

He found no support among Republican leaders for an appeal. And he decided not to appeal.

The judge's ruling raised major institutional issues about Congress' power to investigate the Executive Branch. But Republican leaders put party ahead of the institution and partisanship ahead of principle.

The hypocrisy about this issue on the Republican side is simply breathtaking. During the 1990s, it was Republicans in Congress who embarked on a concerted effort to undermine the authority of the President. Congressional committees spent over \$15 million investigating the White House. They demanded—and received—information on the innermost workings of the White House. They subpoenaed top White House officials to testify about the advice they gave the President. They forced the White House to disclose internal White House documents—memos, e-mails, phone records, even lists of guests at White House movie showings. And they launched countless GAO investigations into everything from President Clinton's Health Care Task Force to his working group on China Permanent Normal Trade Relations.

And if the White House resisted, these same leaders insisted that Congress and the public's right to know was paramount. Defending his numerous demands for White House records, for example, Rep. Dan Burton insisted on the House floor that "public disclosure of the facts is the essence and in large part the purpose of congressional oversight. The American people have a right to know the facts." And other Republican leaders reiterated this message over and over again on countless television talk shows.

But now that President Bush and Vice President Cheney are in office, suddenly these priorities have changed. Oversight is no longer a priority. In fact, it's something to be avoided at all costs, including sacrificing the independence of GAO. Even when GAO asks for the most basic information—what private interests met with a White House task force—the answer is that GAO is not entitled to ask these questions.

By pressuring GAO to accept a badly flawed court decision, Republican leaders placed expediency over principle. In the short term, they will get what they want—a Bush White House that is accountable to no one. In the long term, however, they have done lasting damage to the balance of powers between Congress and the White House.

Consider this irony: In their eagerness to undermine the Clinton White House, Republicans in Congress tried to tear down the presidency. Now, in their eagerness to protect the Bush White House, they are willing to tear down Congress.

The implications of GAO's decision not to appeal are enormous. Without a realistic threat of legal action, GAO loses most of its leverage. In effect, the agency's ability to conduct effective independent investigations is emasculated. And in the process, core American values of open government and accountable leaders have been sacrificed.

The Comptroller General has stated that his decision not to appeal will have little impact on the day-to-day operations of GAO. There is some truth to this. Much of what GAO does every day are routine audits of government programs that virtually everyone supports. GAO will be able to continue this routine work.

And if a Republican-controlled committee ever urges GAO to pursue a controversial investigation of the Bush Administration, GAO may be able to do this. But don't hold your breath.

What has been lost, however, is something very precious: it is GAO's ability to be more than an auditor of government books. To truly serve Congress and the American people, GAO needs the ability to take on important assignments even if they are not supported by the majority party, and it needs the authority to carry them out effectively even if they are controversial. This essential independence is now gone.

For the first time in its history, GAO's shield of nonpartisanship has been pierced. In this new world, partisan considerations matter. Congressional Republicans can dictate GAO action; congressional Democrats can't. That is a sea change in GAO's mission.

In the last eight years, some of our most important congressional powers have been misused for partisan purposes. We've seen the power to subpoena documents or individuals abused and twisted beyond recognition. The power to immunize witnesses was trivialized. The power to hold officials in contempt became a cheap political tool. And the power to impeach a President was reduced to a campaign strategy.

Now the General Accounting Office, with its well-deserved reputation for superb work, becomes the latest casualty of partisanship. We are losing something very special here, and it is slipping away almost without notice.

I ask unanimous consent to insert three short documents into the RECORD. They are an exchange of correspondence with the Comptroller General on this issue and a fact sheet on the Walker v. Cheney case that my staff has prepared.

### COMMENDING ISRAEL ON THEIR ELECTIONS

SPEECH OF

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 12, 2003*

Mr. CONYERS. Mr. Speaker, I voted "present" on the resolution offered by the Gentleman from Virginia (Mr. CANTOR) on the Israel-Palestine controversy. Because of the extensive interest in that resolution, I would like to explain the basis of my vote. For nearly a year, I have worked more intensively on this controversy than on any of the other pressing matters before us, with the exception of the looming disaster in Iraq. My aim has been to convince my colleagues that—despite the understandably intense feelings many have on this matter—it is crucial that we promote and engage in honest dialogue about the terribly difficult questions posed by the Middle East crisis. That delicate dialogue must be marked by as much civility and mutual respect as we can muster, and by a relentless effort to understand viewpoints we may not share.

Finger-pointing, brandishing claims and grievances may seem totally justified and important to express. The intensity of feeling is obvious and understandable. But surely the goal of halting violence and resolving the dispute is paramount. I believe its priority requires that my words and conduct in this body

be consistent with advancing this dialogue. At the end of this long national debate, we must somehow achieve a national consensus.

Dr. King once reminded us that countries, like people, which have been the bitterest enemies must someday realize their fate is intertwined.

"We are caught in an inescapable network of mutuality, tied in a single garment of destiny"

Over the course of the last ten months, I have spoken with many colleagues on both sides of the aisle, and on both sides of the Capitol, urging that we create and continue an inclusive forum in which different views about the Mideast could be freely expressed freely and listened to carefully.

With several other equally concerned colleagues, I convened a series of discussion meetings to which all Members have been invited. House Members of all faiths have attended them. They also have been attended by rabbis, ministers, priests and imams, as well as by senior officials of Arab-American and Jewish-American organizations concerned about the Middle East crisis. Other participants have included Yitzhak Rabin's son; President Carter's NSC officer for the Camp David Agreement between Israel and Egypt; one of President Clinton's negotiators in the 2000 Palestinian-Israeli peace negotiations; the U.S. Conference of Catholic Bishops' representative on institutions in the Holy Land; the Vice-President for International Affairs of the American Jewish Committee, the President of the Arab-American Institute; a Deputy Secretary General of the National Council of Christian Churches, and two representatives—one Israeli and one Palestinian—of an association of bereaved parents of victims of the violence. While we all have been distracted by other pressing national security issues, I plan to resume these panels, as soon as possible.

All the attendees agreed on the importance of maintaining genuine dialogue and of minimizing inflammatory or divisive declarations. I agree, and that conclusion guides my vote on this resolution.

I fully supported the creation of the State of Israel. My continuing support of its security and viability has never wavered. And I agree that one of Israel's lasting strengths has been its fierce commitment to democracy, implemented once again in the recent elections. At the same time, my dedication to America's pursuing a just, equitable and lasting peace for all people in the region is equally strong.

I am sure that my colleagues fully share these goals, however much we sometimes may differ on the best path to reach them. I believe, nevertheless, that this resolution, though well-intentioned, would be counter-productive to progress towards those goals, especially at this perilous time when competing considerations should be carefully balanced.

This resolution is partially designed to reassure Israel of our friendship. I am convinced, however, that the Israeli Government and the Israeli people know well that the United States' commitment—and the commitment of this entire body—to their safety and survival is steadfast and will remain so.

Judged in the context of all these considerations, this resolution is simply too one-sided

to accomplish another of its presumed purposes, namely, advancing peace in the Middle East. Alternative formulations would be better suited for that objective.

I also do not think the Congress should try to involve itself in the internal politics of an allied nation.

In addition, this president, like his predecessors, should be given the maximum flexibility to maintain the credibility of the United States with all parties; we should strive to preserve his ability to broker a permanent resolution. With equal conviction, I urge the president to use those capabilities to the fullest; to advance a timetable more vigorously, and to propose more detailed possible peace plans.

In conclusion, Mr. Speaker, I appreciate the frustrations and fears that have marked the past three years. And I know that Washington is now preoccupied with Iraq and with the threat of terrorism to our homeland security. But that is all the more reason that we should strive to keep this body poised to play its part in stanching violence in Israel and the West Bank, and in supporting any future peace initiatives. For me, it is difficult to see why, during these perilous times, the legislative body of the sole nation on earth which might bring this crisis to closure would do anything that could compromise that nation's ability to do so.

HONORING THE COURAGE OF THE  
U.S. MARINES, 5TH DIVISION ON  
MT. SURIBACHI

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 13, 2003*

Mr. CASE. Mr. Speaker, I rise today to honor the courage of the first United States soldiers to scale the summit of the heavily-defended Mt. Suribachi on Iwo Jima.

Iwo Jima is a small rocky island only two miles wide and four miles long located approximately 650 miles south of Tokyo, Japan. It is a volcanic island, much like the islands in my home state of Hawaii—a place where cool Pacific breezes rush over soft beaches and birds sing songs learned during lonely flights across the wide ocean.

For a brief moment in time, the island of Iwo Jima became a central battleground between the Empire of Japan and the Allied Forces during those terrible and dark days of World War II. The Allied Forces were determined to take the island in preparation for a final attack on Japan, and the Japanese were unbendable in their desire to defend Iwo Jima and to prevent foreigners from moving any closer to the main islands of Japan.

On February 19, 1945, approximately 70,000 American and other Allied Forces and 22,000 Japanese soldiers locked themselves in a horrific battle that would begin the final phase of the War in the Pacific. Entrenched in a series of interlocking caves, blockhouses, and pillboxes, the Japanese fought with determination to defend their island. Debarking off a naval armada of more than 450 ships, the Allies, led by the United States, brought the full weight of their highly trained and battle tested troops to bear with the determined goal of taking the rocky island no matter what the cost. The battle for Iwo Jima would be one of

the fiercest conflicts of the Second World War. Almost 7,000 Americans were killed in action. More than 20,000 Americans were wounded. Of the 22,000 Japanese defenders, only 1,083 survived.

On February 23, 1945, the fifth day of the battle, Marines from the 5th Division were ordered to ascend the slopes of Mt. Suribachi, the main peak controlling the island. Four Marine squads worked their way up the mountain and, at 10:30 a.m., 1st Lieutenant Harold Schrier, Platoon Sergeant Ernest Thomas, Sergeant Henry Hansen, Corporal Charles Lindberg, and Private James Michels raised the first American flag on Mt. Suribachi.

Today, when our Nation thinks about the brave soldiers of Iwo Jima, we often visualize the commanding bronze statue resting on the banks of the Potomac River. Most Americans do not realize that this memorial actually depicts the second, much larger flag that was raised over Mt. Suribachi, signaling the courage and determination of the United States to almost every soldier on Iwo Jima and to the naval vessels at sea.

In my home state of Hawaii, the Iwo Jima United States Memorial Association is working to raise the funds necessary to build a memorial to recognize the American soldiers who raised the first American flag on Mt. Suribachi. I applaud their efforts and hope that every citizen across the nation will support those groups dedicated to recognizing the courage of American soldiers.

IN RECOGNITION OF CARL KELLY

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 13, 2003*

Mr. COLLINS. Mr. Speaker, a man from Butts County, Georgia, Carl Kelly of Pepperton Cottonmill Village, has recently been reintroduced to his community and to new generations as a true hero.

Just prior to World War Two, First Sergeant Kelly was a member of the Jackson Rifles of the Jackson National Guard. 1st Sgt. Kelly was sent to Europe with very little training and very little equipment. While he was there he was one of the thousands of Americans who went ashore on Utah Beach during the Normandy Invasion. He was later wounded in St. Lo, France and awarded his first Purple Heart and the first of his three Bronze Stars for gallantry.

Following the war, Kelly remained in the military and was deployed very shortly thereafter to Korea, where he was given a field promotion to 2nd Lieutenant. While in Korea, Lt. Kelly was wounded a second time. Once he returned to action, he repeatedly risked his own life to cover the retreat of a pinned down artillery unit, ultimately receiving a mortal wound.

Lt. Carl Kelly is, from all available records, the most highly decorated veteran of Butts County. While bravely serving his nation he was awarded three Purple Hearts, three Bronze Stars, the Silver Star, and dozens of other honors.

What has brought Lt. Kelly's actions to the attention of the public is a book chronicling the life of an infantryman in World War Two and Korea. In his recently published book, *Warrior*

By Choice in World War Two, *By Chance* in Korea, author Jack M. Anderson tells Kelly's story in an excerpt describing the first man he ever saw die.

As we prepare to send our young men and women into combat, I think that it is fitting that we remember the sacrifice of men like Carl Kelly, and finally give him the honor that has been so long overdue.

Recently my hometown newspaper, the *Jackson Argue-Progress*, published an article about Kelly's life of commitment, and I would like that article and these comments to be submitted together for the RECORD. In this way, I wish to honor the memory of a hometown hero, a father, a husband, and an example of valor to all Americans, on behalf of a grateful nation.

[From *Jackson Argue-Progress*, Jan. 29, 2003]

REMEMBERING BUTTS COUNTY'S LT. KELLY

(By Herman Cawthon)

In the recently published *Warrior By Choice in World War II, By Chance* Korea, author Jack M. Anderson tells of his 24-plus years of service as a United States Infantryman.

In his book Anderson includes an excerpt of a Butts County warrior, Carl Kelly. Anderson describes Kelly as follows:

"From Butts, Georgia 1st Sgt. Carl Kelly, Hq Co, 1st Bn, 38th Inf was wounded the same time I was. He would return to duty and be killed the day before I was captured. He was the first man I would watch die. We started to move him to the Bn Aid Station, but he said not to, but wanted us to get a hometown friend of his who was the Bn S4 Sergeant.

"Carl told Stewart (I hope that name is right) that things were going slowly dim and he wanted Stewart to be sure to tell his wife and kids that he loved them and would meet them in heaven. He talked for a few minutes more, then just closed his eyes and was dead. I had seen others killed and would see more, but that was the first time I watched a man die."

Anderson and Kelly both had very similar military careers up to the death of Kelly. Both were in the National Guard when World War II started and both were sent into action with little training and even less to work with; not only guns and ammunition, but food and lodging. Kelly went to the European Theater and Anderson to the Pacific. Both were wounded and decorated several times. Anderson details how the US troops improved and how they wound up with so much more than the enemy.

After World War II, both joined the regular Army, so when the Korean Conflict started, they were sent into battle immediately. Again Anderson tells how the U.S. was very short on supplies and had very few men with any training and experience. At the beginning, he describes the hardships experienced by the troops as they fought the larger, better trained enemy troops. Both men were prisoners and escaped. Again, the U.S. wound up with superior troops and equipment.

After reading the book, Cary Kelly, son of Lt. Carl Kelly, wrote the following letter:

"To Whom It May Concern: The following is a brief military history of Lt. Carl Kelly from Jackson, Georgia.

"Carl Kelly began his military career by joining the Jackson National Guard, then called the Jackson Rifles, while still in his teens. When WWII started, the Jackson National Guard was called upon to train for the war in Europe. Carl Kelly was made 1st Sergeant before leaving for Ireland to wait for the invasion of Normandy.