state tactics of the Bush Administration; and, the premise that by telling a select few Congressional leaders, the Bush Administration can do whatever it wants, regardless of the lack of constitutional or statutory authority.

When concerns were expressed about the far-reaching powers of the Patriot Act, President Bush said any wiretap would require a court order. He lied. When the National Security Agency’s (NSA) warrantless wiretapping program was revealed, he said we should trust him to use the program judiciously. When we learned that the NSA also collects millions

of domestic telephone records, the President said it wasn’t what it seemed. Now, we add financial records to the list, and his only response is to criticize the messenger. What will it take for the do-nothing Republican Congress to start standing up for the Constitution, or at least the prerogatives of the Legislative Branch?

If this Congress spent half as much time doing oversight as it did criticizing those who dare question their government, we wouldn’t have to find out what our government is doing on the front page of the *New York Times*. But given that no lie, no unlawful program, no petulant signing statement is too much for the Bush toadies, I salute the *Times* and other media outlets for their occasional bravery and for maintaining some semblance of accountability in government.

Mr. SHERMAN. Mr. Speaker, I am proud to cosponsor H. Res. 900, offered by Ranking Member BARNEY FRANK, which provides that the House of Representatives supports efforts to track terrorist financing and their financial supporters by tracking terrorist money flows and by uncovering terrorist networks, both here and abroad, in accordance with existing applicable law.

The Frank resolution also expresses concerns that unauthorized disclosure of classified information may have made efforts to locate terrorists and terrorist networks and to disrupt their plans more difficult. It does not include controversial whereas clauses or findings that cannot be verified. The Rules Committee should have allowed this resolution to come before the House for a vote.

I am unable to sponsor H. Res. 895, which Financial Services Committee Chairman MICHAEL G. OXLEY introduced yesterday afternoon, because his resolution contains a number of statements that simply cannot be factually confirmed at this time. There has been no fact finding, no oversight, no hearings whatsoever by any Committee of the House to even try to establish whether or not the partisan findings contained in H. Res. 895 are accurate.

The only way that these issues can be developed properly is through hearings, classified hearings where required, before the committees of jurisdiction, the House Financial Services Committee and/or the House Intelligence Committee. Matters that are highly classified can be dealt with by the Intelligence Committee.

Mr. SPRATT. Mr. Speaker, had it been my decision, I would not have released a report on the Terrorist Finance Tracking Program, and I co-sponsored H. Res. 900 to register my disapproval. For no good reason, H. Res. 900 was not made in order as a substitute amendment.

I have reluctantly decided not to vote for H. Res. 895 for the following reasons. H.R. 895 was written exclusively by Republicans, with no Democratic input, no committee hearings, and no committee mark-up. The resolution was rushed to the floor shortly after being filed under a rule that prohibits amendments of any kind, for one hour’s debate, and then a vote up or down. I agree with much of the resolution. I wholeheartedly support “efforts to identify, track, and pursue suspected foreign terrorists and their financial supporters by tracking money flows and by uncovering terrorist networks here and abroad.”

I have not been briefed on the program, however, and I am no position to find “that the

Terrorist Finance Tracking Program has been conducted in accordance with applicable laws, regulations and Executive Orders, and that appropriate safeguards and reviews have been instituted to protect individual civil liberties, and that Congress has been appropriately informed and consulted for the duration of the Program and will continue its oversight of the Program.” I hope that is the case, but I have no basis on which to make such a judgment, and I do not think that Members of Congress should hold out such a conclusion if we cannot support it.

Mr. HOLT. Mr. Speaker, I rise today in opposition to this partisan and ill-considered resolution. This resolution will do absolutely nothing to stop leaks. It’s just another cheap, hypocritical political stunt.

My colleagues should know that only last month, the House Permanent Select Committee on Intelligence held an open hearing on the very issue of the media’s role in leaks. What many of us observed at that hearing is that there are at least two contributing factors to leaks to the media. One of those is the use of the classification system to conceal improper, even potentially criminal, conduct by executive branch officials.

One example of this was the original report by General Taguba on the Abu Ghraib abuse investigation. It was originally classified SECRET/NOFORN but ultimately declassified in its entirety when the images of prisoner abuse appeared in the media. To the best of my knowledge, the House Intelligence Committee has never investigated why that report—which detailed criminal behavior by American military personnel—was classified in the first place. What I do know is that we in the Congress must never allow the classification system to be used to conceal criminal conduct—which brings me to the second factor contributing to leaks of classified information to the media: the refusal of this Congress to take its oversight responsibilities seriously.

As I’ve said before, this Congress doesn’t exactly put out a welcome mat for those executive branch employees who seek to report misconduct or illegal activity by their agencies. If you don’t believe me, just look at the status of the only bill before Congress right now that would actually offer some modest protections for national security whistleblowers.

H.R. 1317, Federal Employee Protection of Disclosures Act, was offered by my colleague, the gentleman from Pennsylvania (Mr. PLATT), last year. This bill would clarify which disclosures of information are protected from prohibited personnel practices, and require that non-disclosure policies, forms, and agreements conform to certain disclosure protections. Last September, this bipartisan bill was reported favorably by the House Government Reform committee on a vote of 34–1, yet the Rules committee has refused to allow this bill to come to the floor for a vote on at least three occasions.

This resolution shoots the messenger. A more useful approach would address the problems of overclassification, the lack of oversight, and whistleblower protections. If you want to stop leaks, if you want to ensure that classified information doesn’t appear in the press, then give executive branch employees who have concerns about their agency’s conduct a place to go with their concerns without fear of retaliation so that we can do our job: oversight of the executive branch. I urge my colleagues to vote no on this resolution.