

And practices such as the detention of high-value prisoners at secret, so-called “black site” prisons, the extraordinary rendition of detainees to countries known to torture suspects, and the broad round-ups of thousands of detainees with limited evidence of links to terrorism similarly have proven to be bankrupt as policies. There is no evidence to suggest that they have improved our human intelligence collection capabilities, they have not advanced our efforts to bring terrorists to justice, and in every case they have had severe dilatory effects on the credibility of our leadership in the global fight against terrorism. In short, they have hurt us far more than they have helped.

Looking at real-world results may help us debunk some of the Bush Administration’s misguided assertions, but it is not sufficient to help us formulate the right approach. Rather, it is essential that we inform our policymaking by a deep examination and national debate about the relationship between our long-held values—as enshrined in the constitution and law and expressed in our religious and ethical traditions—and our security prerogatives.

Examining our detention and interrogation policies through this lens is far more difficult, because legitimate differences do exist about what direction is most just, fair, and ethical, as well as what is most effective.

Nevertheless, it is critical that our country have this debate, and that we reach beyond the relatively basic question of whether or not to engage in “torture.” Our approach to this area of policy will be most effective when it is well informed by all three branches of government, by politicians and the public, and by the lessons of our experience.

Unfortunately, this national conversation has not occurred and, what’s worse, has been precluded by shrill fear-mongering and divisive rhetoric. The Bush administration deserves much of the blame. In debates over anti-torture provisions, FISA, military commissions, and the like, it has generally resorted to scare tactics, sharp partisanship, and questions about its critics’ patriotism. Such tactics do not promote a productive national debate that will make our nation safer from terrorism; they have only served to deflect attention from the enormous flaws of the Administration’s policies.

Instead of such cynical partisanship, we must truly wrestle with the very real challenges of developing smart detention and interrogation policies. Such wrestling must go beyond simply opposing the administration’s flawed policies.

Opposing torture, opposing the denial of habeas rights, opposing extraordinary rendition—these stances are all good and appropriate, but the rejection of bad policy alone cannot make good policy. Instead, we must seek ways to affirmatively improve our human intelligence collection, strengthen the capacity of our courts to prosecute terrorists, and better understand the nature and vulnerabilities of the terrorist threat.

In the interest of encouraging such a debate, the bill I have introduced offers a number of proposals for how we might effectively approach human intelligence collection, detention, and prosecution in terrorism cases.

My bill combines the imperative of rolling back the Administration’s worst abuses with what I hope is forward thinking about improving our ability to collect human intelligence and bring terrorists to justice.

It would repeal the Military Commissions Act and direct prosecution of terrorism cases to the time-tested civilian and military justice systems, which have proven far more effective at bringing terrorists to justice; It would close the Guantanamo Bay detention facility.

It would establish a new, cross-government, uniform set of standards for interrogation practices, enacting a clear prohibition against torture and building in a regular Congressional review. Rather than imposing the Army’s standards on everyone, it would establish a process for military and civilian intelligence agencies to work together to develop new standards.

It would prohibit the use of private contractors for the critically sensitive, inherently governmental business of conducting interrogations, a red line that I hope we can all agree on.

And it would require that all high-level interrogations be videotaped, as proposed by our colleague, Representative RUSH HOLT.

These much-needed reforms are founded upon both moral and practical analyses of the current system’s flaws. Such correctives are needed to return our nation to a solid footing. But they must be paired with steps to ensure that our nation’s capacity for human intelligence collection is equal to the challenge of global terrorism.

To that end, my bill proposes a number of new initiatives designed to make our human intelligence collection better, smarter, and more penetrating.

It would establish a new interagency center of excellence to train intelligence collectors, review U.S. policies, and carry out sustained research on the best practices of interrogation and intelligence collection.

It would seek to enhance U.S. intelligence cooperation with key allies—like Britain, Spain, and Israel—that have significant experience in dealing with human intelligence collection and anti-terrorism efforts. We need to learn from their successes and mistakes as well as our own.

It would require the military to further develop intelligence collection career paths so that, instead of rotating officers in and out of the intelligence specialty, we retain the best and brightest in the field and benefit from the expertise they develop over the course of their careers.

And it would require the formulation of a strategy to prevent the radicalization of inmates held in both domestic and overseas detention facilities

I offer my legislation with the belief that we must have a far broader national conversation about the questions and the hope that my bill will point to some new and creative answers.

The American public must undertake this conversation with a deep reassessment of an even more fundamental question: what makes our nation truly secure? Is our nation more secure when we use aggressive measures that, even if they make some terrorist suspects talk, fuel the radicalization of a new generation of terrorists? Is our nation more secure if we detain hundreds of terrorist suspects extralegally, but then face legal obstacles that prevent us from convicting them? Is our nation more secure if we take measures designed to increase our security against attacks that undermine values we hold sacred?

Our national conversation must be oriented toward helping us develop a set of policies

that makes far more effective use of the instruments of our national power to defeat terrorism on the battlefield, while capitalizing on the moral authority of our free and open society to defeat terrorism in the battle of ideas.

Against those who would do us harm, we must be vigilant and ready to mount an effective defense. But the number of such adversaries, the support they gain, and the threat they pose will depend not only on the defense we mount, at home or abroad, but on the values we project and the role our nation plays in the world.

The legislation I offer today will restore our grounding in the values of justice and respect for human rights that have guided our nation through two hundred thirty-two years of history. It will help us lead again through the power of our example. And it will help us mount that vigilant defense against global terrorists by enhancing the effectiveness of our efforts. I urge my colleagues to support this legislation.

MIDDLE CLASS INVESTOR RELIEF ACT, H.R. 7123

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 26, 2008

Mr. KIRK. Madam Speaker, a year ago, the subprime crisis surfaced. This month, we see the results of inordinate and mis-regulated financial risk-taking. The regulator for Fannie Mae and Freddie Mac put these mortgage giants into conservatorship. The Treasury and Federal Reserve intervened to keep the largest U.S. insurer out of bankruptcy. Twice in 1 week, the U.S. stock market posted 1-day drops not seen since two airplanes were flown into the Wall Street’s World Trade Center buildings. Congress is taking swift action to protect the capital markets that keep our economy going. We must not forget the small investor.

Middle class families are seeing significant losses in their investments weaken investor confidence, consumer spending and the future growth of our Nation’s economy. Stock investors have watched the values of their portfolios drop more than 20 percent this year, and homeowners fear that continuing mortgage market volatility will hamper recovery of the real estate markets—down 30 percent in some regions of the United States. Some middle class Americans nearing retirement may need to work additional years to earn back their stock losses.

With continuing economic uncertainty, we must bring relief to middle class families while boosting investor confidence in an uncertain stock market. Today, I am introducing the Middle Class Investor Relief Act, increasing the maximum annual capital loss a taxpayer can take from \$3,000 to \$20,000.

Current tax law is asymmetrical with regard to taxing capital gains and writing off capital losses. Long-term gains are taxed at 15 percent while capital loss write-offs are capped at \$3,000 per year. An individual who lost more than \$3,000 in the stock market could take years to rebuild his or her holdings. The Middle Class Investor Relief Act will correct the asymmetry of current tax law and help middle class Americans recover losses and rebuild their portfolios.