

In a widely quoted section of his letter, Professor Tribe assailed Dr. Siegan's support of the *Brown v. Board of Education* ruling as "a component of the right to travel, a right long secured by the Federal courts," which was, of course, Dr. Siegan's reason for supporting *Brown v. Board of Education*.

At the time Professor Tribe claimed that this legal view was "tortured" and part of "Mr. Siegan's radical revisionism." At the conclusion of the letter, Professor Tribe wrote, "The notion that it is a black child's freedom to 'travel' onto the school grounds that segregation laws infringed is so bizarre and strained . . . as to bring into question both Mr. Siegan's competence as a constitutional lawyer and his sincerity as a scholar." This type of assault was typical of the attacks which preceded the defeat of Dr. Siegan's nomination. That was back in 1987. And much has changed since then.

By the time that Dr. Siegan died in March of 2006, he had many books and speeches and articles that made him one of the most prolific and respected legal and constitutional scholars on the political right. He is today credited with being a father of the recurrent rejuvenation of property rights theory in law.

In response to Dr. Siegan's defense of his views regarding *Brown v. Board of Education*, Tribe replied in a letter to Dr. Siegan's wife, and this was September 6, 1991: "I have reconsidered my description of your analysis of *Brown v. Board of Education* in footnote 10 on page 1379 of the second edition of *American Constitutional Law*. I agree with your general approach that *Brown* can be justified by arguing from the 'liberty' component of the 14th amendment . . ."

Now, that was a letter sent to Siegan years later by Dr. Tribe and when Dr. Tribe and Dr. Siegan were corresponding. These letters were found by his wife, Shelley. Tribe in that same letter writes: "Although I do not reach the same conclusions you do, the issues you raise are important enough to be worthy of scholarly discussion. I am now in the process of drafting a rather substantial supplement to my treatise summarizing recent developments in constitutional law. In my discussion of the equal protection clause, I will include a citation to your book that I am sure will please you more than the citation did in the last book."

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Unfortunately for the public reputation of Dr. Siegan, Professor Tribe never did complete the supplement to his treatise, and Dr. Siegan, of course, passed away after that exchange of letters.

Mrs. Siegan wrote to Professor Tribe after discovering these letters and asked Dr. Tribe for information on the planned, but not completed, supplement. She also asked the following question: "In the 19 years since you penned your letter to JOE BIDEN, I won-

der if you have reconsidered your comment regarding Bernie's competence as a constitutional lawyer and a serious scholar?" Tribe replied to Mrs. Siegan on September 21, 2006. "Please permit me," he wrote, "to apologize to you here for the unnecessarily *ad hominem* character of what I wrote to Senator BIDEN in May of 1987. To help correct the record, if only posthumously, I am sending a copy of this letter to Senator BIDEN. Despite the differences in our perspectives," he said, "I came to think of Bernie, just as you write that he thought of me, as a colleague in the profession we both truly love and consider to be one of the noblest."

I would submit the rest of this statement for the RECORD and note that Lawrence Tribe has set the Record straight, and now the Record is straight on the great person and great scholar that Dr. Bernard Siegan was.

I am sorry to have caused him, or you, any distress, and am grateful for the opportunity your letter afforded me to set the record straight as best I could at this late date.

Mr. Speaker, the correspondence between Professors Bernard Siegan and Lawrence Tribe and the subsequent correspondence between Shelly Siegan and Professor Tribe tell us much about the ugly period of personal attack this country experienced during the judicial nomination hearings of the 1980s.

A review of the above cited letters makes it clear that Professor Bernard Siegan was a distinguished and respected scholar and champion of personal liberty and private property. Contrary to assertions made during his nomination hearings in 1987, Professor Bernard Siegan would have made an excellent addition to the Ninth District Circuit Court of Appeals. And now the record is set straight.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Ms. DELAURO) is recognized for 5 minutes.

(Ms. DELAURO 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 of North Carolina 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 California (Ms. WOOLSEY) is recognized for 5 minutes.

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

U.S. TRADE POLICY

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

Ms. KAPTUR. Mr. Speaker, the United States has just announced the

second highest monthly trade deficit for this year, \$60 billion. That is just in the month of May. Our Nation continues to import more goods and services than we export at alarming rates, with a record \$192 billion more coming into this country in the earlier part of this year than going out.

This particular chart shows the top category of concern, imported petroleum, which has continued to rise, including in this Presidential administration, despite President Bush's statement at the beginning of his administration that we have a serious problem. America is addicted to oil, which is being imported from some of the most unstable parts of the world. He said that, and yet he continued to allow the import of more petroleum.

Americans are watching as our government does nothing to curb these growing trade deficits, with their accompanying job losses, deteriorating labor conditions and community washouts that U.S. trade policy leaves in its wake.

A bill I have sponsored, H.R. 169, the Balancing Trade Act of 2007, requires the President, if over 3 consecutive calendar years the United States has a trade deficit with another country that totals over \$10 billion, to take the necessary steps to create a trading relationship that would eliminate or substantially reduce that trade deficit by entering into better agreements with that country. In other words, if the United States runs a substantial deficit with any one country, the President must report back to Congress on his plans for correcting that imbalance. This is a very constructive first step to correct the path of U.S. trade policy which is yielding this red ink.

Our bill calls attention to those countries who are taking advantage of our willingness to import goods from them while they block our access to their markets. Our two largest deficits in 2006, for example, were first with China. This is a country we have amassed a \$232.5 billion deficit. That is an enormous amount, comprising about a quarter of what we have amassed with all countries in the world. And the deficit with China has just grown at alarming proportions.

The next largest deficit is with Japan. That has been a lingering deficit that has been growing over the years. It now totals about one-third of what we accumulate with China; it's about \$88.4 billion. And every billion in deficit equals a loss of between 10,000 and 20,000 jobs in this country. That is a displacement in production in this country, putting it someplace else.

Now, these deficits have persisted for years, which makes them particularly troublesome. This chart illustrates our deficit with China pre and post what is called "normal trade relations" with China. We had a very bad deficit already back in the late 1990s, but with the adoption of permanent trade relations with China, that deficit has more than doubled.

If we had taken steps to correct this deficit at the beginning of the downward turn rather than turning our backs on it and allowing more red ink with China, our country would be stronger today. It would not have the kind of annual budget deficits that we're having. And we would be more economically secure here at home and, frankly, politically secure in the world. Instead, we continue to sacrifice our jobs to the lowest bidders in closed markets that do not follow rules of free trade. Free trade can be productive and it can be profitable, but only if it is free trade among free people.

Trading with closed economies that manipulate currency, that choose not to enforce what scant labor standards they might have, and otherwise levy very restrictive non-tariff barriers against our products harm our economy. America, wake up. We can no longer ignore the games that our competition is playing with us. We must trade for America; not for secret, non-transparent governments to prosper off our unwillingness to hold them to democratic standards or, at the very least, the rules of truly free trade among free people.

I urge my colleagues to join me in requiring the President to address this issue by cosponsoring our bill, H.R. 169. We must take action to reduce the trade deficit and restore our economic independence, competitiveness and begin creating jobs across our country again.

DEMOCRATS' BROKEN PROMISES

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

Mr. BURTON of Indiana. I would like to say to my colleagues who may be in their offices that were going to join me in a special order tonight that we're not going to be able to do it because of the late hour. So I'm going to take a 5-minute special order to talk about some of the issues we were going to discuss.

Today, we discussed at length the war in Iraq. And that's probably the most important issue facing America today, and I'm glad we had that very thorough debate.

But one of the things that's very, very important that we're not focusing enough attention on is transparency in government and the amount of money that we're spending and the taxes that are going to be raised.

When this new Speaker and the majority came into power, they said this was going to be the most transparent House in the history of the country, in all respects. And just 2 weeks ago, the majority wanted to start talking about a Slush fund rather than debating each one of the earmarks that should have been debated on this floor. And they were going to take that Slush fund money and go to the conference committee and behind closed doors decide

how that money was going to be spent. The American people don't want that. The American people want to hear these issues debated, the amount of money being debated for special projects, so they know where their tax dollars are going and what the purpose is.

Not all earmarks are bad. Some of them are very, very good and very necessary, but they ought to be debated one by one on this floor so the American people know where their money is going.

I would like to also say that the budget that was passed by the opposition is going to necessitate at least a \$217 billion tax increase, and in all probability it will be more like \$392 billion, which would be the largest tax increase in the history of this country. And that, at a time when we need to address some of the more pressing issues, like how we deal with the Social Security trust fund.

The Social Security trust fund will go into deficit in 10 years. And at that point, we're going to see the American people starting to look at Social Security as a program that's going to be in the past, no longer something that we can rely on in the future.

The young people in this country are going to have a terrible time planning for their retirement because there won't be any money in the Social Security trust fund in the future for these young people unless we start addressing the problem right now, and we're not doing it.

As I said, the projected tax collections for Social Security and the spending for Social Security are going to be exceeded in 10 years. And after that, adjusting for inflation, the annual deficits for Social Security will reach \$68 billion in the year 2020, \$267 billion in 2030, and \$331 billion in 2035. Many of us won't be around to see that, but our kids and our grandkids will, and they will be saying, why didn't we address the issue of the deficits and Social Security when we had a chance?

We can do that still today, but we're not focusing attention on that. And the people who are relying on Social Security and the Social Security trust fund ought to know that we're not addressing the problem. And the solvency of that fund, not for us, but for the future generations, is not going to be there, which means that we will have to either raise taxes or cut benefits. This is going to happen unless we address that issue.

So I would just like to say to my colleagues tonight, we are concentrating on the major issues, the war in Iraq, and a lot of other issues that are very important, but we must not neglect the budget. We must not neglect transparency and bringing these issues to the floor for debate, and we must not neglect addressing the issue of Social Security reform, because if we don't do it, our kids and our grandkids aren't going to have a retirement program to rely on.

SPENDING AND ACCOUNTABILITY

In order for the government to be held accountable to the taxpayers that fund it, the American people deserve truth in budgeting and have a right to know how federal dollars are spent.

Two weeks ago, House conservatives—on behalf of taxpayers—led the charge to demand transparency in the Federal spending process.

In stark contrast to the views they espoused during the 2006 campaign cycle Appropriations Committee Chairman OBEY and the Democrat leadership proposed to leave lump sums of money without a specified purpose in the appropriations bills considered by the House, and later authorizing those funds for earmarks in closed door Conference Committee. In other words, the very people who promised America: "We will bring transparency and openness to the budget process and to the use of earmarks, and we will give the American people the leadership they deserve." (PELOSI Press Release 12/11/2006)

Instead they proposed to create a secret slush fund for earmarks—to be funded by the largest tax increase in American history. Make no mistake about it; the budget passed by House Democrats includes what will likely become the largest tax increase in history. Though they try to claim otherwise, the truth is in black and white in the language of their own bill; and the truth is that it will raise taxes by at least \$217 billion and in all likelihood \$392 billion.

Conservatives were successful in stopping the slush fund and bringing transparency to earmarks; bringing them into the light of day where they can be debated and voted on by Members of this House.

Not all earmarks are bad things, but not all earmarks are a Federal priority. But we should respect the American people enough to stand up and debate this issue. The simple argument that, "it's a good project" should never be enough to justify spending taxpayer dollars on it in lieu of a more pressing national priority, or returning the money to American families.

Achieving transparency is only half the battle, as conservatives we now need to push accountability; because without enforcing accountability, transparency doesn't mean much. Accountability in Federal spending can be achieved through an open and honest debate about America's priorities.

Tonight, I want to talk about a priority—a crisis that my Democrat colleagues are ignoring in their rush to raise your taxes and spend more money on entitlement programs; namely the impending bankruptcy of Social Security.

SOCIAL SECURITY SURPLUS SPENDING

A safe, secure, and stable retirement is part of the American dream. Yet time and again, Washington has proven itself incapable of managing Americans' hard earned Social Security dollars. There is no longer a debate about whether Social Security faces a problem or whether it needs to be fixed.

There is something fundamentally wrong when more young Americans believe in the existence of UFOs than believe that their Social Security benefits will be there for them when they retire. Why do young Americans feel this way? Because they can see the obvious—that Washington has been spending taxpayer dollars that have already been promised to help make their retirement more sustainable.