Let's don't kill our seniors. Let's give them control. That's what Americans should do.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

MARKING ANNIVERSARIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. DREIER) is recognized for 60 minutes as the designee of the minority leader.

Mr. DREIER. Mr. Speaker, anniversaries, marking anniversaries, is a very important thing to do, and we do that on a regular basis.

In fact, just this past week, a great deal of attention was focused on that marvelous achievement when we saw Neil Armstrong 40 years ago take that first step on the Moon. We in just a few months are going to be marking the 20th anniversary of that amazing achievement, which many of us throughout our lifetimes thought would never happen, and that was the crumbling of the Berlin Wall, and there are countless other events that take place that are regularly remembered.

The importance of remembering events that have taken place, Mr. Speaker, is that we want to do everything that we possibly can to learn from those very tragic experiences and also from the good experiences so that we can ensure that the world is a better place.

Eleven years ago at this very moment, there was a tragic occurrence here in our Nation's Capitol, and I remember it just as if it were yesterday. It was when we saw a madman come into the Capitol, what is now referred to as Memorial Door. At that door, he brutally murdered Officer Jacob J. Chestnut and Detective John Gibson of the U.S. Capitol Police.

Mr. Speaker, in just one moment, colleagues of ours and Members of the U.S. Capitol Police are going to be, for 1 minute, taking a moment of silence to remember the lives of those heroes who were here, defending the U.S. Capitol. Earlier today, here in the House Chamber, we all know that, in remembering that occurrence of 11 years ago, we did have a moment of silence in remembrance of those great men.

At this moment, since it is now 3:40, Mr. Speaker, I would like to ask that we have 1 minute of silence to remember the lives of Officer Chestnut and Detective Gibson.

Thank you very much, Mr. Speaker. I would like to continue the train of marking anniversaries.

Today, I rise to mark the occasion of the 220th anniversary of the First Congress and what is, perhaps, the most important milestone that was achieved in that first session of Congress, that being, of course, the passage of the Bill of Rights.

Two hundred twenty years ago, James Madison, a Congressman from Virginia and the Father of our Constitution, introduced a package of constitutional amendments, sparking a great, historic debate in the House of Representatives and in the Senate. This came about despite the fact that Madison had opposed the inclusion of a Bill of Rights when drafting the Constitution.

It came about because his constituents demanded it. Lives, fortunes and sacred honor had been sacrificed in the war that followed the signing of our Declaration of Independence, and many believed fervently that it would all have been in vain were it not for putting in place a Bill of Rights. The States, Mr. Speaker, went on to ratify 10 of the 12 amendments that Congress passed, the very first 10 amendments to our Constitution, which collectively are known around the world as the most enduring and comprehensive guarantor of rights in the modern world.

I believe there is great value in remembering our history as a nation and as an institution, and in examining the lessons that can be applied to our own era today. As we deal with the many challenges today—the worst recession in recent memory, two ongoing wars and a worldwide struggle that is going on against violent extremism—there is much to be gleaned from the great debates of our past, and the more we know about where we have been, the better we can understand where we are now and where we as a nation are headed.

On May 4 of 1789, James Madison announced his intention to introduce a series of amendments that would constitute the Bill of Rights that many opponents of the Constitution had sought. Though 11 of the 13 States had ratified the Constitution, there remained those who opposed the Constitution and the system of federalism it established. Chief among the complaints by those who had not supported the Constitution was, as I said, the absence of a clear Bill of Rights.

As I've said, Madison, himself, had originally opposed the issue when he crafted and then, under the nom de plume Publius, joined Alexander Hamilton and John Jay and penned the Federalist Papers with the goal of defending the U.S. Constitution. But he came to see the value not only in explicitly delineating the rights of the citizens of the United States, but more importantly, he came to see the value in bringing unity to the Nation and in consolidating support for our Constitution.

On June 8 of 1789, he introduced his proposal in the House of Representatives. Two hundred twenty years ago this very week, on July 21, 1789, the matter was referred to the Rules Committee on which Madison served. After reviewing the proposal, the committee moved the amendment package to the House floor on August 14, marking the start of a very vigorous debate right in the House of Representatives where we are privileged to serve, Mr. Speaker.

□ 1545

That debate carried on for 10 days, 10 days as Members passionately argued for and against the individual amendments, passing some, amending some, and rejecting others. On August 24, the House took its final vote and passed 17 amendments sending them over to the other body, to the Senate, for consideration.

220 years ago this summer, the Senate began its debate on August 25. The debate carried on throughout the month of September and additional changes were made. Ultimately, a conference committee was convened and both the House and the Senate passed the final version on September 24 of 1789, having whittled the package down to 12 proposed constitutional amendments. As we all know, the States went on to ratify 10 of those, and Mr. Madison's Bill of Rights was incorporated into our Constitution.

Now, throughout that summer and early fall 220 years ago, many passionate arguments were made for and against the proposed constitutional amendments, but I believe, Mr. Speaker, that the most instructive debate came on June 8 when Madison first introduced his proposal in the House of Representatives. He argued vigorously for the need to pass a Bill of Rights, but he also presented a fair representation of the arguments against a Bill of Rights. He welcomed a fair, open, and spirited debate, and he wanted it to take place on the floor of the House of Representatives where it could be conducted in the light of day and within plain view of the American people.

Though Madison had previously opposed the idea, he became increasingly ambivalent, and then ultimately, as we

all know, supportive of the need for a Bill of Rights. But he remained sympathetic to the argument that rights that are enumerated are inherently limited. He noted that some believe, ''that a declaration of rights . . . is either ineffectual or improper. It has been said that in the Federal Government, they are unnecessary because the powers are enumerated, and it follows that all that are not granted by the Constitution are retained by the people; that the Constitution is a bill of powers, the great residuum being the rights of the people.''

Madison, Mr. Speaker, understood, that the government does not grant the people their rights; rather, the people grant their government certain powers. For this reason, he sought to assuage these concerns by including in his proposal a provision clarifying that—and as I quote again from that speech—''The exceptions here or elsewhere in the Constitution made in favor of particular rights, shall not be so construed as to diminish the just importance of other rights retained by the people; or as to enlarge the powers delegated by the Constitution.''

Congressman Madison knew that this was an important clarification to make, but ultimately he believed very deeply that despite the concerns, the imperative for moving forward was far more compelling.

As I said at the outset, Mr. Madison very passionately believed in bringing unity to our Nation on the question of our Constitution. He saw this as the most fundamental of issues, and he believed very deeply in continuing to work towards consensus despite the fact that the necessary majority had ratified our Constitution already.

In his speech on June 8, he expressed respect and understanding for those whose point of view on our system of Federalism was different from his, and he said the following: ''Yet still there is a great number of our constituents who are dissatisfied with (our Constitution), among whom are many respectable for their talents, their patriotism, and respectable for the jealousy they have for their liberty, which, though mistaken in its object, is laudable in its motive.''

Mr. Speaker, Congressman Madison widely understood that Congress' capability as a representative body dependent upon the full support of those they represented, whatever disagreements on the various issues of the day there may be that exist, Congress' legitimacy in working out these issues would be called into question as long as there remained a vocal minority who opposed the very existence of the Constitution and our Federal Government.

He noted that ''so far as to satisfy the public that we do not disregard their wishes, it will have a salutary influence on the public councils, and prepare the way for a favorable reception of our future measures.''

Mr. Speaker, he also saw the passage of a Bill of Rights as an opportunity to demonstrate good faith to those who were skeptical of the Federal Government and its powers, saying, ''those who have been friendly to the adoption of this Constitution may have the opportunity of proving to those who were opposed to it that they were as sincerely devoted to liberty and a republican government as those who charged them with wishing the adoption of this Constitution in order to lay the foundation of an aristocracy or despotism. It will be a desirable thing to extinguish from the bosom of every member of the community any apprehensions that there are those among his countrymen who wish to deprive him of the liberty for which they valiantly fought and honorably bled.''

Mr. Madison viewed the unity of the Nation on the issue of our Constitution as far more important than any reservation some may have had on the need for a Bill of Rights, and he championed the need for a rigorous, very rigorous, debate on the issue.

Mr. Speaker, he also believed that despite his earlier ambivalence, that the case for a Bill of Rights was ultimately persuasive on the merits because of the needs for checks and balances on the powers of the Federal Government. Though he found persuasive the argument that the government's powers are enumerated and therefore our liberties need not be, he recognized that explicitly enumerating the most important rights would help to place a check on the governments power.

He noted, ''It is true the powers of the general government are circumscribed . . . but even if government keeps within those limits, it has certain discretionary powers with respect to the means, which may admit of abuse to a certain extent.''

Mr. Speaker, ever mindful that government is made up of fallible men, Madison believed wholeheartedly in the need to hold the Federal Government's power in check.

He also understood that the issue of basic rights could not be left merely to the whims of majority rule. In fact, he feared this even more than the potential abuse of government, saying again in that June 8 speech, ''I confess that I do not conceive that in a government modified like this of the United States, the great danger lies rather in the abuse of the community than in the legislative body. The prescriptions in favor of liberty, ought to be leveled against that quarter where the greatest danger lies, namely, that which possesses the highest prerogative of power. But this is not found in either the executive or legislative departments of government, but in the body of the people, operating by the majority against the minority.''

Mr. Speaker, had Madison not taken up the cause of the Bill of Rights, our Constitution may never have explicitly enshrined our freedom of speech, freedom of press, of religion, of assembly, of our right to petition our government. It may have never expressly guaranteed trials by juries of our peers or guarded against lawful searches and seizures, self-incrimination, cruel and unusual punishment, or double jeopardy.

Today, we hold these enumerated rights to be as self-evident and fundamental as the rights of life, liberty, and the pursuit of happiness that the Declaration of Independence claimed. We can't imagine our Constitution without the Bill of Rights. But what I believe is most instructive for us today is not the contents of Madison's Bill of Rights, but the manner in which he proposed it. The intellectual rigor which led him to champion this cause and with which he made his case to his colleagues and the American people was very important.

That open, vigorous, comprehensive debate that was held in the United States House of Representatives and the tenure of that debate being, Mr. Speaker, as we've seen from the text of that June 8 speech, 1789, as was introduced by Mr. Madison, he had great respect for the views of the Members with whom he disagreed. He argued with civility, comity, and respect. He did not impugn his adversaries' motives and, in fact, defended them.

He passionately sought consensus on the fundamental issues and placed it above his own ambivalence on lesser concerns. He urged his colleagues to act based on ''the principles of amity and moderation,'' to ''proceed with caution,'' but that ultimately they must act resolutely ''to satisfy the public mind that their liberties will be perpetual.''

He clearly did not believe that decisive action and a full, open debate were mutually exclusive. In fact, he saw them as being fully intertwined, that elevating the debate above reproach would give this body the moral authority to act decisively and appropriately as a truly representative body.

In his closing remarks that day, June 8, 1789, Mr. Speaker, Congressman Madison said, ''If we can make the Constitution better in the opinion of those who are opposed to it, without weakening its frame or abridging its usefulness in the judgment of those who were attached to it, we act the part of wise and liberal men to make such alterations as shall produce that effect.''

Let me repeat that final phrase, Mr. Speaker, Mr. Madison said, ''we act the part of wise and liberal men.'' By that, one can only surmise that he meant we're not here to grandstand. We're not here to demagogue or turn the important issues of our day into political footballs. We're not here to attack those who hold different views or stifle debate or prevent opposing views from being heard. We're not here to become mired in petty arguments and partisan politics. We are here, Mr. Speaker, as we all know, we are here—and James Madison set the example of this—we are here to deliberate. We are here to honestly and openly confront the difficult challenges we face together as a

country, to ensure that our constituents' concerns, whether they represent the majority or the minority view, can be voiced and discussed in the House of Representatives.

I believe very much in this Madisonian model of rigorous yet civil debate. So it's with great dismay and sadness, Mr. Speaker, that I have seen the tenure of our debate deteriorate and the legislative process grow ever more closed in recent years. I believe, Mr. Speaker, that Republicans and Democrats alike have shared in the blame for this deterioration, but there is no doubt whatsoever, no doubt, that that deterioration has accelerated dramatically in the past few years.

We've seen the opportunities for open debate become rarer. What's more, the level of debate and transparency allowed has been inversely proportional to the significance of the legislation in question. The more consequential, the more complicated, the more controversial a bill may be, the less opportunity there is for the kind of intellectually rigorous debate that James Madison called for and exemplified.

One by one, Mr. Speaker, the traditions and precedents of this House have been disregarded. Perhaps the most significant of these has been the abandonment of openness in the appropriations process which, as is the tradition, we are in the midst of consideration this summer, and we have only one appropriations bill left to be considered, the Department of Defense Appropriations bill next week.

□ 1600

Now, throughout our 220-year history, the House of Representatives has considered its annual appropriations bills with an open debate. In recent history, this open appropriations process has been one of the very few opportunities that Members of the House have to get to freely offer amendments and have a debate on the issues that matter most to them.

Unlike the Senate, we have a Rules Committee on which Congressman Madison sat in the House of Representatives. The modern Rules Committee sets the terms and conditions of debate on almost every major bill that comes to a vote. These terms and conditions have become increasingly more restrictive, shutting out all amendments to more legislation than ever before and significantly limiting the number of amendments on others.

But, Madam Speaker, the open appropriations process has always been held sacrosanct because we have no greater constitutional duty in this body than holding the power of the purse.

We have the very serious responsibility of spending the taxpayers' hard-earned money, and this responsibility deserves to be considered under a completely open and transparent process. There have been times in the past when some limits have been imposed. This has almost always been done by unanimous consent, both parties coming together to expedite matters after a period of open debate. There have been other instances of debate restrictions on individual appropriations bills that have been put into place for various reasons.

But, Madam Speaker, those have been the exceptions to the rule. And the rule has been an open, good-faith process in which any Member, Democrat or Republican, I underscore that again, any Member, Democrat or Republican, can offer any amendment that conforms to the rules of the House. I am proud to say that this is certainly the spirit in which Republicans operated during the 12 years that we held the majority, and during 8 of those I was privileged to serve as chairman of the House Rules Committee.

But this year, we have seen a very troubling reversal of this practice. Madam Speaker, from the very outset, before a single vote was cast or a single word of debate was uttered, the appropriations process was restricted. Rather than granting the traditional and customary open rule to our appropriations bills, they imposed a preprinting requirement.

Now, the preprinting requirement means that rather than a free-flowing and rigorous debate that has always characterized our appropriations process, Members were required to submit their amendments in advance to be printed in the CONGRESSIONAL RECORD.

And now this may seem like a reasonable requirement at first glance, and many on the other side of the aisle argued that it was a very reasonable request. Why shouldn't amendments be submitted in advance of debate? In practice, there are a number of ways that unfortunately this stifles the Madisonian debate.

First of all, appropriations bills are often debated over the course of a number of days. I mean, 10 days on the Bill of Rights. We have had 3, 4, 5 days on appropriations bills for many, many years. When a deadline is imposed prior to the start of debate, in effect this requires amendments to be submitted 2, 3 or even 4 days in advance of when debate on the relevant section of the bill is considered.

Secondly, the Budget Act prevents Members from offering amendments that increase the overall cost of an appropriations bill, and that's a correct thing. This means that if a Member wants to increase funding for a particular program, the amendment must also cut funding elsewhere by an equivalent amount.

But what happens if the offset contained in one amendment has already been zeroed out by another? That Member would no longer be able to offer his or her amendment, and the deadline having come and gone before the start of debate, there would be no opportunity to redraft the amendment with a different offset.

What's more, Madam Speaker, there are many logistical issues beyond Members' control that can prevent them from getting their amendments properly submitted prior to this artificial deadline. Legislative Counsel, faced with a deluge of requests as Members scramble to get their amendments drafted and submitted, can be too swamped to handle every request. Likewise for the Government Printing Office. This is a self-compounding problem, Madam Speaker, as Members submit multiple versions of the same amendment, just in case their offsets of course are altered by another Member's amendment. It compounds the problem.

All of these problems inherent to the preprinting requirement have the effect of limiting debate and the ability of rank-and-file Members of both political parties, again, Democrats and Republicans, from being able to fully participate in the appropriations process; and yet it was imposed at the very outset this year before we had begun consideration of one appropriations bill.

Now, that was only the beginning. As we started the already restricted debate on our very first appropriations bill, we got to exactly page 2, line 7 before the chairman of the Appropriations Committee had had enough. One page, seven lines was apparently his capacity for even a partially, even though it was limited, a partially open debate.

So he promptly shut down the entire process. We returned to the Rules Committee late that night where the Democratic majority imposed a structured rule for the consideration of the bill. They decided that they alone would be the arbiters on which issues could be debated, which amendments would see the light of day. They were saying 220 years of history be damned. This closed process has been repeated for every single appropriations bill that we have considered.

And for those, Madam Speaker, who have followed the debate here, our colleagues know that we have just completed 11 of those 12 appropriations bills and have only one remaining next week. I will make my commitment that, as has been the case for every single one of them, we will try to make an open rule in order upstairs in the Rules Committee on this.

As I say, with one remaining appropriations bill, we know that it will most likely be considered under a highly restrictive rule that shuns the traditionally open debate with which we have handled our constitutionally mandated power of the purse.

I believe that it is no accident that the abandonment of open debate on our appropriations bills has coincided with the most profligate spending in our Nation's history. It's no coincidence that our deficit has exceeded that $1 trillion mark just halfway through the year at the same time that the Democratic majority has shut out meaningful debate on their spending practices.

As disastrous as the consequences of this reckless and unchecked spending

spree will be, I fear that even greater damage will come as a result of the utter disregard for the traditions and precedents of this great body. Looking back at that historic debate on the Bill of Rights 220 years ago this summer, it's so instructive because it illustrates just how far we have digressed from the high-minded example that James Madison laid out for us.

The civility, the respect for opposing views, the intellectually rigorous and open debate, the deep belief in the importance of building consensus, all of these elements, Madam Speaker, all of these elements that characterized the debate led by Congressman James Madison 220 years ago have been gradually hollowed out, leaving us with little more than empty, partisan rhetoric.

Perhaps most troubling of all is how quickly this has become, and it really saddens me to say this, the new normal. More than a quarter of this entire body has served less than two terms. For over 25 percent of the House of Representatives, limited debate and bills written in the dead of night appear to be standard operating procedure. A closed appropriations process is just the normal way of doing business. Rancorous debate and demagoguery is simply the way we operate now.

If we do not urgently consider our history and our traditions as an institution, if we do not make an effort to come together very soon and work to restore civility and open debate, these traditions will be lost forever.

Of course there will always be significant divergence of opinions. We were meant to have a great clash of ideas here in the Congress. Our Founders very intentionally designed a system in which we would hold ourselves accountable by this very divergence.

Benjamin Franklin wrote very famously in 1789, ''A plural legislature is as necessary to good government as a single executive. It is not enough that your legislature should be numerous; it should also be divided.'' Franklin went on to say, ''Numbers alone are not a sufficient barrier against the impulses of passion, the combination of interest, the intrigues of faction, the haste of folly, or the spirit of encroachment. One division should watch over and control the other, supply its wants, correct its blunders, and cross its designs, should they be criminal or erroneous.''

Madam Speaker, we certainly have seen a great deal in recent weeks of the haste of folly and spirit of encroachment that Franklin spoke of.

When debate is stifled, these checks and balances that the Founders envisaged are drastically diminished, and the result is both a poisonous atmosphere and, sadly, reckless public policy. In fact, the latter inevitably follows the former. A bad process begets bad legislation. And the respect, civility and comity that used to govern this body are destroyed in the process.

Madam Speaker, my fear is that irreversible damage has already been done. But I'm standing here today to remember history. By remembering history, by honoring our tradition, by looking back to our Founders and the example that they gave us 220 years ago this summer with that rigorous, open debate, I believe we can begin to restore our institution. We can once again engage in great debates, in a clash of ideas, and do so with respect for our adversaries and a sincere desire to ultimately reach consensus.

This is the model, this is the model that James Madison presented in one of the most important debates in Congress' history. The great challenges we face today are no less deserving of this kind of debate.

If we are going to effectively and appropriately deal with the economic, energy, health care, environmental, national security and other issues that are before us, we must immediately reverse the very dangerous course on which we have embarked.

Madam Speaker, I urge the Democratic leadership to restore deliberation in this body. This body is known as the greatest deliberative body known to man; and, sadly, we are losing that. I urge my colleagues on both sides of the aisle to once again engage in exchanges characterized by what Madison described as the ''principles of amity and moderation,'' to once again act the part, act the part as Madison said on June 8, 1789, act the part of wise and liberal men.

We must do this, Madam Speaker, if we are going to successfully address the great challenges of our day.

ISSUES IMPORTANT TO AMERICANS

The SPEAKER pro tempore (Mrs. KIRKPATRICK of Arizona). Under the Speaker's announced policy of January 6, 2009, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 60 minutes.

Mr. HOEKSTRA. I thank the Speaker for the opportunity to talk about issues that I think are not only important to my congressional district, are not only important to the State of Michigan, but are also important to the people of the country.

I was struck this morning when one of the first newspapers that I saw said: ''Democrats Out of Sync.'' I didn't read the article because what really caught my attention was the headline at the bottom that said: ''Michigan Lawmakers look to Gitmo for Stimulus.''

□ 1615

Now this is a story that has been out there now for a couple of months, but it looks like my colleagues on the other side of the aisle again believe that the stimulus package for the State of Michigan should be moving the people from Guantanamo—the radical jihadists, the individuals who are identified as being members of al Qaeda, some of whom have been identified as members of al Qaeda—and saying we ought to move these individuals to the State of Michigan. This is our economic stimulus package.

Now I understand why they believe that Michigan needs help. As I take a look through my counties, I see unemployment rates of 10.9 percent, 13 percent, 12.5 percent, 19.1 percent. Roughly one out of every five people are out of work in at least two of my counties. You have 16.8, 15.3, 16.7. Those are the counties that I represent. And, as a State, we have an unemployment rate that is now 15.2 percent, which I expect will again be the highest unemployment rate in the country.

But believing that Michigan's stimulus package and the way that we are going to rebuild the State of Michigan is by opening Gitmo North, I think is a terrible idea. I'm the ranking member of the Intelligence Committee. I've had the opportunity also to serve as the chairman of that committee. And we get some special insights into who these folks really are and what the impact of having these people in your community may be.

I have no doubt that we can move these folks into a prison in Michigan. We can move them into a maximum security perhaps anywhere around the country. There's no doubt in my mind that we could probably contain them and hold them and they wouldn't escape. But there is a reason that they are in Guantanamo.

Guantanamo is a difficult place to get to. We have constructed a facility specifically to match the needs and the challenges of the prisoners that are held in Guantanamo. And those facilities don't exist in other parts of the country.

The other reason that we have them there is we recognize that by the very fact of putting them in the United States and putting them into a community, they present an increased threat to those communities, to the people that work in those facilities, and to the region itself.

This is a really bad idea. To my colleagues from the Michigan delegation, let's not do this. Let's not promote this. Let's make sure that we keep Guantanamo open, and let's make sure that we don't move these people to Michigan, and let's make sure that we don't move them to other parts of the United States. Keep them in Gitmo and let's make sure that we deal with this threat in the most appropriate way.

I also found it interesting that as we talk about economic development—you know, we've got a model for economic development. We did it in the 1990s. We did it with a Republican Congress, and we did it with a Democrat President. It began in January of 1995.

It was relatively straightforward. We are going to cut taxes, we are going to reform government, and we are going to freeze spending.

The end result is that during the 1990s we saw unprecedented economic growth, and we balanced the budget for 4 years in a row. I wish that my colleagues here from Michigan and my