

Mr. GOHMERT. In conclusion, we pay tribute to a big man, as Jesus said to the poor man of Nazareth, who has now been carried to the bosom of Abraham by the angels.

With that, I yield back the balance of my time.

#### REAPPOINTMENT AS MEMBER OF SOCIAL SECURITY ADVISORY BOARD

The SPEAKER pro tempore. The Chair announces the Speaker's reappointment, pursuant to section 703 of the Social Security Act (42 U.S.C. 903) and the order of the House of January 5, 2011, and upon the recommendation of the minority leader, of the following member on the part of the House to the Social Security Advisory Board for a term of 6 years:

Ms. Barbara Kennelly, Hartford, CT

#### HOME RULE IN THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 30 minutes.

Ms. NORTON. Thank you, Mr. Speaker.

I come to the floor today to begin a series of half-hour conversations containing information that I believe many Members of our House simply do not have, especially considering how often the Constitution and the Framers are cited. I have no reason to believe that there is any intention on the part of any Member to deny democracy to any American citizen in our great country.

So during these half-hour Special Orders, I will be offering some evidence and information that go back to the Framers and come forward into the era when the District of Columbia was granted home rule in order to try to inform Members of the standing of the District of Columbia, which is often referred to as the "Federal district."

It, of course, is not a Federal district. It is a hometown of more than 600,000 residents, which has been granted full and complete authority to govern itself—too late, of course, but finally. It was too late in this era, but not too late in the history of the country because, as the country began, the citizens, indeed, at that time had that right.

The Framers, of course, were confronted with a dilemma. They wanted a capital to be located here in the District of Columbia, and they wanted that capital to have the same rights as any other Americans. They had had an experience in Philadelphia of some concern, when veterans had marched on that capital, about who would defend the capital. They tried to sort out this dilemma and thought they had by creating the District of Columbia—whose residents would have the same rights as every other American citizen, but

giving the Congress authority over the District. Let me indicate how that happened.

No one who has any knowledge of the history of our country can believe that the Framers fought against taxation without representation for everybody except the people who happened to live in the Nation's Capital. That would be sacrilege to say that of the great Framers of the Constitution, particularly since people from this very area, now known as the District of Columbia, went to war on the slogan of "no taxation without representation" and fought and died under that slogan. They didn't go and die under that slogan so that everybody but themselves could be freed from England and have full democracy.

It is also clear from looking at the Constitution that there were two Maryland and two Virginia signers who made clear that in the land they gave to the District of Columbia they weren't giving away their citizens' rights. So their citizens in Maryland and Virginia, during the 10-year transition period, in fact, voted for Members of this body and had the right to vote in Maryland and Virginia.

Some would call what Congress has done in the intervening years an abuse of power. I believe it is a failure to come to grips with what the Framers intended. In Federalist 43, James Madison says from the very beginning that there would be "a municipal legislature for local purposes, derived from their own suffrages." That's, of course, the man and the document we rely on when we need some legislative history about the Constitution.

It is very important to note that the first government in the city of Washington was established in 1802 when the District of Columbia became the Nation's Capital. At that point, contemporaneous with the Constitution, there was a city council elected by the people of the District of Columbia to fully govern this city the way the districts and the jurisdictions of the Members of this body are fully governed. In 1812, the city council was permitted to elect the mayor. Before that, the mayor was appointed. In 1820 and thereafter, the mayor was elected by the people. That continued until 1871.

It should be said that the status of the District of Columbia, until home rule was granted, was constantly a part of the mix, the long, tortured part of our history about racial segregation. Many of the perpetrators who denied home rule were Southern Democrats. It was only when a Southern Democrat who chaired the "District Committee" was defeated, after the Voting Rights Act was passed, that the District was granted home rule in 1973.

So this has not been a matter of party. If anything, the Republican Party had much cleaner hands until recently when, for its own purposes, it adopted the posture of deciding that there would be home rule when it wanted and that violates every stand-

ard, every principle of the Framers and Founders when members simply step in and try to abolish democratic policy and laws enacted by a local government to which they are not accountable.

□ 1300

It's important to note that when the Home Rule Act was passed in 1973, the first line said that the purpose was to "restore" to the citizens of the District of Columbia, "restore". Those words, I think, were chosen with great meaning and understanding of history, "restore" because it was clear that the people who lived in this city had every right of every other American citizen before the city was created, that those from Maryland, Virginia, who gave the land, saw to it that these rights were preserved. Only in the political maneuverings of the Congress itself has that right been at risk, but that right has never been at risk except for Members of Congress who did not adhere to the principles of full democracy for every citizen of the United States.

The purpose of the Home Rule Act was to restore, not to create, rights. Congress can not create rights for people born in this country. The rights are given with their citizenship.

Now the District of Columbia, if one looks at the Home Rule Act, and the trends of all of the legislation preceding the Home Rule Act, was never given partial home rule except when Members of Congress from other jurisdictions decide they want to make changes in the District. That is found nowhere in the Home Rule Act, and that flies in the face of every principle of those who created the United States of America and those who died under the slogan of "no taxation without representation."

We created a very diverse democracy, and we have held it together through a principle of local deference and local control. We have people in one part of the country who detest some of the laws and policies in another part of the country, but the first thing they will do is honor local control and the right of local citizens to elect people who are accountable to them. When those who are not accountable to them want to get something done they must go to those who are, indeed, accountable to them.

Congress thought about what enacting home rule would mean. It said, there are some specific exceptions. Congress did not leave it to the discretion of Members of this body to decide what those exceptions would be. Congress, in fact, did something very specific with respect to those exceptions because it understood that once home rule is granted, there would be differences between the local legislature and the Congress of the United States. So it said, this is what we mean, and this is what we do not mean.

These limitations on the District and its council need to be rehearsed and need to be understood by anybody who

believes in democracy as a principle here in the United States, as much as we believed in it when all of us stood up for democracy in Egypt and elsewhere in the Middle East and around the world. We have got to make sure that we're not seen as hypocrites since we are the first to rise when there is democracy that is ignored elsewhere, and appear to deny it in our own country. That is something the world will never understand.

The Congress, recognizing the differences, spelled out what the exceptions would be, and you can imagine why the exceptions were there. They have almost nothing to do with anything that a local legislature would want to enact. Occasionally they do, and the District simply cannot do it because it's in the Home Rule Act, and the District does not do it because it's in the Home Rule Act.

For example, the District of Columbia cannot impose any tax on the property of the United States or any of the several States. Well, that's important because the property that is most valuable, the property that would yield the most revenue, is located in the center, the monumental core of the capital, and the District of Columbia would not have a thing to worry about if it could tax that property. It cannot be done.

The District of Columbia cannot lend the public credit, the credit of the local jurisdiction, for support of any private undertaking. The District cannot impose any tax, partial or whole, on the personal income of individuals who are not residents of the District of Columbia.

Now, I emphasize that one, because that's one that local citizens particularly resent. It's a ban on a commuter tax. What it means is, if you come into the District of Columbia to work, as hundreds of thousands do from the surrounding region, use the resources, the roads, partake of the same public amenities that residents do, nevertheless, said the Home Rule Act, the District of Columbia may not impose any commuter tax.

Well, the District, of course, resents that because there are commuter taxes all over the United States. But the District isn't asking to overturn the Home Rule Act; it's simply asking the Congress abide by the Home Rule Act. Maybe at some point Congress would want to reconsider this matter. I think my good friends of both parties from Maryland and Virginia would not want this matter reconsidered.

At the moment, I haven't heard anyone say out that this is the reason that you find people in the District of Columbia engaging in civil disobedience. It is when Congress intervenes into the local affairs of the District of Columbia. Yes, the commuter tax is a local matter, but it involves other Americans.

The Home Rule Act says Congress wants you to have as much—I'm trying to be fair—those who wrote it would say, we want you to have as much ju-

risdiction, as much authority over your own business as you can. Once you go to taxing those from another region, well, we are going to draw the line.

Well, the District resents it, but there is at least a theory for why that was done. There is no theory for trying to overturn a law of the District of Columbia simply because you disagree with it, pure and simple, no theory that can be mustered and certainly not from the Framers, who were clear that every citizen of the United States, including those who lived in the Nation's Capital, would have the full democracy they fought for in the Revolutionary War.

□ 1310

The Home Rule Act contains a height limit. Although many in the city would like to build high, the Home Rule Act recognizes that the monumental core has its own Federal meaning because that's where the monuments and the Capitol are, and they did not want those buildings which are central to our identity as a Nation overpowered by the tall buildings, even skyscrapers, we see in other big cities. But there, frankly, has not been a great deal of concern about that. Indeed, D.C. has its own height limit. The height limit helps the city when it comes to tourism. We, too, want everyone to see the monumental core, although you will find a healthy number of citizens here who would like to build as they build in other cities.

We are not trying to overturn the Home Rule Act now; we are trying to get observance of the Home Rule Act. And when you pass a law that says, for example, no District funds may be used on something because it offends your personal predilection, you then are violating the most basic principle of any democracy, and that is why I have come to the floor and will be coming to the floor throughout the year.

The District of Columbia may not enact any regulation or law having to do with any Federal court, any court of the United States. That's true of any jurisdiction. And there are a number of others. The District of Columbia cannot enact any law having to do with the National Zoo. That's a Federal zoo. I'm not sure why someone was concerned about that, but that's in the Home Rule Act. And you're not going to find the District Mayor or city council or residents going to the streets over the zoo.

They went to the streets because they passed a law that Members of this House sought to overturn—and with respect to at least one of them have succeeded—and that brings shame on our democracy, because if you were to ask the citizens of the United States or of any place in the world whether or not any Member of this body should be able to overturn a law passed by the local government of the District of Columbia in a democratic fashion, you would find almost nobody in this country who

would say yes, and you would find almost nobody in the world who would say anything but, You cannot be serious; you, who preach democracy all over the world. If these are your principles, the place and the time to apply them is right here, right now, at home.

It is interesting to know that there was a lot of controversy until finally the Home Rule Act was passed, and it is no accident that the Home Rule Act was passed during the period of the sixties and the seventies when the great civil rights laws were passed. The country came to understand that you can hardly have civil rights laws and then have people in your own capital who have no mayor, no city council, no right to vote for local government, no vote in this body and still call yourself a democracy. All of that came together in the sixties and the seventies.

I'd like to refer to two Presidents from that era, the so-called home rule era. You will find that every President of the era—in the postwar era—agreed with the notion that the District of Columbia should have unlimited right to self-government except for the express and specific exceptions in the Home Rule Act. It was Richard Nixon who signed the Home Rule Act. President Lyndon Johnson, in his message on home rule made these comments:

Our Federal, State, and local governments rest on the principle of democratic representation—the people elect those who govern them. We cherish the creed declared by our forefathers: No taxation without representation. We know full well that men and women give the most of themselves when they are permitted to attack problems which directly affect them. Yet the citizens of the District of Columbia, at the very seat of the government created by our Constitution, have no vote in the government of their city. They are taxed without representation. They are asked to assume the responsibilities of citizenship while denied one of its basic rights. No major capital in the free world is in a comparable condition of disenfranchisement.

He laid it straight out. How did this happen? Well, the Congress got a conscience from time to time and there were periods when the District had its full home rule. This is one of those periods. The Congress does not intervene into the life of this city—except when individual Members disagree with its actions.

Let me read from Richard Nixon, who signed the Home Rule Act:

The District's citizens should not be expected to pay taxes for a government which they have no part in choosing—or to bear the full burdens of citizenship without the full rights of citizenship. I share the chagrin that most Americans feel at the fact that Congress continues to deny self-government to the Nation's capital. I would remind the Congress that the Founding Fathers did nothing of the sort. Home rule was taken from the District only after more than 70 years of self-government, and this was done on grounds that were either factually shaky or morally doubtful.

It is morally doubtful for any Member of this body to assume he or she has the right to tell the citizens of the District of Columbia how to govern themselves unless you are a member of

the local body that governs the District of Columbia. If that is a principle which applies to your district, it must apply to mine. So we greatly resent that we are allowed to govern ourselves except when some Member decides that some matter would be controversial in his district, so, therefore, he wants to deny the District the right to carry out that matter after that matter has become a matter of local law. Every Framers would turn over in his grave to recognize that we could come to the 21st century with such provisions.

Congress took action in the 110th and 111th Congresses to remove prohibitions on the District's use of local funds for medical marijuana, for needle exchange, and for abortions for low-income women.

In the 112th Congress, Republicans re-imposed the ban on the use of local funds for abortion. Who do they think they are? They are accountable to no one in the District of Columbia. They are in straight, sure violation of every principle of the founding document.

I believe that in good faith many Members, especially newer Members, are simply not aware of this history and not aware that it is grounded in the Framers' documents themselves. That's why, instead of assuming that any Member of this body would intentionally deny democracy to any American, I think the way to proceed is for this American, this Member, this representative of the people of the District of Columbia, to come forward on occasion with information and material that I hope Members will take under advisement.

I thank the Speaker, and I yield back the balance of my time.

□ 1320

#### THE UNITED STATES CONSTITUTION

The SPEAKER pro tempore (Mr. DENHAM). Under the Speaker's announced policy of January 5, 2011, the gentleman from Iowa (Mr. KING) is recognized for 30 minutes.

Mr. KING of Iowa. Mr. Speaker, it is a privilege to be recognized by you and to address you here on the floor of the House of Representatives.

As I listened to the dialogue take place here in the last 30 minutes and the gentlelady from the District of Columbia, I'm glad she has a voice here in this Congress. And I do take an oath to uphold the Constitution, as does everyone who serves in this body, as does the President of the United States and many of our executive officers and every military personnel. I believe every State legislator takes an oath, as I did when I was in the State senate in Iowa, to preserve, protect, and defend the Constitution of the United States and the State of Iowa.

As that oath takes place, I would just remind you, Mr. Speaker, that we have to have an understanding of the Constitution in order to take an oath to

the Constitution. And when we place our hand on the Bible and raise our right hand and take the oath to the Constitution of the United States, it's not an oath to a constitution as it might be reinterpreted by activist judges at a later date. It's not even an oath to a constitution that has been interpreted by the activist judges that came after the Constitution was ratified.

The oath that I take to uphold this Constitution is the oath to uphold the Constitution as it was written, as the clear text of the Constitution defines, and as the amendments, the clear text of the amendments defined, and as it was understood to mean at the time of the ratification, whether it would be the full body of the Constitution, or later on the Bill of Rights, or whether it would be the subsequent amendments to the Constitution.

No public official, no person who takes an oath to a constitution can be taking an oath to something that is amorphous, something that fluctuates and something that can change. The Constitution has to be fixed in place. Guarantees aren't amorphous, Mr. Speaker. It is no guarantee if it's amorphous. It has to be fixed in place and fixed in time.

I understand that our language changes over time, and I understand that we have people that have looked at this Constitution with disrespect and they would like to disregard the American Constitution.

If we look back through history, we will see that there was an effort that began in the late 19th century, especially when some of the liberal-thinking people emerged here and in the intellectual world. In the United States, many of those people came here from Germany and established themselves. In fact, they established themselves on the west coast. And our friend whom we expressed our deep regrets at the loss of and our deep sympathy to the family of Andrew Breitbart grew up around some of those people that were the foundation of the progressive movement in America.

These are the people that grew from socialism, the ideology of utopianism. Karl Marx put it down, and it grew from there. Lenin advanced it, and Gramsci also advanced it. It has gone on to the day where liberalism got a bad reputation, so they decided to define themselves as "progressives." It's all rooted in a Marxist, socialist, utopian ideology. And that Marxist, socialist, utopian ideology looks at the United States Constitution, the Constitution of the United States of America, with abhorrence. They reject our Constitution. They're just afraid to stand up and say so.

The clear meaning of the Constitution is something that they concluded, back in the late part of the 19th century and coming into the early part of the 20th century, that they would like to abolish. They would like to abolish our Constitution. They would like to

have a new Constitutional Convention or no Constitution and change and shape America at their will. They reject an America with individual rights that come from God. I would like to think the gentlelady from the District of Columbia and I would likely agree on that. They want an America that can always be in constant flux and constant change with no locked-down guarantees or values.

In other words, they looked at an effort to undo and repeal America's Constitution. They concluded that they could not do so because the culture of America has so embraced the Constitution of the United States that Americans would rise up in defense of the Constitution. If they tried to assault the Constitution, Americans would rise up and reject anybody that would seek to do that. So they sold us an alternative of trying to repeal and undo the Constitution and amend it out of existence.

There's another alternative, and that alternative is the one that they chose more than 100 years ago. That was the effort to redefine the Constitution, to undermine the meaning of the Constitution and turn it into this—remember the language, Mr. Speaker?—a living, breathing document. A living, breathing document is the language for an amorphous constitution, a constitution with no guarantees, a constitution that only takes reaction to the majority at the time that can be found in the House of Representatives, in the United States Senate, or a majority in the United States Supreme Court or the activist judges that by the hundreds have been appointed since that period of time during the last more than 100 years, and the law schools in America that have been populated by leftists who have been undermining the Constitution even while they teach the Constitution.

That's what we've seen here in America, Mr. Speaker.

And if the solid, conservative American people understood the flow of history and how the Constitution has been willfully undermined by active and by now self-labeled progressives, they would stand up against them everywhere they appear.

Think of a contract. The Constitution is a contract, it is a guarantee, and it is the supreme law of the land. It's defined as the supreme law of the land in the Constitution itself. When you have a supreme law, a law has to be black and white, it has to be clear, and it must be also enforced. It's impossible to take an oath to something that is amorphous, that's living and breathing.

It is now being taught under constitutional law in universities across the land that this Constitution doesn't mean what it says. That's what some of the judges say. That's what some of the law school professors say. In fact, that's what a majority of the law schools in America teach. They don't teach the foundation of American liberty, which is the clear text of this