

the House for 1 minute and to revise and extend his remarks.)

Mr. KINZINGER of Illinois. Mr. Speaker, I didn't intend to speak today, but I just wanted to remind the American people, as I hear that the United States is about to enter talks with Russia over their presence in the Middle East, Russia is there for one reason. They are there to prop up a man named Bashar al-Assad, who has killed a quarter million of his own people.

Many of those people that Bashar al-Assad has killed include women and children. These children may look different or speak a different language, in some cases, than in the United States, but these are children with the same dreams as many American children. They may want to grow up to be police officers or teachers or doctors or pharmacists or work on the family farm and raise a family. These are young lives that have been snuffed out by the barrel bombs of this evil dictator.

As we wrestle with the failures in the Middle East and what to do with it, let me remind the American people that the choice is not between ISIS or Assad, but the choice is if you want to destroy ISIS, you must destroy Bashar al-Assad.

#### CONSTITUTION DAY

The SPEAKER pro tempore (Mr. POLIQUIN). Under the Speaker's announced policy of January 6, 2015, the gentleman from Georgia (Mr. WOODALL) is recognized for 60 minutes as the designee of the majority leader.

Mr. WOODALL. Mr. Speaker, we have talked about a lot this week. There has been a lot going on in Congress. We haven't gotten to spend much time recognizing that yesterday was Constitution Day, September 17, celebrating that summer in 1787 where they worked all summer long and all the way up until September 17 to craft this document that I would argue has preserved our freedoms for over 200 years. I want to talk about what I would argue is a national threat, a bipartisan threat to those principles embodied in that Constitution.

By way of background, Mr. Speaker, I want to put up a quote from James Madison. You can't see it from where you are, but James Madison says this:

The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

Mr. Speaker, we talk a lot about tyranny in different governments around the globe. What James Madison says is we are not talking about one evil dictator.

Mr. KINZINGER was down here just a moment ago talking about how one evil dictator can change the entire makeup of regional peace and stability. James Madison portrays it even larger. He says it does not matter whether it

is one person or a few people or even many people. It does not matter whether it is hereditary or self-appointed or elective. When you have all of the power located in any one place, tyranny is the result.

We learn at an early age in our schools, Mr. Speaker, about separation of powers. We learn about checks and balances. We learn about the legislative branch on Capitol Hill, the Supreme Court right behind us, the executive branch headquartered at 1600 Pennsylvania Avenue, and the natural tension that is created within those branches.

John Adams said, Mr. Speaker:

A question arises whether all the powers of government, legislative, executive, and judicial, shall be left in this body.

They were struggling at that time trying to create our form of government. He says:

I think a people cannot long be free, nor ever happy, whose government is in one Assembly.

Constitution Day yesterday, Mr. Speaker, represents the culmination of all of the challenges, all of the thoughts, all of the prayers to spawn a new nation. But what they grappled with for the entirety of that summer was how to create a system that would prevent a return to tyranny.

The accumulation of all powers in the same hands, whether one, few, or many, whether hereditary, whether self-appointed, whether elective, may justly be pronounced the very definition of tyranny.

James Madison.

I talk about that, Mr. Speaker, here, the day after Constitution Day, because this is something that I have seen come up over and over again in my lifetime in a bipartisan and a bicameral way.

So often we find ourselves talking about President Obama, Mr. Speaker, and I will certainly do that later on in this hour, but I want to begin by talking about President Bush. The headline I have here coming from The Washington Post, Mr. Speaker, says: "Bush's Tactic of Refusing Laws is Probed." The Washington Post says this:

The President is indicating that he will not either enforce part or the entirety of congressional bills, according to the ABA president, a Massachusetts attorney. "We will be close to a constitutional crisis," the ABA president says, "when the President of the United States' use of signing statements is left unchecked."

This is where you are signing a bill into law. We have all seen the "I am just a bill sitting here on Capitol Hill." We all know how laws are made. Congress deliberates, crafts, passes, sends to the President for his signature. Well, a signing statement is when you sign a bill into law and say: Oh, but by the way, this particular part of the law I don't recognize as being valid. Well, the veto pen gives you an opportunity to reject a law if you don't like it. A signing statement says: I like this part, and I am going to enforce it, but I don't like this part, and I am not.

Another headline, "Bush Challenges Hundreds of Laws":

President Bush has quietly claimed the authority to disobey more than 750 laws enacted since he took office, asserting that he has the power to set aside any statute passed by Congress when it conflicts with his interpretation of the Constitution.

Now, Mr. Speaker, you and I were not in Congress during the Bush administration. You and I did not have an oversight role of the Bush administration, but I would tell you that Republicans and Democrats are each complicit in their own way in allowing the people's power, not the House's power, but the people's power to slowly drift down Pennsylvania Avenue, away from the people's representatives on Capitol Hill and into the hands of a Chief Executive.

This was going on during the Bush administration. This was a part of the national conversation during the Bush administration, but most Republicans remained silent. This is not a Republican or a Democratic issue. This is an American issue. This is a constitutional issue. If we are to prevent tyranny, we have to stand and be counted.

Mr. Speaker, Barack Obama was in Congress during the Bush administration. While you and I were not, Barack Obama was, and he says this in March of 2008:

I take the Constitution very seriously. The biggest problems that we are facing right now have to do with the President—then President Bush—

trying to bring more and more power into the executive branch and not go through Congress at all. And that is what I intend to reverse when I'm President of the United States.

Mr. Speaker, that is almost laughable, as we sit here in September of 2015. The words of then-Senator, now-President Barack Obama:

I take the Constitution very seriously. The biggest problems that we are facing right now have to do with the President trying to bring more and more power into the executive branch and not go through Congress at all, and that's what I intend to reverse when I'm President of the United States.

May of that same year, Mr. Speaker, then Senator Obama, now President Obama says this:

We have got a government designed by the Founders so that there would be checks and balances. You don't want a President who is too powerful or a Congress who is too powerful or a court that is too powerful. Everybody's got their own role. Congress' job is to pass legislation. The President can veto it or he can sign it. I believe in the Constitution, and I will obey the Constitution of the United States. We are not going to use signing statements as a way of doing an end run around Congress.

When President Obama was Senator Obama, he saw separation of powers clearly; he saw the checks and balances clearly. On the campaign trail, while he was seeking to be the next President of the United States, he recognized the transgressions of the Bush administration, and he said:

Not on my watch, I will not follow in that path.

That was an election year, 2008. It seems laughable as we sit here in September of 2015.

Mr. Speaker, I take you to a press conference by President Obama in August of 2013. The Affordable Care Act, ObamaCare, was in all the headlines. The President says this:

In a normal political environment, it would have been easier for me to simply call up the Speaker, then Speaker BOEHNER, and say, you know what, this is a tweak that doesn't go to the essence of the law—it has to do with, for example, are we able to simplify the attestation of employers to whether they're already providing health insurance or not.

Mr. Speaker, if you don't recall this press conference, the President, having just begun to implement the Affordable Care Act—remember, it was jammed through Congress, completely partisan vote, wasn't quite ready for prime time, but they lost the Senate election; they had to move through the unfinished product. As that bill is being implemented, obviously there are problems because it was not a conference bill. It was not a bill that had worked its way through the committee process. The President says: Well, ordinarily, when you are trying to fix these kind of problems, I would have just called up the Speaker. I would have said, Mr. Speaker, the law didn't work out quite the way we wanted it to. We need a few tweaks to make the law work.

The President continues. He says: It looks like there may be some better ways to do this, better ways than the way the law was drafted. Let's make a technical change to the law, the President says, what he would have asked for, had he called Speaker BOEHNER. The President says: That would be the normal thing that I would prefer to do, but we are not in a normal atmosphere around here when it comes to ObamaCare. We did have the executive authority to do so—by doing so, he means waiving parts of the Affordable Care Act—and we did so.

As candidate Obama, he saw clearly that the Bush administration was overstepping its bounds as the executive, failing to either veto a law or pass a law, failing to recognize the separation of powers, Mr. Speaker. The President recognized that when he was a United States Senator. He recognized that while he was on the campaign trail, but when he was sworn into the office of President of the United States of America, upholder and defender of the United States Constitution, he says:

What I would have liked to have done was follow the law. What I would have liked to have done was to contact the Speaker and try to change the law, but we are not in normal circumstances around here. So I just did it myself. I had the authority, and I did it myself.

Mr. Speaker, that was one press conference in August of 2013, but the list goes on. I am not having this conversation today to pick on the President of the United States, not this President of the United States in particular, but

something happens when you have all of the power and the responsibility that is vested in the White House—it happened to President Bush; it has happened to President Obama—where you say: I have all of this responsibility, and I am just going to do it. As long as the ends are correct, the means don't matter.

□ 1330

That is not okay. It is not okay for any of us, Republican or Democrat. You may like the way that goes today. As a Republican, we may have liked it when President Bush was doing it. As a Democrat, you might like it when President Obama is doing it.

But it is not the right way to run this country, and it is dangerous—dangerous—to the folks who actually hold the power, and that is each individual citizen of the United States.

I will use the Affordable Care Act, Mr. Speaker, as one minor example. The individual mandate delay said every American must go out and buy health insurance. Well, the plans weren't available.

Again, the law wasn't ready for prime time. We all knew it wasn't going to work. The President knew it wasn't going to work.

Congress introduced not one bill, not two bills, not three bills, but four different bills to fix the individual mandate. These were not Republican bills. These were bipartisan bills.

But the President, in the press conference that we talked about from August 2013, decided by himself to act unilaterally to change the law. It wasn't that Congress wouldn't do it. Congress wanted to do it.

The President said:

No. I don't want to work with Congress to do it. I am going to do it on my own.

He didn't just do it in October of 2013. He waived it again in March 2014 and again in February 2015, all on the one very specific section of the individual mandate.

We could have worked together. The Constitution requires that we work together. The Constitution requires that the law either be followed or be changed.

Changes of the law have to come through Congress, have to be signed by the President. In the case of Barack Obama, neither happened.

The employer mandate delay, Mr. Speaker, again, it is not that the House didn't want to deal with this issue. As you recall, the employers were not ready for this.

Again, this was not a fully baked idea. The White House knew this wasn't going to work. The Congress knew this wasn't going to work.

And so the House, of which I was a Member at that time, didn't just come up with a bill. We passed a bill. There wasn't just one bill.

There were three bills—House bills and Senate bills—to solve this problem that the White House knew existed, that Congress knew existed, and that the American people knew existed.

But the President didn't work with Congress. He went off and acted alone in July of 2013, waiving it once, and in February of 2014, waiving it again. Where is the outcry? Not the outcry over the policy, but the outcry over the process.

There are things that happen in this country, Mr. Speaker, that you and I may agree with the ends. But if the means are not the correct means, we have to stand up and say no.

Any American who works in manufacturing knows that, if you have a flawed process, you are going to produce a flawed product.

Process matters. It matters most when we are talking about protecting individual liberty. But Americans have become so frustrated, Mr. Speaker.

Americans have put that label on Washington, D.C., as either being inept or ineffective, intransigent, not able to work together, not able to move things forward. They have come to a place where they say the ends justify the means. It is a dangerous place to be.

Mr. Speaker, going back to the Affordable Care Act, "The renewal of noncompliant plans" is the headline I have here. I am sure you remember that from May, Mr. Speaker.

These were the plans that the President said are so bad, they are so damaging to American families, we have got to outlaw them. If you have one of these plans, we are going to outlaw these plans, because they are unworthy of Americans.

Well, when it actually came time for that part of the law to go into effect, it turns out there was a reason these plans existed: because folks couldn't afford more of an insurance policy than that. They needed these plans.

So what the President did is he said:

We know this isn't going to work. We know this part of the law is flawed. We have to fix it.

Congress said:

You are absolutely right.

House bill, Senate bill, bipartisan bills to solve the problem. The President acted alone, first in November of 2013, then in March of 2014, waiving the law, saying:

I advocated for this law. I signed this law. I made this language the law of the land. But now I don't like it. Rather than seeking a solution from Congress—which Congress had—I am going to act alone.

And, finally, on the Affordable Care Act, Mr. Speaker, the penalty waivers where you were going to be fined. If you didn't do what the law said you were supposed to do, you were going to be fined by the law. That wasn't going to work.

The system was not in place for Americans to follow the law. The paperwork trail, as you know, is amazingly burdensome. Folks could not comply with the law.

The White House knew it. The Congress knew it. The American people know it. That is why we had not one bill, not two bills, not three bills, but four bills, not just in the House, but in

the House and Senate, not just Republicans, but bipartisan bills to solve that problem.

But the President didn't work with the Congress. The President didn't call the Speaker. The President went and acted alone, first in January 2015, again in February 2015.

Mr. Speaker, I am not down here to argue about the results of what the President did. I supported this legislation to achieve all of the goals that the President achieved by acting alone. But the President cannot write the law. The Congress must write the law.

We, as the American people—not we, as the House of Representatives—we, as the American people, cannot support a President amassing all of that authority to do whatever that President likes alone.

Our Framers knew it. John Adams knew it. James Madison knew it. They worked throughout the summer of 1787 to prevent it from ever taking root here in America. If we fail to keep watch, it is going to be on our watch that those liberties slip away.

I will go back to President George Bush. Because it makes me sad, Mr. Speaker, that when we try to have a conversation where we are critical of the White House, it sounds like we are just picking on a President that is not of our party. Nonsense.

I am not saying that doesn't go on. Of course that goes on. I am just saying that is not where we are today. So I want to take it back to President Bush one more time.

President Bush worked on immigration reform. Goodness knows we need immigration reform. I support immigration reform. We have a system that is broken.

Folks who need to get here can't get here. Folks who shouldn't be here are able to get here. Anyway, it is a problem and challenge that America has been facing not just this year, not last year, but for decades.

President Bush said this:

Legal immigration is one of the top concerns of the American people. And Congress' failure to act on it is a disappointment.

The American people understand the status quo is unacceptable when it comes to our immigration laws. A lot of us worked hard to see if we couldn't find common ground, but it didn't work.

President Bush, wanting to achieve immigration reform, chastised Congress for not acting on immigration reform, championing the cause, asking for Congress to do more, but understanding what his limitations are.

President Obama, March 2011:

With respect to the notion that I can just suspend deportations through an executive order, that is just not the case, because there are laws on the books that Congress has.

In March of 2011, when asked about deportations and what is going on with immigration law and why won't Congress move forward, the President says:

The notion that I can just suspend deportations just isn't the case because there are laws that govern deportations.

President Obama, October 2010:

I am President. I am not king. I can't do these things just by myself. We have a system of government that requires the Congress to work with the executive branch to make it happen.

Mr. Speaker, these are the words of President Obama shortly after he became President. These are the sentiments of President Obama echoing the sentiments of then-Senator Obama when he said there is a way that this government is supposed to run and it takes all three branches to make it happen. Nobody can do it alone.

President Obama, May 2010:

Comprehensive reform. That is how we are going to solve this problem. Anybody who tells you it is going to be easy or that I can just waive a magic wand and make it happen hasn't been paying attention to how this town works.

He knows that it has to be a collaborative effort in order to change the law.

July 2010, President Obama:

There are those in the immigrants' rights community who have argued passionately that we should simply provide those who are here illegally with legal status or at least ignore the laws on the books and put an end to deportations until we have better laws.

That is what folks were asking of President Obama:

Can't you just ignore the laws? If you can't ignore the laws, won't you just put deportations on hold?

The President responded with this:

I believe that such an indiscriminate approach would be both unwise and unfair. It would suggest to those thinking about coming here illegally that there will be no repercussions for such a decision, and this could lead to a surge in more illegal immigration.

Did you see that was a little different conversation than what the President was talking about a little earlier?

Statement after statement, speech after speech, conversation after conversation, the President said:

No, I can't do this because it is against the law. No, I can't do this because the Constitution doesn't give me these powers. No, I can't do this because that is not what a President in the United States of America is allowed to do.

But then the conversation begins to change. What I just read to you, Mr. Speaker, was a quote about policy:

Well, I just don't think it is a good idea to do it.

It is not it is illegal, not it is unconstitutional to do it.

I just don't think it is a good idea to do it.

Mr. Speaker, fast-forward to November of last year. The President talked about his unilateral actions to suspend deportations, exactly as he said years earlier he was not allowed to do under the law.

He says this:

The actions I'm taking are not only lawful, they're the kinds of actions taken by every single Republican President, every single Democratic President of the past half-century.

And to those Members of Congress who question my authority to make our immigration system work better or question the

wisdom of me acting where Congress has failed, I have one answer: Pass a bill.

I want to work with both parties to pass a more permanent legislative solution. And the day I sign that bill into law, the actions I take today will no longer be necessary.

That is pretty powerful, Mr. Speaker.

I wanted Congress to do what I wanted Congress to do, but they didn't. It didn't. So I'm going to do it myself. I have said that I couldn't. I said it was illegal to do. But I have rethought it. I now think it is perfectly legal to do, and I'm going to do it. But good news, Congress, good news, American people. As soon as Congress does do what I want it to do, I'm going to stop doing what I'm not allowed to do.

Where was the outcry? Not the outcry over the policy, Mr. Speaker. The outcry over the process. We heard the outcry from Democrats when President Bush was overreaching. We heard the outcry from Republicans as President Obama has been overreaching.

But where is the outcry from America that says:

You know what? There might just be some wisdom in what John Adams and James Madison had to say. You know what? There might just be some merit to this whole separation of powers, checks and balances idea. You know what? Perhaps the ends don't justify the means. Let's stick with constitutional authority.

Mr. Speaker, this is not just a congressional or an executive branch issue. I quote Jonathan Turley, law professor, one of the eminent constitutional scholars of our time.

He says this:

Our government requires consent and compromise to function. It goes without saying that, when we are politically divided as a Nation, less tends to get done.

I don't believe that shocks you, Mr. Speaker. It certainly doesn't shock me.

However, such division is no license to go it alone, as President Obama has suggested. You have only two choices in our system when facing political adversaries. You can either seek to convince them or you can replace them.

That is pretty powerful. As we talked about Constitution Day yesterday, Mr. Speaker, that is pretty powerful.

When we disagree in this country, we have two options. We can either change one another's minds or we can replace the people that we put in authority to make those decisions.

Jonathan Turley continues:

This is obviously frustrating for our Presidents and their supporters who want to see real change and to transcend gridlock. However, there is nothing noble in circumventing the Constitution. The claim of any one person that they can get the job done unilaterally is the very siren's call that our Framers warned us to resist.

□ 1345

The very notion that anyone can get the job done alone, Mr. Speaker, is the siren's call that our framers warned us to respect. Jonathan Turley continues:

It is certainly true that the Framers expected much from us, but no more than they demanded from themselves.

Mr. Speaker, this was November of 2014, when the President did his last

round of unilateral immigration changes. Headline of the Washington Post, "President Obama's Unilateral Action on Immigration Has No Precedent." February of this year, headline, "Federal Judge Blocks Obama's Executive Actions on Immigration."

These aren't issues for the courts, Mr. Speaker. If Congress passes a law and the President signs a law and that law is unconstitutional, that is the issue for the courts. The issue of whether or not we want Presidents to be able to amass all the power so that they can get the job done alone is not an issue for the courts. It is an issue for every single one of us as citizens.

Mr. Speaker, I went through the Affordable Care Act. I went through immigration. It is not like the list is short.

Climate change, do you remember the climate change bill when Democrats had complete control of the U.S. House and the United States Senate and the White House the first 2 years of President Obama's first term? They worked and worked and worked and worked to pass a climate change bill. They couldn't do it. It was rejected in a bipartisan way on Capitol Hill.

Headline from the Washington Post, last month, August, 2015, "What You Need to Know About Obama's Biggest Global Warming Move Yet, His Clean Power Plan." This is an editorial from Laurence Tribe, another constitutional law professor recognized by absolutely everyone on both sides of the aisle for his knowledge. I would tell you he is not a particularly conservative law professor. I would tell you that he stands with my liberal friends more often than he stands with my conservative friends.

But he is not talking about liberalism. He is not talking about conservatism. He is not talking about public policy. He is talking about constitutional law, and he says this:

As a law professor, I taught the Nation's first environmental law class 45 years ago; and as a lawyer, I have supported countless environmental causes. And as a father and grandfather, I want to leave the Earth in better shape than when I arrived.

All of his policy goals support the environment, support those causes—want to leave the Earth in better shape than I found it. He says:

Nonetheless, I recently filed comments with the Environmental Protection Agency urging the Agency to withdraw its Clean Power Plan, a regulatory proposal to reduce carbon emissions from the Nation's electric power plants. In my view, coping with climate change is a vital end.

Hear that. In his view, solving the problem that the President aims to solve is a vital end.

Laurence Tribe continues:

But it does not justify using unconstitutional means.

Mr. Speaker, I don't admire the men and women in this Chamber who rise to their feet to cheer the causes that they support. I admire the men and women

in this Chamber who do the right thing, even when it is hard to do so.

I admire the men and women who stand up to their party leadership when it is hard to do so. I admire the men and women who put their obligation to their constituents above their obligation to party, who put their obligation to the Constitution above their passions for the direction of public policy.

Taught the first environmental law class 45 years ago. Coping with climate change is a vital end, but it does not justify using unconstitutional means.

I go on, Laurence Tribe:

Even more fundamentally, the EPA, like every administrative agency, is constitutionally forbidden to exercise powers Congress never delegated in the first place.

The brute fact is that the Obama administration failed to get climate legislation through Congress, yet the EPA is acting as though it has the legislative authority to reengineer the Nation's electric generating system and power grid. It does not.

Mr. Speaker, we are going to have this case litigated, and nine men and women in black robes across the street are going to decide this issue. And we know how they are going to decide this issue.

My fear is not that we are not going to get the right decision. We are. This isn't our first rodeo here, Mr. Speaker. Remember the recess appointments from January 2012, where the President stood, and he was giving a speech in a high school in Ohio. He was giving a speech to high school students, and he went and he told the tale, Mr. Speaker, of how there was gridlock in Washington, D.C. He told the tale of how he wanted to get the people's business done and how Congress was standing in the way.

Every time he spoke up and talked about how there was gridlock in Congress, there were boos in the crowd. Every time he spoke up and said, "But don't worry, I'm going to go it alone," there was applause throughout the crowd.

Our students who are studying constitutional principles today, our students who are being trained to be that next generation of leader, that citizen who sits on the board of directors of the United States of America, 330 million of us, stood and applauded when the President said Congress won't do it, so I will do it without them.

He was applauded by Democrats, Mr. Speaker. He was criticized by Republicans. He went right ahead and did what he said he would do. He brought out a legal memorandum that still sits on the Justice Department Web site outlining why it was absolutely permissible to do what he was doing, even though the Constitution clearly said it was not.

That case made its way through the Supreme Court, Mr. Speaker. It was the *NLRB v. Noel Canning* case, and it was decided 9-0.

If you were a Supreme Court Justice appointed by President Reagan, you

told President Obama that he was violating the law. If you were a Supreme Court Justice appointed by President Clinton, you told President Obama he was violating the law. It does not matter whether you were a Clinton, Reagan, Bush, or even Obama appointee, nominee to the Supreme Court. Every single one of them agreed that the President overstepped his bounds.

My question, Mr. Speaker, is: You remember that spring of 2012, but how many American citizens do, those cheering high school students in Ohio, that campaign stop at a high school auditorium to say, I'm going to go it alone. Do they remember when nine Supreme Court Justices said: No, you won't; no, you won't.

Where does it stop, Mr. Speaker?

Congress says: No, you won't. Congress says: This is our responsibility. The President says: You are not getting it done my way; I'm going to go it alone. So it goes to the Supreme Court. The Supreme Court says, unanimously: No, Mr. President, you are not going to go it alone.

It is only one short step between the executive branch ignoring the coequal branch of the government that is the legislature and the executive branch ignoring the coequal branch of government that is the Federal courts.

That burden lies on us, Mr. Speaker. It is not a Republican burden or a Democratic burden. It is an American burden.

I signed up to be on the Oversight Committee, Mr. Speaker. You know the Oversight Committee here on Capitol Hill. It has jurisdiction over absolutely everything, and its job is to make sure the executive branch is doing what the executive branch is supposed to do.

I signed up to be on the Oversight Committee because I thought Mitt Romney was going to win the last election, and I wanted to be the guy who said to the next Republican President: No, Mr. President, you can't do that. We are Article I of the Constitution; you are Article II of the Constitution. There is a process here, and process matters.

Well, Mitt Romney didn't win that election, so we are doing oversight over the Obama administration; and every single legitimate issue the Oversight Committee took up, headlines in the papers about just political hacks going after their political opposition. It is not true, and it is too important to dismiss in that way.

James Madison, Mr. Speaker:

The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one or few or many, and whether hereditary, self-appointed or elective, may justly be pronounced the very definition of tyranny.

This President has just over a year left in the White House, Mr. Speaker. I am not here to talk about President Obama. I am here to talk about our responsibility as 435 Members of the

House. I am here to talk about America's responsibility as 330 million individual members of America's board of directors.

Does process matter or do the ends justify the means? Hold Republicans accountable for not standing up to President Bush. Hold Democrats accountable for not standing up to President Obama. Hold your friends and your neighbors and your coworkers accountable if you hear them say the ends justify the means.

We can only imagine how dangerous these times were. We can only imagine the summer of 1787 as the entire future of the Republic hung in the balance. We can only imagine 1776 when we were declaring our freedom from the world's largest superpower. We can only imagine what it meant to sign our name on a document pledging our lives, our fortunes, and our families' lives to the cause.

And as they grappled with those decisions in 1776, in 1787, they knew one thing with certainty: having all of the power accumulate anywhere, with anyone, was a threat to individual liberties and freedoms.

The President disagrees with me on a lot of public policy, and I welcome him to come down here to Congress and advocate for it; and if you get the votes in this body and you get the votes across the way and you beat me on public policy, fair and square. That is the way it is supposed to be. But when any one of us decides that our priorities, our policy preferences, are so important that the Constitution takes a backseat, we are not long for this form of government, this greatest experiment the world has ever known in self-governance.

It is easy to talk about health care, Mr. Speaker. It is easy to talk about environmental policy. It is easy to talk about water policy. The list goes on and on and on. What is hard is changing that policy, and it is deliberately so. It is deliberately so.

As the Courts have taken these challenges on, Mr. Speaker, 9-0, reining in the President from his overreach. And in that 9-0 case, Noel Canning, just 2 years ago, the Supreme Court said this:

The recess appointments clause—that was what they were arguing about at the time—is not designed to overcome serious institutional friction. It simply provides a subsidiary method for appointing officials when the Senate is away during a recess.

Here, as in other contexts, global warming, health care, water policy, on and on and on, here, as in other contexts, friction between the branches is an inevitable consequence of our constitutional structure.

Mr. Speaker, I challenge you to go home to your constituents, as townhall meeting after townhall meeting after townhall meeting talks about the gridlock in Washington, D.C. Friction between the branches is an inevitable consequence of our constitutional structure. We must celebrate that friction, Mr. Speaker.

We have two ways to change policy in this country: You can either change your neighbor's mind, or you can replace your delegate to office. Changing minds and changing people are the only two methods we have in this country. It is the consequence of our constitutional structure.

I do not fear gridlock. I am not concerned that we cannot find a pathway forward. I do fear one man, one group, one party having all of the control.

□ 1415

I do fear folks short-circuiting a process that our Founders put in place to keep us safe for generations to come.

Mr. Speaker, I hope you will join me, as Constitution Day has just passed, in celebrating the wisdom in that summer of 1787 and committing ourselves—Republicans and Democrats alike, House Members and Senate Members alike—to ensuring that policy does not trump process, to ensure that we get to where all of America wants us to be, but that we get there the right way, not just because it matters, but because that is what the Constitution and the law requires.

Mr. Speaker, I yield back the balance of my time.

#### BORN-ALIVE ABORTION SURVIVORS

The SPEAKER pro tempore (Mr. RATCLIFFE). Under the Speaker's announced policy of January 6, 2015, the Chair recognizes the gentleman from Arizona (Mr. FRANKS) for 30 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I have a special guest with me tonight, my son Joshua, who was allowed the privileges of the floor. He has given me a speech tonight, and I appreciate it very much.

Mr. Speaker, the United States of America is an exceptional Nation whose unique core premise is that declared conviction that we are all created equal and that each of us is endowed by our Creator with the unalienable right to live.

Abraham Lincoln called upon all of us in this Chamber and beyond to remember those words of the Founding Fathers and "their enlightened belief that nothing stamped with the divine image and likeness was sent into the world to be trodden on or degraded and imbruted by its fellows."

He reminded those he called posterity that "when in the distant future some man, some factions, some interests should set up a doctrine that some were not entitled to life, liberty, and the pursuit of happiness that 'their posterity'—that is us, Mr. Speaker—"that their posterity might look up again to the Declaration of Independence and take courage to renew the battle which their fathers began."

Mr. Speaker, the sincerest purpose of the Born-Alive Abortion Survivors Protection Act that we voted on today is to renew that noble battle, to respect

and protect those little fellow human beings among us who are at this moment being trodden on and degraded and imbruted by their fellows.

Not long ago, in the land of the free and the home of the brave, authorities entered the clinic of Dr. Kermit Gosnell and found a torture chamber for little born-alive babies that defies description within the constraints of the English language.

The grand jury report at the time said, "Dr. Kermit Gosnell had a simple solution for unwanted babies: he killed them. He didn't call it that. He called it 'ensuring fetal demise.' The way he ensured fetal demise was by sticking scissors in the back of the baby's neck and cutting the spinal cord. He called it 'snipping.' Over the years, there were hundreds of 'snippings.'"

Ashley Baldwin, one of Dr. Gosnell's employees, said she saw babies breathing and that she described one as 2 feet long that no longer had eyes or a mouth, but, in her words, was making like this "screeching" noise and that it "sounded like a little alien."

Now, in recent days, Mr. Speaker, numerous video recordings have been released that demonstrate to the world that Kermit Gosnell is just the tip of the iceberg of the abortion industry's unspeakable cruelty to these little babies.

The veil has now been pulled back, Mr. Speaker, and all of us now see behind the walls of the abortion industry and the horrifying plight of its little human victims who, we must not forget, are also the least of these, our little brothers and sisters.

Our response, as a people and a nation, to these horrors shown in these videos is vital to everything those lying out in Arlington National Cemetery died to save.

Before any Senator, Mr. Speaker, decides to join a Democrat filibuster in the Senate against legislation that would protect little born-alive human babies, I hope they ask of themselves one question in the core of their own souls: Is filibustering against a bill to protect born-alive human babies from a torturous death at the hands of monsters like Kermit Gosnell who I truly am?

Now, I know that legislation like this has been attacked by President Obama and even others because of the many obvious similarities these born-alive children have with late-term, pain-capable, unborn children.

Mr. Speaker, this was an unborn child, but she was born alive and she survived. As hard as it is to consider that that could happen, she did.

President Obama explained his reasons for voting four times—Mr. Speaker, let me say that again. President Obama explained his reasons for voting four times against the Born-Alive Infants Protection Act, which would have protected children born alive.

He was afraid it might give born-alive babies personhood under the Equal Protection Clause of the 14th Amendment.