

Clinton administration, we wrote out HIPAA, Health Insurance Portability and Accountability Act, and certainly no one can be opposed to maintaining privacy as it relates to health care. And portability, we would be much further along if that would have taken care of portability, if it was the right solution for taking your insurance with you when you change employers. I happen to think that type of portability is a positive thing.

□ 1830

But the fact is that is what HIPAA did. And that was just one new bureaucracy that was created under HIPAA. The cost of providing health care because of HIPAA, I am sure that we could find many health care hospitals that will say, health care systems that actually probably laid off direct caregivers because they had to hire people to push papers, they had to hire people to be compliance people to be able to comply with all this massive new bureaucracy and the new regulations that were as a result of HIPAA.

Now, you take HIPAA, multiply that times at least 130, I forget the last count, my colleagues may have a better count of the new health care bureaucracies under the Pelosi or the Reid health care plans, but you just take the experience of HIPAA, the overhead costs of providing health care, multiply that times at least 130, that is a devastating effect on the providers of health care throughout this country.

Mr. NEUGEBAUER. I thank the gentleman. And I think he makes a great point. And I think one of the things that is the center of all of this is, you know, the administration is talking about jobs. I thought it was interesting today that they are going to quit tracking jobs tied to the stimulus plan because you know what, the stimulus plan hadn't been creating any jobs. This health care plan is going to stimulate, it is going to stimulate a bunch of new hires in Washington, D.C., and not across the heartland of America, because they are going to have to put people in place here to fill all these positions. And they are going to be shuffling paper, and they are going to be asking hospitals and doctors and health care providers to jump through all of these hoops so that they can justify their jobs.

I think the American people want to create jobs out there in States like Ohio and Texas. So, you know, the job creation, unfortunately, is moving in the wrong direction if you are creating jobs in Washington, D.C. we need to be creating jobs in the heartland of America.

I want to yield some additional time to my friend from Ohio.

Mr. LATTA. I appreciate the gentleman for yielding. I would be remiss if I didn't bring this up. As I mentioned a little earlier, I represent the largest agricultural district in the State of Ohio, along with manufacturing. When

we are talking about all these numbers about what could occur with all this massive debt that we are going to be accumulating, what is that going to do to the farmers out there? How are they going to get their crops out? How are they going to be able to buy land? How are they going to be able to buy machinery?

The last thing that we want to be in this country, not only do we not want to be a debtor Nation, but we don't want to become dependent on the rest of the world for our food. Because once we lose that ability to grow our own food, to supply it for ourselves, we are done. And if the American people think the times are tough now when we are worried about where we get our energy or who is going to be buying our debt, you throw food into that mix, and that will be pretty much the end. I think that is why you take all these things together and why this debate is so important. And that is why I think really that we should have had this debate going on across the United States. I appreciate the gentleman for yielding.

Mr. NEUGEBAUER. I would now like to yield some time to another one of our colleagues who has joined us here, the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I want to thank the gentleman from Texas for yielding and for hosting this hour, because it is so important right now. As the American people are watching what is going on here in Washington, most people are saying they don't want a government takeover of health care. They want us to be focusing on creating jobs, which we should be doing, but instead you have got these meetings going on behind closed doors by Speaker PELOSI and her liberal lieutenants to try to have this government takeover of health care being forced down the people's throats.

The President said multiple times during the campaign that he would insist that these meetings be held in public, they be on C-SPAN so the American people could see it. And yet the President has totally gone back on his word. These meetings are behind closed doors. You know, ironically the President goes out publicly and he bashes big insurance companies, and then he goes behind closed doors and he cuts special sweetheart deals with insurance companies. He goes behind closed doors and first says Republicans don't have a plan, and yet when we submit our plan to him, he refuses to meet with us. He throws us out of the room.

The American people are tired of this. Because we should be doing the things that we have proposed to reduce the cost of health care. But instead, you have got these back room sweetheart deals, you have got these closed door meetings instead of the public transparency that we were promised.

And it is very unfortunate, because we are talking about one-sixth of our economy. We are talking about a government takeover bill that would lit-

erally throw millions of Americans off their health care. So I appreciate what you are doing.

Mr. NEUGEBAUER. I thank the gentleman. And I thank my colleagues for entering into this very important discussion so that the American people can have a little light shined on a very important issue.

#### TERRORIST ATTACKS ON AMERICA

The SPEAKER pro tempore (Mr. MURPHY of New York). Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Thank you, Mr. Speaker.

It is an interesting time we live in. We have heard in the past year that Gitmo is the main recruiting tool, the best recruiting tool for al Qaeda, for Islamic jihadists who want to destroy America. And so I thought it was important that we look at that a little more in depth, rather than just having a cursory action, because for those of us who have been to Gitmo, I have been twice, I know that no one has ever been waterboarded at the Guantanamo Bay facility. The Khalid Sheikh Mohammed waterboarding occurred in the Middle East. And there are those that are worried about waterboarding continuing.

The fact is, when that was leaked and such a big deal made out of it and the fact that when the U.S. has done it, been involved, there have been a doctor there, there was no way they were going to allow harm to come to the individual being waterboarded, the word was out. And so Islamic extremists, jihadists that want to kill America, that want to wipe us off the face of the map, want to destroy Israel, they knew and could tell their extremists you don't have to worry if you are ever waterboarded, because they will have a doctor there, they are not going to let anything happen to you. So obviously, it will never work as a procedure again. But as we have found out, there are a lot of Americans that are alive today because that procedure was used.

So if Gitmo had never been used as a location where waterboarding or torture of any kind occurred, then why is it so bad? Well, it is because a lot of people don't know what they are talking about. Having visited many prisons as a judge, chief justice, and even as a Congressman having visited prisons, I know from visiting Guantanamo Bay facility, the detention facility there, that the people are not mistreated. They get good food. And in fact, most of the detainees there have gained weight, not lost weight. They get excellent medical facilities. They get treatment when they need it. The interrogation often, if there is any at all, occurs in a big lounge chair there.

In fact, the biggest problem there at Guantanamo Bay for those who work there is having feces and urine thrown on them. The detainees figure out really brilliant ways to go about throwing

feces and urine on the guards. Now, at most prisons if you do that you are put in isolation, where there is no way you could do something like that again. Not at Guantanamo Bay.

As I was told by a commander there, because there are so many frequent visits by those who want to make sure no one is being done wrong there, they don't want anyone ever to be found in isolation no matter how much feces or urine they are throwing. So the thing that is normally done is taking away some of their movie watching time. Yes, they watch movies there. Nothing that violates their religion. They are given Korans that American hands have never touched. They are given food that is not inconsistent with their religious beliefs. It is really rather amazing.

And then all of the money that was spent to build a courtroom facility there, and areas where the detainees could consult with their attorneys in private so that it was clear to anyone in that facility, in that detention area that there is no way to have bugs in this place, and so you could truly have private consultation, but it is so isolated an area you didn't have to worry about anybody coming in there. And the security measures were such there that it was an amazing facility for the trial of alleged terrorists.

Now, we have Americans who are saying but it is just wrong to hold somebody without trying them. Those people are completely ignorant. They are not mean. They are just ignorant of the laws of war that have gone throughout time. Because never in the history of mankind has there been a time when a group declared war on another group or country and then were captured while they were in the process of bringing war against those individuals that they were given full civilian treatment in court. Certainly there has never been any American prisoners that were treated like that.

In fact, if you read of the torture to Americans during World War II, some in the Pacific, some in Europe, but just phenomenal the treatment that has been accorded Americans. If you look at what has happened before Guantanamo Bay was ever opened to Americans at the hands of jihadists, extremists, then you find out that Gitmo didn't cause those problems. They didn't cause a rallying cry for people to join some extremist jihadist group. It was a matter of their religious beliefs.

And if you look at the pleading that was filed by Khalid Sheikh Mohammed, who has now been ordered by our President, our Attorney General to be brought to New York for trial instead of being tried under the constitutional military commission down in Guantanamo, you see what he has to say. In fact, if you go back to his last—and this was declassified so that everyone in the country and the world could know what he had to say.

Khalid Sheikh Mohammed is a very smart man. He is intent on doing ev-

erything he can to help destroy America, destroy our freedoms, destroy our way of life. But if you look at page six of his pleading, toward the end, he says, "We have news for you. The news is you will be greatly defeated in Afghanistan and Iraq, and that America will fall politically, militarily, and economically. Your end is very near, and your fall will be just as the fall of the towers on the blessed 9/11 day. We will raise from the ruins, God willing," Khalid Sheikh Mohammed says. "We will leave this imprisonment with our noses raised high in dignity, as the lion emerges from his den." And he says, "We ask God to accept our contributions to the great attack on America, and to place our 19 martyred brethren among the highest peaks in paradise."

Other comments he had to say in his pleading, and as I understand it he did his own interpretation, and he would make statements and then support them with what he believed was support from the Koran itself, he says, "God stated in his book, verse 190, Al-Baqara, and fight in the way of Allah those who fight you, but Allah likes not the transgressors." But then he goes on in the very next page and talks about then fight—and he quotes, he says, "From God's book, verse nine, Al-Tawbah, then fight and slay the pagans wherever you find them, and seize them, and besiege them and lie in wait for them in each and every ambush."

□ 1845

He says himself, "In God's book, he ordered us to fight you wherever we find you, even if you were inside the holiest of all holy cities, the Mosque in Mecca, and the holy city of Mecca, and even during sacred months." So we've been told we could never fight a battle with extremist jihadists during Ramadan because that might violate their religious beliefs. Khalid Sheikh Mohammed states his belief that it's fine for them to blow us up in their sacred months, that's just fine.

He goes on in another place, he says, "We do not possess your military might, nor your nuclear weapons. Nevertheless, we fight you with the Almighty God. So, if our acts of jihad and our fighting with you caused fear and terror, then many thanks to God, because it is him that has thrown fear into your hearts, which resulted in your infidelity, paganism, and your statement that God had a son and your trinity beliefs."

So obviously anyone who is a Christian, who believes that there is a Father, Son and Holy Ghost as part of the Holy Trinity, as was cited in the Treaty of Paris 1783—an original copy of that is over in our State Department on display. And you can see that the bold big letters that start the Treaty of Paris in which England had to recognize the United States—there was a treaty after the surrender at Yorktown, but this was the official treaty that England officially signed onto. They knew this was so important that

they had to have it done in the name that was so important that no one in England would dare try to violate that oath. So in big, bold letters it says, "In the name of the undivided and most Holy Trinity."

So Khalid Sheikh Mohammed makes clear that anybody that would sign onto something like that clearly is an infidel and needs to be killed.

Then he quotes, God stated in his book, verse 151, Al-Umran, "Soon shall we cast terror into the hearts of the unbelievers, for that they joined companies with Allah, for which he has sent no authority"—in other words, saying that Allah or God had a son—"their place will be the fire; and evil is the home of the wrongdoers."

Again, this is the pleading that was declassified by the court so we could know what Khalid Sheikh Mohammed wrote. And he wrote it apparently, but on behalf of himself and the other prisoners who are now going to be transferred to New York City in an unprecedented move to get him right in the middle where he can cause more trouble.

By the way, they were planning on pleading guilty. They were pleading guilty. There was not going to be much of a trial because they were going to plead guilty, take credit for what they've done, as he has done in this pleading. But now that our President and the Attorney General have said, hey, let's bring them to New York, let's give them a platform to spew their anger and hatred and disgust for the United States and let's give them a platform—they didn't say this verbally, but it's clearly what is happening and will happen—this will give them a platform to recruit for the terrorists.

I know the President didn't intend to do that, I know that our Attorney General didn't intend to do it, but they're just ignorant of history and therefore they don't realize—and we'll forgive them, they know not what they do. But we need to look at these things that have been said.

If you look at the bottom of page 5, Khalid Sheikh Mohammed says, "America is the number one, and the largest country in the world, spreading military might and terrorism." He says, America is the principal and greatest supplier to the occupying terrorist State of Israel, and so God has ordered us to spend for jihad and this cause. And he says this is evident in many Koranic verses.

There is one thing he says, though. He says, "God has stated in his book, verse 14, Al-Hashir: They fight not against you even together, except in fortified townships, or from behind walls, their enmity among themselves is very great, you would think that they were united, but their hearts are divided. That is because they are a people who understand not."

And so as Khalid Sheikh Mohammed is saying, this is a great recruiting tool because of their ignorance. They don't

know who they're fighting. They're not united. Obviously they're people that don't realize we're at war with them, and so they want to be buddies. And others realize we're at war with them and they want to stop us. But because of that division, the ignorance of those who don't really understand the war—not of the vast majority of Islam, but for this small, perhaps 1 percent of Islam, these extremist groups, they're saying they're going to be able to defeat us because we're divided because so many are ignorant and don't understand that they are in such a war with us.

I see I have a colleague, Mr. THOMPSON; I would like to yield him such time as he may need.

Mr. THOMPSON of Pennsylvania. I appreciate that. I appreciate my good friend from Texas for hosting this hour on such an important issue. Really, this is about national security. And I also appreciate your leadership on this. I believe you serve on the Judiciary Committee, and with your background as a judge, a chief justice, you have so much experience in this area. My background is not in those same areas, and so I appreciate having a leader and somebody with that type of experience on these issues we're looking at.

My concern as a citizen and as a Member of Congress is what I think is the number one responsibility, the primary responsibility of the United States Government, and that is to provide for national security, safety and security for our citizens. This is an issue that touches my heart deeply in terms of the risks that are involved here.

We are at war, and we are at war with an enemy that is not uniformed, an enemy that is evil, and the measures that it uses as they seek to kill Americans. And so this whole issue surrounding Guantanamo Bay, which I think has worked well in terms of, in a very humane way, a respectful way, housing terrorists, those captured in the act of war, and has treated them very respectfully, I have tremendous concern. I don't have a legal background, obviously, and that's why I look forward to your opinions on that and your insight.

As the President, whom I disagree with—I think our country is safer by using Guantanamo Bay, where those individuals are right now, to keep them there as opposed to bringing them to New York for trial, or bring them to Illinois to be housed, or to bring them to our shores, to our soil. I would like to yield back to the gentleman in terms of legal concepts such as discovery. What do you see as the risks as the President continues, I believe, in opposition of the majority of the American people that want to bring these terrorists to our soil?

I will yield back.

Mr. GOHMERT. That is an excellent question that's been posed about the type of discovery that's afforded in a civil trial, in a civilian U.S. district

court as opposed to those in a military commission. A military commission, as set up constitutionally, as the Supreme Court has said is constitutional, has more limited discovery, so we do not have to turn over all our national secrets to our enemies during a time of war when they're at war with us.

Can you imagine if during World War II there were Japanese or Germans who were at war with us captured on the battlefield and President Roosevelt or President Truman had said, you know what? We're going to bring them in and put them in a show trial in a U.S. district court in America. Well, they would say, well, we, as defendants, we want all your information; Germans saying we want to know what information you have about our Enigma machines. We want to know in the Japanese area of occupation what information you have. All the demands that can be made in discovery. And you say, well, a U.S. district court can review those things privately and decide what can be disclosed and what can't. You don't have to disclose state secrets. It is ridiculous to get to that point.

I hear some, again, who are ignorant of history—good people, just ignorant of history—that think we need to afford these people all of the rights that any American has. Well, an American who is at war with another country is afforded certain rights, but not the rights that they would be afforded in a U.S. district court. They're afforded all of the rights that our Constitution requires in the military commission. And there is more restrictive discovery.

Unfortunately, there was ignorance in America and among our leaders and among most of us in America that there was a war going on. The United States was at war, but only one side knew, and that was the side attacking us. President Carter didn't realize that; actually, President Reagan didn't realize that. President Clinton certainly didn't realize that. For all the good things he was doing to try to help oppressed Muslims in the world and sending troops to help out, you would have thought that there wouldn't be this type of thing being planned on his watch.

But we know from the trial back in the early 1990s after the bombing at the World Trade Center in 1993 that, on the one hand, information was disclosed in discovery that the U.S. had gotten intelligence by intercepting cell phone calls. That was immediately traced back to al Qaeda, and they immediately stopped using cell phones. And so had that not occurred and that trial not occurred in a U.S. district court, so they wouldn't have handed over the information that we were getting our intelligence from cell phones, there is an excellent chance we would have known that 9/11 was coming from the cell phone chatter. But that was foreclosed.

We also know from that trial back in the 1990s that information was demanded by the defendants of the unnamed co-conspirators. That was re-

quired to be disclosed. Within 2 weeks, all of that information was back in the hands of Osama bin Laden and they knew who not to use and who we were on to. Again, it hurt us dramatically in our intelligence efforts to defend ourselves and to prepare for the onslaught against us. So it is dangerous to provide people at war with you with the kind of discovery that will be available in the U.S. district courts.

What is infuriating to me—I was in the Army for 4 years. I know about the military justice system. To think about our soldiers in harm's way having the requirement put on them that for the future you may have an Attorney General or a President that decides the people you capture on the battlefield are entitled to a trial in a U.S. district court. Therefore, we know you're being shot at, but go ahead and go on out there and bring your forensic wagon and start getting fingerprints so we can prove that they touched the bullet casings that you saw them touch because your testimony in a U.S. district court will need to be supplemented with hard evidence.

We will need DNA evidence, we will need other evidence forensic in nature. We'll have to have people go out there and check out the bodies, take the bullets out of our servicemen who were killed by this guy you saw shoot so that we can establish that, yes, their fingerprints were on the weapon. That is insane to require our soldiers and sailors, our military in harm's way to go out and be conducting forensic evidence examinations on a battlefield during a time when people are at war with us.

I was glad to hear our President say in the last couple of weeks that he recognizes now that we are in a war. Well, if we're in a war, you don't bring—they were called "enemy detainees"; now, as amended in the past year by our majority here in the House and Senate, that language has been changed. It was just really kind of impolite to call them enemy combatants. That language has now been changed in the law to "alien unprivileged enemy belligerents." Hopefully that will make them feel better.

But it goes back to what Khalid Sheikh Mohammed said in his pleading, "They fight not against you even together.

"Their enmity among themselves is very great, you would think that they were united, but their hearts are divided. That is because they are a people who understand not."

□ 1900

They know that there are people in this country who are ignorant, that they are in a war and intend to destroy us, and they say that's what gives them the advantage over us. So you have people well-intentioned. Now, that's a good intention of the President of the United States to say, You know what? We're going to be above board, give them all this information, and

have all of these open trials. Of course, we also heard we were going to have open proceedings on the health care bill, and that hasn't happened. Although we're not going to open up the health care debate and although we're not going to do what we promised and put it on C-SPAN, we are going to do that for the enemies of the United States. That is extraordinary.

Mr. THOMPSON of Pennsylvania. Will the gentleman yield?

Mr. GOHMERT. Certainly.

Mr. THOMPSON of Pennsylvania. Yes, I have just tremendous concerns with these decisions the administration is trying to move.

I know the Republicans in this Congress have been working very hard over the past year to keep those terrorists—I don't care what other label they put on them. They're terrorists. I have a son who was wounded as a result of some of those folks south of Baghdad, and they're terrorists. They seek to do harm. They want to kill Americans. They've been captured in the act of war, in the war theater.

I have tremendous concern with the Commander in Chief and with my colleagues on the other side of the aisle who, I really think, have compromised principles. You look at every decision that gets made, and there are principles behind it. I think the principle that should be above all for the Commander in Chief and for the United States Congress is the safety and security of the United States citizens. It comes down to keeping every individual American as safe as absolutely possible, and that's the principle that should be guiding us.

If that is the principle that should be in place—and that's a principle that is easy to find within the opening paragraph of the Constitution of the United States—then this would not be a debate. We would come to the conclusion that our commanders who established Guantanamo Bay used the right wisdom, the right rule of law to do that, and we are doing that in a fair and humane way to keep those terrorists housed and to keep Americans safe.

Yet the principle, I believe, that is being followed by our Commander in Chief and by my colleagues on the other side of the aisle is one of almost bowing to other countries, of doing what appears to be politically correct, of winning favor in the international community, that closing Guantanamo Bay is not good for Americans. It seems like it's something that is offered up as a public relations move to the rest of the world.

I yield back for your thoughts.

Mr. GOHMERT. I would take you back to 1978 when a very nice man at that time was the President, named Jimmy Carter. I believe it was in 1978 that President Jimmy Carter hailed the Shah of Iran as leading a country that was the most stable entity in the whole Middle East. Then a year later, it had been home to a revolution. Ayatollah Khomeini came back, and for

the first time in our lifetime—some say the first time ever—but certainly, for the first time in my lifetime, there were Islamic extremists, jihadist individuals, who were in charge of a nation and that nation's military. So going back to what Khalid Sheikh Mohammed said in his pleading: Their hearts are divided. That is because they are people who understand not.

Well, we had a President—again, a nice man, Jimmy Carter—but he understood not. He was wrong about the shah's having such a stable country. It was not stable. That was misread. Then he misread that these were guys who, if you just were nice to them, they'd be nice back. Apparently, they even sent a Cabinet member to talk to the representative of Ayatollah Khomeini to tell him, Look, we're ready to be friends, to help, to have a wonderful relationship with you. Just let us know when and how fast you want to proceed. He understood not that these people considered themselves as extremist jihadists—enemies of the United States. They considered it the Great Satan, and they needed to destroy it at all costs. Ayatollah Khomeini called for, basically, war against the United States.

On November 4, 1979, Iranian Muslim extremists stormed the American Embassy in Iran. They actually took more than 52 hostages. They released some for PR purposes later but kept 52 diplomats hostage. Now, President Carter and his administration thought we can just out-friend them, and they'll release them. We'll just be nice to them. We know how to do this. We'll be really, really nice, and we'll work with them. In fact, at one point, President Carter said, We don't want to do anything that will put these hostages at risk. That was a green light to Islamic extremists, jihadists, around the world that the United States is a paper tiger, that it's weak and that, as Khalid Sheikh Mohammed said, They're divided. They understand not. They don't realize we are at war with them and are going to destroy them, and so we can take them.

Those 444 days that the United States allowed itself to be held hostage in Iran were the greatest recruiting tools of jihadists the world over, and we did nothing.

During the campaign of 1980, President Carter painted Presidential candidate Reagan as being so crazy that he might just attack these guys and take them out and that you couldn't trust him. Remember that "Saturday Night Live" had a sketch of Reagan walking around, asking where the red nuclear button was. He was going to push it. So the reputation around the world was such that people perceived that this Reagan guy may actually come after us, that we'd better release the hostages. Well, the hostages were released; but again, unfortunately, it wasn't limited to President Carter and advisers of his administration that they didn't recognize that the jihadists were at war with us.

We had Marines in Beirut, Lebanon. In 1983, the Marine barracks were bombed in Lebanon. One terrorist driver drove through the concertina wire, drove through the guards, and the truck exploded and killed 241 American servicemen in Beirut, Lebanon. That was a phenomenal recruiting tool. People in America started saying, Let's just get out. Just get out. Unfortunately, on that occasion, President Reagan bowed to his advisers and to popular opinion at the time that we needed to just pull out.

That was an extraordinary recruiting tool. At the time, jihadists used it in an incredible way to recruit for their crazed jihadist cause because they were able to say, Look, one guy gave his life, detonated a bomb, and the most powerful military country in the world, the United States, turned tail and ran. One man completely committed as a suicide bomber could make the United States cower and run, because that is the way it was perceived. That was a phenomenal recruiting tool for jihadists around the world. They were also not ignorant. The jihadists were not.

In Vietnam, instead of just finishing giving our soldiers, sailors and airmen what they needed to just win the war and to come home, it was strung out in Washington under President Johnson. He was even picking the bombing sites in Washington instead of letting the servicemen do their jobs.

One of the things I admire about former President George H.W. Bush is when he committed that we were going to liberate Kuwait from the atrocity of Saddam Hussein's moving in and taking over that country, he did a great thing. He called in the military guys, and said, You guys are in the military. You tell me what we need. Here is what we're going to do. We're going to liberate Kuwait. So they put together a plan, and that's what they did. It was not the civilians running the activity.

SAM JOHNSON, a Member of our body here, a colleague who was in the Hanoi Hilton for nearly 7 years, was told, after we carpet-bombed North Vietnam in Hanoi for 2 weeks, that they rushed back to the negotiating table, worked out a deal that was favorable to them and not to the United States. Sam said, when he was leaving the POW camp, the Hanoi Hilton, the commander was laughing, and said, You stupid Americans. If you had just bombed us for one more week, we would have had to surrender unconditionally.

But we didn't do that. We didn't give the servicemen what they needed to just win the war and come home. That should have been the lesson of Vietnam: never commit troops unless you are willing to give them what it takes to win the war and come home.

In Beirut, Lebanon, our Marines were told—and the ones who were out on the perimeter who should have been able to stop the truck coming through the concertina wire—and there should have been more to stop them than that—

they were not allowed under their rules of engagement to even have rounds in their weapons. We've repeated some of those same mistakes, but that was a tremendous recruiting tool.

If you go through the history, there are so many acts of war. That was certainly an act of war. Under everyone's interpretation of international law, when you invade an embassy, you have committed an act of war against that country. There is an act of war against America. We were within our rights to say, You either get our hostages out within 48 hours, 72 hours, whatever it is, or we're coming in.

I was in the Army at Fort Benning at the time, so we were paying close attention. Nobody was dying to go to Iran, but people were prepared to go and die, if necessary, to defend our country after an act of war like that. Yet what happened after that was no response. So, again, they were able to recruit.

After we pulled out of Beirut, Lebanon, after the attack on our Marine barracks in 1984, Malcolm Kerr, a Lebanese-born American, was president of the American University of Beirut. He was killed by two gunmen outside his office. Hezbollah said the assassination was part of the organization's plan to drive all Americans out of Lebanon.

On March 16, Hezbollah kidnapped William Buckley, a political officer at the U.S. Embassy in Beirut. Buckley was supposed to be exchanged for prisoners, but that didn't happen. There was a trial in the U.S. District Court of a civil nature, not of prisoners of war, not of enemy combatants. There was a trial in the U.S. District Court where the evidence came forward to prove and it was established, and the court found that Hezbollah was responsible for the attack on the Beirut Marine barracks and that it was sponsored by Iran, that Iran was the one behind it all. They've been at war with us since 1979, and we didn't know it.

You would have thought as other things occurred, like the Kuwait Airways Flight 221 being hijacked and diverted to Tehran where two Americans were killed, that that might have been a clue.

It might have been a clue when two Hezbollah members hijacked a TWA flight and forced the pilot to fly to Beirut. Eight crew members and 145 passengers were held for 17 days, and one of the hostages, a U.S. Navy diver, was murdered.

You would have thought that perhaps, when 4 terrorists from Abu Nidal's organization attacked the El Al offices at Leonardo DaVinci Airport in Rome and 13 people, including 5 Americans, were killed and 74 were wounded, among them 2 Americans, that that would have been a clue that someone was at war with us.

□ 1915

It might have been a clue that in an explosion at the LaBelle nightclub in Berlin frequented by American soldiers

that two U.S. soldiers were killed and 191 individuals were wounded, including 41 U.S. soldiers, and they saw the evidence indicating Libya was involved, that that would have been a clue.

In 1988, Colonel William Higgins, the American chief of the UN Truce Supervisory Organization, was abducted again by Hezbollah, backed by Iran, and Hezbollah later claimed they killed Colonel Higgins.

Some who were alive back in the 1980s may recall that, after Libya had sponsored terrorism, President Reagan realized you have got to deal with these people in a manner they understand. We sent planes to Libya, they bombed his home, and we didn't have any more trouble out of Libya for a number of years.

But if you come up to 1991, there were two car bombings that killed a U.S. Air Force sergeant and severely wounded an Egyptian diplomat in Istanbul, and the Turkish Islamic Jihad claimed responsibility.

You get to 1993, February 26, a massive van bomb exploded in an underground parking garage below the World Trade Center in New York City that killed six and wounded 1,042. Four Islamist activists were responsible for the attack. But those in authority in the country did not realize that we were even in a war. We were in a war.

So when you start thinking about what is the greatest terrorist recruiting tool? What is it that has enabled the jihadists to continue to recruit since 1979? Well, first they use the fact that even though we have so much military might, we turned tail and ran from Vietnam. And then they were able to use that in 1979. They attacked the United States by attacking our Embassy, took American hostages, and we did nothing about it. That was a great recruiting tool, and they were able to recruit well because of it, because they were able to show they scared the great Satan even though they had more power, more military might.

Then, in 1983, to bomb our barracks and have one man give his life and kill 241 Marines and we withdrew, that was a great recruiting tool for jihadists. It wasn't Gitmo.

These people have been at war with us for over 30 years, and it took too long for people in authority here to realize it. So if you go forward, of course—and there are many other killings, bombings.

In 1995, Islamic extremists set fire to a warehouse belonging to the U.S. Embassy, threatened the Algerian security guard because he was working for the United States, and the armed Islamic group was apparently suspected and felt clearly that they were involved with the attack.

November 13 of 1995, a car bomb exploded in the parking lot outside the Riyadh headquarters of the Office of the Program Manager, Saudi Arabian National Guard, killing seven persons, five of them U.S. citizens. Three

groups—the Islamic Movement for Change, the Tigers of the Gulf, and the Combatant Partisans of God—claimed responsibility for that attack, that act of war against Americans.

February 25 of 1996, a suicide bomber blew up a commuter bus in Jerusalem killing 26, including three U.S. citizens, injuring 80 others. Among those injured were U.S. citizens. Hamas claimed responsibility for the bombing.

June 25 of 1996, a fuel truck carrying a bomb exploded outside the U.S. military's Khobar Towers housing facility there in Dhahran, killing 19 U.S. military personnel and wounding 515 persons, including 240 U.S. personnel. Saudi Hezbollah was identified as the group responsible.

They were at war, but the United States still did not recognize it. Still, we are turning over secrets and intelligence gathering information through trials, through the courts in the United States District Court. What a mistake.

1997, September 4, the bombing on Ben Yehuda Street in Jerusalem, one U.S. citizen killed, 10 injured. Hamas claimed responsibility for the attack.

There are so many others.

November 12, two gunmen shot to death four U.S. auditors from Union Texas Petroleum and their Pakistani driver as they drove from the Sheraton Hotel in Karachi. Two groups claimed responsibility: the Islamic Council and Islamic Revolutionary Council, also known as the Aimal Khufia Action Committee.

1998, August 7, a car bomb exploded at the rear entrance of the U.S. Embassy in Nairobi. The attack killed a total of 292, including 12 U.S. citizens, injured over 5,000, including Americans. The perpetrators belonged to some group named al Qaeda that is part of Osama bin Laden's network.

2000, October 12. While the campaign for President in 2000 was going on, a suicide squad rammed the warship the USS Cole with an explosives-laden boat, killing 13 American sailors and injuring 33. It was believed to have been caused by Osama bin Laden's al Qaeda organization.

We still didn't recognize there was a war going on, not until September 11, 2001, when people know what happened. Finally, we got the picture. Finally, we realized this war has been going on since 1979, and it is time we fought in this war and not let it be a one-sided war.

There is no answering these people who want to destroy our way of life with reaching out in peace. I saw a sign not long ago, some protestor had a sign that said, "War never brought about peace." I was amazed. Obviously, this person knows nothing about history.

The greatest periods of peace come when bad guys are defeated. Those who are mean and evil and they want to take the liberty others may have, you defeat them, and then you have a period of peace.

And there are periods of peace when the bad guys defeat countries who

don't know they are at war even though they are stronger. That is what al Qaeda, that is what Hezbollah, that is what the jihadists are counting on is the ignorance in this country by people who do not realize there is a war going on and that we are determined to show how loving and peaceful we can be.

Neville Chamberlain tried that. He tried that. And what happened was, as Winston Churchill said: An appeaser is someone who keeps feeding the alligator, hoping they'll be eaten last. And that is what Chamberlain did, and it didn't work. It didn't work in the Pacific.

When people declare war against you, you have got to fight them in the war until they finally acknowledge, Okay, we give up. We are no longer at war. We will quit fighting.

At that point, all of the detainees, the prisoners of war that you have held, you release them because their buddies are no longer at war with you. That is the history of civilized society at war. And when they are released, you hold those you have probable cause to believe committed war crimes and then try them in a Nuremberg or military commission-style trial.

I would like to recognize my dear friend, my colleague from Minnesota, MICHELE BACHMANN.

Mrs. BACHMANN. I want to thank the gentleman from Tyler, Texas, LOUIE GOHMERT, for the wonderful job that he has been doing. I caught some of the gentleman's remarks briefly, and I was so pleased that you talked about this whole concept of the greatest terrorist recruiting tool, Gitmo or U.S. weakness.

You are exactly right in your description of what we are looking at now with Gitmo. What we are looking at the President's idea of closing Gitmo is actually a fiction.

And the gentleman may have already addressed that issue, but it can't be underscored enough in my mind: Gitmo will not be closed. Yes, it may no longer be in its current physical location off of U.S. soil, but Gitmo will simply be packed up into boxes, a moving van is going to show up, and that moving van will be taken across water and across land. And, guess what? Gitmo is going to have a new address. It will fill out a change of address form for the worst of the worst terrorists that we know of that are enemy non-combatants against United States citizens, only now these enemy non-combatants, rather than being held safely and securely off U.S. soil, will be brought on to U.S. soil, where they will be on U.S. soil in Thompson, Illinois, in the heartland of this great country, whereby they will have opportunities potentially to do what we know terrorists have been doing for the past several years, and that is recruiting through the U.S. prison system for more people to become radicalized in their Sharia-compliant view of jihadist extremism.

Is this going to make anyone safer in the United States? Ultimately, that is

the final question that we as Members of Congress have to satisfy ourselves: Will we be safer bringing these terrorists from Gitmo onto U.S. soil or will we be safer keeping them secure where they have been all along, on Gitmo? I think it is keeping them on Gitmo.

Something else I would like to bring up if I could, just for a minute, just to divert, and it is the issue of this underwear bomber on Christmas Day. This is such a horrible travesty that was averted simply because the incompetence of this terrorist. But for his incompetence, we would have this Chamber filled with Members of Congress screaming about, What happened? Why weren't we secure? We would be having lively discussions every night. Thank God this terrorist was not successful. But he came so close to taking out nearly 300 innocent lives.

We have seen this path before, and there is a common thread that occurs. The common thread are people who are sold out to radicalize Sharia-compliant jihad. That is the thread. Why aren't we as a government looking for people with that profile?

Oh, I guess I said a bad word. Profile? Is that a politically noncorrect word now? We are not supposed to say it? Well, let's talk about what we need to do to keep safety foremost. Not political correctness. Safety of the American people. That is what this is about.

The American people are right to be outraged when they think that their government is lifting up the tenets of multiculturalism over the tenets of the safety and security of the American people.

Oh, that the day would never come when, in the name of political correctness, Americans would die needlessly in tragedies like the one thankfully that was averted on Christmas Day. May that never be.

And for my money, one of the worst things that happened is that when this underwear bomber was taken off of the plane, he had a small interrogation, then was given his Miranda warnings, was given a defense lawyer, and that is the end of it. Now duct tape is over his mouth. The United States will never again benefit from what this terrorist—I suppose we are supposed to say "alleged terrorist"—what this fellow intended against American citizens and other citizens from other nations of the world. This is a travesty.

He should not have been given his Miranda warnings, in my opinion. He should have been fully vetted and interrogated for what he was, because, let's remember, we have to make a decision. Are we going to take this war seriously or are we going to treat this as a criminal act akin to breaking and entering?

This is war. You can't have anything more clear. Someone who comes intending to bomb a plane, a Northwest Airlines plane over Detroit, this is an act of war. This is not a breaking and entering. This should not have been a Mirandized situation, given full rights

to a lawyer and told forever and ever, You don't have to say a word. Now we are giving you all the rights, privileges, and immunities of an American citizen even though you aren't one. You are a Nigerian, and you planned evil intent for a lot of innocent people.

This is beyond belief to me. I just can't believe it. That is why I am so grateful to the gentleman from Tyler, Texas, because you are asking exactly the right question: Is Gitmo a recruiting tool or U.S. weakness? When you lawyer up and Mirandize actual terrorists in the midst of a terrifying event, an act of war against America, you don't Mirandize. You treat them for what they are.

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You treat them for what they are. You interrogate them. Why? Because at the end of the day will the American people be safer or will we be more at risk? Closing Gitmo, that location, moving it to Thompson, Illinois, opening it up, it's still Gitmo; now it's just Gitmo North rather than Gitmo South, and that equals U.S. weakness.

With that, I yield back to the gentleman from Tyler, Texas.

Mr. GOHMERT. I appreciate so much those wonderful points that were made. It is weakness that gives a recruiting tool, the joy among jihadists to realize we told them, close Gitmo. It's a nice place if you're going to be held somewhere as a prisoner. We told them it was a recruiting tool. And now, as Khalid Sheikh Mohammed said, that is because they are people who understand not the reason they'll defeat us. They didn't get it. They thought they really did need to close Gitmo, and they did, and they're going to bring it onto the continental U.S. That shows weakness. The fact that we are showing that kind of weakness in closing Gitmo is a fantastic recruiting tool.

Mrs. BACHMANN. Absolutely.

Mr. GOHMERT. If you go back after the surge that was ordered by President Bush, and before that, things weren't going well. General Petraeus told us we need a surge. We got a surge and all of a sudden things are going much better in Iraq. They're going great. And some of the declassified information that was obtained by our intelligence sources, we saw their own writings. We saw what they said. They said that things are going so good for the United States, we thought after the Republicans lost the majority, they would pull out. But now that they've come with more troops and they're defeating us, we can't recruit. Their own information said we can't recruit, because this showed strength.

And now they're having a big time because, gee, they've been successful in making us think that showing weakness is going to help us, when it's actually helping them recruit. It is exactly what's happened. Every time they acted and did something violent, and we responded by backing up.

I want to address very quickly one of the things that's been brought up by

some of our friends. Some people in the country say, Well, these prisoners need all of the constitutional rights they're supposed to have. And they're getting them at Gitmo. Because just as if—when I was in the military, I was subject to the UCMJ. I was subject to a military court. I wasn't entitled to a trial if I had done something on a military installation. I was entitled to a military trial. And that was constitutional. And it was constitutional and is constitutional for this Congress to set up military commissions to try people who have engaged in war against us. That is constitutional. And they've gotten all of their constitutional rights as someone at war with us. And now, because they're going to be tried in the United States, they're deciding to plead not guilty so they can put on a show.

What causes more weakness, what causes more recruiting? Is it U.S. weakness or is it Gitmo? Clearly, our country leaders have been suckered into thinking that closing Gitmo will be a good thing for us, and in fact what is telegraphed is, these people are weak, just as Khalid Sheikh Mohammed said. You would think they are united, but their hearts are divided. That's because they're people who understand not. They're saying, We don't understand.

Mrs. BACHMANN. If the gentleman would yield on Khalid Sheikh Mohammed. This is an extremely important point. Again, the mastermind of 9/11, who achieved his goal of killing 3,000 innocent Americans in the World Trade Center bombing, he got his way. Why would we give him his way by bringing him to New York City at over \$200 million a year taxpayer expense to give him a show trial when he's already pled guilty and already asked to be executed? What happened? Did the President, did the Attorney General say to Khalid Sheikh Mohammed, Now wait a minute; you don't want to plead guilty. Wait a minute; you don't want to be executed. You want to come to New York City. You want to have the trial just like you asked for in the first place.

Why would we do that? Because the only message we will be sending to future terrorists will be you, too, can have a show trial in the city of your choice if you come to America. Or, if you try a terrorist activity, you, too, can be Mirandized and be part of the American legal system.

I yield back to gentleman from Texas.

Mr. GOHMERT. Thank you. I realize my time is expiring and appreciate the indulgence, Mr. Speaker. It should be clear, though, the way to deal with Iran is not through weakness. If they won't shut down the nuclear proliferation, we have got to shut them down.

With that, we yield back our time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CRENSHAW (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. POE of Texas (at the request of Mr. BOEHNER) for today and January 12 on account of other district business.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. CONNOLLY of Virginia, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, January 20.

Mr. JONES, for 5 minutes, January 20.

Mr. BURTON of Indiana, for 5 minutes, January 19 and 20.

Mr. MORAN of Kansas, for 5 minutes, January 20.

Mr. THOMPSON of Pennsylvania, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

#### ADJOURNMENT

Mrs. BACHMANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 37 minutes p.m.), under its previous order, the House adjourned until Friday, January 15, 2010, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5460. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-262, "Private Adoption Fee Temporary Amendment Act of 2009"; to the Committee on Oversight and Government Reform.

5461. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. BILL 18-261, "Homeland Security and Emergency Management Agency Use of Video Surveillance Amendment Act of 2009"; to the Committee on Oversight and Government Reform.

5462. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-242, "Unused Pharmaceutical Safe Disposal Act of 2009"; to the Committee on Oversight and Government Reform.

5463. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period October 1, 2009 through December 31, 2009 as

compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 111—86); to the Committee on House Administration and ordered to be printed.

5464. A letter from the Clerk, U.S. House of Representatives, transmitting List of reports pursuant to Clause 2(b), Rule II of the Rules of the House of Representatives; (H. Doc. No. 111—83); to the Committee on House Administration and ordered to be printed.

5465. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Rail Trail Bridge, Oswego River, Oswego, NY [CGD09-07-094] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5466. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Erie, Cleveland, Ohio. 18th Annual Ohio Master Swim [CGD09-07-095] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5467. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Trenton Rotary Roar on the River Fireworks Display, Detroit River, Trenton, MI [CGD09-07-097] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5468. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Trenton Rotary Roar on the River, Detroit River, Trenton, MI [CGD09-07-098] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5469. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Clair River Classic Offshore Race, St. Clair River, St. Clair, MI [CGD09-07-100] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5470. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Protection of Military Cargo, Budd Inlet, Olympia, Washington [CGD13-06-024] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5471. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Marys River, Sault Ste. Marie, Michigan [CGD09-07-101] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5472. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Celebrate Baldwinsville, Seneca River, Baldwinsville, NY [CGD09-07-103] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5473. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Vincent Foundation Fireworks, Presque Isle Bay, Erie, PA [CGD09-07-106] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5474. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety