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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. McCLINTOCK).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 3, 2011.

I hereby appoint the Honorable TOM McCLINTOCK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

CONSTITUTIONAL FUNDAMENTALISM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. On the first day of this Congress, Members took turns reading the Constitution aloud on the floor of this House. It was a worthwhile exercise.

However, some parts were omitted. There was no recital of the Amendment that established prohibition or the clause requiring fugitive slaves to be returned to their owners, or the one equating slaves with three-fifths of a

human being. I guess nobody wanted to be the one who was stuck reading those parts, and I can understand that.

But it got me thinking that, lately, there has been a lot of talk about the Constitution, and that's a good thing. The Constitution is our national charter. It protects our basic freedoms, it grants power to the government, and puts limits on those powers.

All of us in this body took an oath to support it. We should talk a lot about the Constitution, but we should talk about it the right way. Some of my colleagues here seem to think that all we have to do is read the Constitution together and we will all see the light; that the little words on the page will answer all of our questions. For them, the Framers had all the answers. I guess that's the real reason they didn't want to read the embarrassing parts out loud on the House floor.

To do that would be to admit that the Framers got some things wrong, that their document was a first draft of liberty, a blueprint for justice, not the last word.

Some call this way of thinking constitutional fundamentalism. When it comes to the Constitution, fundamentalism is misguided. Let me explain why.

No one doubts that some parts of the Constitution are meant to be read literally and rigidly: every State gets two Senators. You have to be at least 25 years old to be elected to Congress. Cut and dried.

But in many of the most important passages of the Constitution, the Framers deliberately used broad, open-ended language because they wanted their words to be read flexibly as times changed. Freedom of speech, due process of law—these terms don't define themselves.

The Fourth Amendment protects the right of people against unreasonable searches and seizures. The Eighth Amendment outlaws cruel and unusual

punishment. What makes a search unreasonable or a punishment cruel? The document itself doesn't tell us.

The constitutional fundamentalists tell us we should interpret the words of the Constitution as they were understood at the time they were written, more than 200 years ago, but they can't really mean that. At that time, all felonies were subject to the death penalty and flogging was a common punishment for crime. Today, we consider such punishments cruel and unusual.

The words the Framers chose are not just broad and open-ended. More importantly, they express basic values. To enforce basic values, you need to make value judgments. And value judgments change as the world changes, even when the underlying values stay the same. The Supreme Court has always understood this.

Almost 200 years ago, the great Chief Justice John Marshall made clear that the Court was going to read the broad phrases of the Constitution differently than it might read a tax statute or bailing code.

Marshall wrote: "If we apply this principle of construction to any of the powers of government, we shall find it so pernicious in its operation that we shall be compelled to discard it."

Marshall and his successors on the High Court understood that when we freeze the meaning of the Constitution in place, we limit our capacity to make progress as a people.

Progress hasn't come easy. It wasn't until the 1940s that the Court applied the First Amendment's establishment clause to State and local governments, ensuring the separation of church and State. It wasn't until the 1950s in *Brown v. Board of Education* that the Court declared government-sponsored racial segregation unconstitutional. Not until the 1960s did the Court finally represent the principle of one person, one vote. And not until the 1970s did the Court enforce constitutional equality for women.

This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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If we interpreted the document in a static and literal way, we would find ourselves in a country we didn't recognize.

Constitutional fundamentalism makes difficult choices look easy by papering over the ambiguities of the document and ignoring the complexities of our history.

I would much rather acknowledge the ambiguities and debate and discuss and argue about the complexities. I think it's significant that when we amend the Constitution, we don't redact the superseded parts. Leaving them in serves as an anecdote to collective amnesia about our past mistakes; it undermines efforts to sanitize our troubled history, as many in power throughout the world often do with their own history.

I close with the words of Thomas Jefferson: "Some men look at constitutions with sanctimonious reverence and deem them like the ark of the covenant, too sacred to be touched. Let us follow no such examples, nor weakly believe that one generation is not as capable of taking care of itself, and ordering its own affairs."

Thank you.

ALABAMA IMPACTED BY THE APRIL 27, 2011, STORM

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Alabama (Mrs. ROBY) for 5 minutes.

Mrs. ROBY. Mr. Speaker, last week my home State of Alabama faced the worst natural disaster in the history of the State. My immediate thoughts go out to the families impacted by the storm, as well as my thanks to the men and women on the ground assisting in recovery efforts. As of May 1, the Alabama Emergency Management Agency has confirmed 250 fatalities in Alabama from the April 27 storm.

Although the Second Congressional District dodged the full force of the storm, Elmore County sustained significant damage and, tragically, the loss of six lives. My thoughts and prayers go out to all of those who lost loved ones.

Since the storm, I have had the opportunity to tour the affected areas in my district and meet with the hardworking men and women working on recovery efforts.

Working quickly with Governor Bentley and the Alabama delegation, we requested shortly after the storm for the President to sign a major disaster declaration, which I am grateful that he immediately did.

Over the next coming months, I will continue to work with the Governor, the Alabama delegation, and the administration to ensure that critical resources and assistance is getting to those impacted by this horrific disaster.

Once again, the citizens of Alabama are in my thoughts and my prayers for them to get through such a difficult time.

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MISPLACED PRIORITIES OF THE TEA PARTY REPUBLICANS

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. GEORGE MILLER) for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, let me begin by joining my colleagues on both sides of the aisle in praising President Obama and our military and our intelligence teams for their extraordinary work in the culmination of the killing of Osama bin Laden. His death is a very positive step for U.S. counterterrorism efforts. Bin Laden's death will not erase the pain he caused by his evil acts, nor does it mean that Americans are not still the targets of others bent on doing us harm, but hopefully his elimination will offer some comfort to the grieving families all over the world who have suffered at his hand and will diminish the capacity of his network to do us harm.

Mr. Speaker, while Americans are expressing their appreciation over the death of bin Laden, they remain deeply anxious about our economy. They are suffering from high unemployment and high gas prices and they expect and need relief. That is why Americans must be really scratching their heads in disbelief over the choices being made here in the House of Representatives.

While Americans remain focused on jobs and the economy, the tea party Republican majority has voted to end Medicare and to cut taxes for the richest Americans and the largest oil companies. And this week they will vote to make it harder for students and low-income workers across the country to have access to health care by bringing up two bills to end the funding for new school-based health care centers and for State-based exchanges where workers and small business employees who cannot get insurance through their jobs will be able to look for health care benefits.

Mr. Speaker, they are also bringing up a third bill, a sweeping measure that would, in effect, make abortion inaccessible to most women, despite the fact that the Supreme Court has ruled that women in the United States of America have a constitutional right to receive an abortion if they so choose.

With sky-high gas prices and continued high unemployment, the Republicans must wake up in the morning and think the most important thing to do today is to take away health care from kids and hardworking Americans and trample on women's rights.

Really? Time out, America. Time out.

This Congress, under the control of the tea party, is making the wrong choices for our economy and for our future. They have accomplished nothing for the American people in more than 3 months that they have been in charge. No bill to help create jobs. Not one. In-

stead, what have they done? They voted to end Medicare. That is right. They voted to end Medicare and shift the cost of health care of current and future seniors onto seniors themselves, in some cases adding nearly \$7,000 more in costs per senior starting in the year 2022. They voted to reduce nursing home care for seniors and for the disabled. And they voted to make prescription drugs for senior citizens more expensive.

To make it all worse, at the same time they voted to end Medicare, they voted to cut taxes for millionaires and billionaires and give tax breaks to the largest oil companies and to extend tax breaks to companies that ship jobs overseas and in fact pay no taxes to the American people, no sense of patriotism for the benefit these companies receive by being American corporations. They chose to give them additional tax breaks, even though they pay no taxes under current law.

Their choices are clear—dangerously clear. End Medicare and make seniors pay more for health care, but give giant oil companies and the wealthiest in our country more tax breaks.

One of the bills that they will bring up this week will eliminate the ability of Americans without insurance, including small business employees, to shop and to compare health plans in the State-based exchanges. They have determined to pursue policies to harm working families in order to cater to their insurance industry friends and radical right-wing supporters. They don't believe that every American should have access to affordable health coverage.

Health exchanges are one of the most popular and important provisions of the health care law. They are vital for families and small businesses to be able to have access to affordable health care. These exchanges are market based, they foster competition, they reduce costs, and they provide access to health insurance for millions of Americans.

Yes, Mr. Speaker, Americans must scratch their heads every day and wonder why the priorities of the tea party Republicans are not consistent with the needs of their families, their children, their job opportunities, their small businesses' vitality. They must wonder every day: Why can't this Congress start serving the American public?

JUSTICE DELAYED BECAME JUSTICE SERVED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. PENCE) for 5 minutes.

Mr. PENCE. Mr. Speaker, Osama bin Laden is dead. Justice delayed became justice served. And I stand to pay a debt of honor and a debt of gratitude to all of those who brought us to this day.

The first time most Americans heard Osama bin Laden's name was perhaps from that podium. Just more than a