

I am proud that I was one of the co-founders of the Congressional India Caucus over a dozen years ago. It has grown into a large bipartisan body. When it comes to India today, there really is no political divide in this House. We are very saddened by what has happened, but we are united in offering our support to a nation I am so very proud of.

India, we stand with you.

#### THE 10TH AMENDMENT TO THE CONSTITUTION

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

Mr. OTTER. Mr. Speaker, I rise today to talk about one of my favorite subjects, and that is the Constitution of the United States. But I want to focus a little bit more today than I generally do and specifically on the 10th amendment to the Constitution.

The 10th amendment to the Constitution, affectionately referred to by most everyone who really reveres the Constitution, would recognize it as the so-called "States' rights amendment." Actually, Mr. Speaker, I have always felt that it was the contract between the States and the creation of the Federal Government.

Many folks today I believe have it wrong. They think that the Federal Government created the States, whereas, in fact, it was the original 13 States that, in union together, created the Federal Government. And it has always been my long-held belief and opinion that the created can never be greater than the creator in any sense.

And so in my opportunity today, I want to remind the people of that contract between the Federal Government and the States. And it is a simple contract; so perhaps one might suggest that it was never written by a lawyer because it is only 28 words, and it says the powers not delegated to the United States by the Constitution are reserved to the States respectively, or to the people.

Now, I may have gotten that a little confused in my enthusiasm, Mr. Speaker; but my enthusiasm for the spirit and the heart of the 10th amendment is undiminished because it was in 1760, when King George III took over for King George II and decided to put even more restraints on the young and upcoming colonies, even more laws and even more regulations, even more taxes and confiscation of their property, it was then only some 16 years later that the 13 colonies finally said we have had enough and we are not going to absorb any more of this abuse from any king, let alone King George III. So history now pretty well has set forth in the agenda the circumstances that took place and finally, of course, after the Declaration of Independence, then after the War of Independence and the creation of the Constitution.

In fact, few people realize today that the Constitution did not include what we know as the Bill of Rights, the first 10 amendments to the Constitution. And it was only as a promise by the States and the Continental Congress that they would at a later time include the Bill of Rights or something to the effect of the Bill of Rights that many of the States then adopted. In fact, during the Continental Congress it was Patrick Henry that said that he refused and would refuse, and he eventually did, to sign the Constitution because he said, I smell a rat. But Lord only knows here was a gentleman that had an olfactory memory that could reach over 200 years out into the future and here we are today.

But I would tell you that Patrick Henry did say that he would not sign the Constitution or agree to it unless it included a Bill of Rights, an enumeration of all the rights of man. And several folks, including one James Wilson, took that under advisement. And they came back several days later, and to the presiding officer at that time, George Washington, they said, Mr. President, we have found it unwise to enumerate all the rights of man for if in our effort to do so we should leave one out, it will have thought to be the property of government; so leave us instead, direct our labors to enumerating the powers and the authorities of government, and if it is not stated, the power and the authority does not belong then to the government.

How wise that was and how wise and respectful we should be and would be today should we honor those kinds of thoughts, should we honor those kinds of limitations, because as we know, including the 10th amendment, each and every amendment of the first 10 amendments was, in fact, a limitation on government. And if you read it time and time again, it always says the Congress shall not, the government cannot, the government will not be allowed.

So I commend to all those who are listening today to get the Constitution out, read those 28 words, and recognize that that is the true contract between this Federal Government in Washington, D.C. and the governments of the 50 States.

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

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

#### THE BALANCE OF POWER BETWEEN THE STATES AND THE FEDERAL GOVERNMENT

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent to claim the unused time.

The SPEAKER pro tempore. Without objection, the gentleman from Utah is recognized for 5 minutes.

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, I appreciate my good friend from Idaho's having started this process in talking about this particular issue. And I am also looking forward to hearing from my good friend and colleague from New Jersey who will be talking about the 10th amendment in a moment as well. For, indeed, it is one of those central issues that we need to remind ourselves at all times.

In the Federalist No. 32, Hamilton tried to persuade people to ratify the Constitution, and the question was, Would this new government with which we now function have too much power? Hamilton wrote that "I am persuaded that the sense of people, the extreme hazard of provoking the resentments of the State governments, and a conviction of the utility and necessity of local administrations for local purposes would be a complete barrier against the oppressive use of such a power" by the national government. He went on to say that "I affirm that under the plan of the convention," which he was referring to the Constitution of the United States, the States "would retain that authority in the most absolute and unqualified sense and that an attempt on the part of the national government to abridge them in the exercise of it would be a violent assumption of power, unwarranted by any article or clause of" the proposed "Constitution."

Now, in recent times we have strayed slightly from that philosophy. We have in this country today the idea that federalism is not when the central government simply graciously allows the States to do this or that, that it is not that the States are simply another form of administration or level of government. Federalism is when the people of the States set limits on the central government.

It is true that in the name of States' rights that sometimes harm has been done to individuals. One must remember that the idea of the Constitution, of balancing power between the national and State governments, had one purpose and one purpose only, and that was to ensure individual liberties. And when any branch of government, whether it be States or the Federal Government, harms those individual liberties, they are doing an assumption and they are moving boldly from the concept and the process that was originally intended to be there.

Sometimes we forget that back then when the Constitution was established the idea of States' rights or federalism was a given to our Founding Fathers, that those people who wanted to centralize powers were the ones on the defensive at all times and that it was clearly understood that the Bill of Rights, when it was passed, was the way of the States to bind the Federal Government to stay out of certain areas as in "Congress shall make no law," et cetera, et cetera.

The only way to preserve civil liberty, then, is for government to check