

So it's okay to disagree on those things, but it is not okay to try and inflict political pain to the American citizen as a way of somehow scoring a political point, particularly when this House has sent four different bites at the apple in terms of trying to keep government open, and particularly when this House has sent a bill over that would keep the national parks open, that would keep groups like NIH open, Guard and Reservists, go down the list.

So, I would come back and ask of you, Mr. Speaker, that we look for some way of, again, unchaining monuments that have never been chained in the history of this Republic, because I think they represent very silly political games by this President.

STOP PLAYING THE BLAME GAME, NAME CALLING, AND FINGER POINTING

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. BERA) for 5 minutes.

Mr. BERA of California. Mr. Speaker, day No. 4 of a government shutdown, day No. 4 of not doing our job.

To the folks in the gallery, if you sit here all day, you're going to hear people throwing the blame game and playing that blame game—Democrats blaming Republicans, Republicans blaming Democrats, the House blaming the Senate, the Senate blaming the House, and the House blaming the President. Let's stop this madness, and let's stop the blame game. Let's stop pointing fingers at one another, and let's just do our job.

Mr. Speaker, it's time we did our job. You're the Speaker of this House. This is the House that has both Democrats and Republicans. It's time that you were Speaker of this House.

Yesterday, one of our colleagues said that we're being disrespected by the other party and we won't be disrespected by the other party. This can't be about Democrats looking for respect from Republicans and Republicans looking for respect from Democrats. That's the problem. We've lost the respect of the American people.

Mr. Speaker, this body, Congress, has lost the respect of the American people, and that's who we should be looking for respect from. Eighty-seven percent of America feels like Washington, D.C., is going in the wrong direction.

Mr. Speaker, let's spend time working to earn the respect and the trust of the American people. This has to be bigger than political parties. It has to be about America.

Here is who deserves our respect: the United States Capitol Police. Did you see how great they were yesterday? They performed admirably. They did everything that they had to do, and they did so without getting paid. They're not getting paid. They show up, though. They do their duty, and they do their work. They deserve our respect, and they have the respect of

everyone in this body and the United States because they're doing their job. Mr. Speaker, if we want to get their respect back, we'd better do our job.

Here's some other people who deserve our respect. When I visited our troops in Afghanistan earlier this year, those are some of the most professional young men and women that I've ever met. When they're called and asked to serve, they just show up for duty. They do what they have to do—one tour, two tours, three tours. They are doing their jobs. They deserve our respect.

Mr. Speaker, if we want the respect of the American people, we need to do our job as Democrats and Republicans. You're Speaker of the House. Bring us together. The leadership needs to start coming together and doing their job. That's how we get the respect back.

Mr. Speaker, the men and women behind us, they show up every day. They're doing their job, but they're not getting paid. The way we can show our respect for them is let's open the government up, and let's make sure that the men and women in America get paid. Let's start rebuilding jobs. That's how we can earn their respect. Let's do our job.

Mr. Speaker, every year, thousands of Americans show up, young college students show up in Washington, D.C., to serve their country. They show up as unpaid interns. They show up as low-paid staff members. In my office, we have a young college graduate, Kelvin Lum. He shows up for work every day. He helps me deal and talk and manage the constituent requests that are coming in. He's not getting paid. Let's show our respect to those folks that care deeply about our country, about the United States of America. Let's open government up again.

Mr. Speaker, it's time that we work to get the respect of the American public. Let's do our job.

My father taught me a little bit about respect. He said: Son, the way you get respect is you don't ask for it. The way you get respect is you go out and do your job. You work hard. You do it with integrity. You don't blame others when things fail; you just work harder.

Mr. Speaker, let's get the trust and the respect of America back again by doing our job, which is opening up government, which is starting to put together a real budget that relieves our children and grandchildren of crushing debt that's coming at them. Let's do our job as Democrats and Republicans, listening to each other, taking the best ideas out of both parties and doing our job.

Mr. Speaker, if we want to get the respect of America back, we will do our job. The Democrats and Republicans in this body are ready to open government. We have the votes. It's up to you now just to bring legislation to the floor to let us open government again, to make sure our Capitol Police are paid, to make sure the men and women serving this country are paid, and to

make sure that tourists that are coming to the United States Capital to visit and show their respect for America are able to visit the monuments.

Mr. Speaker, it's in your hands. Let's do our job, and let's get that respect back.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the Members that the rules prohibit references to occupants of the gallery.

FISA COURTS: THE 21ST CENTURY STAR CHAMBER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, government secrecy is anathema to all people, and darkness by rulers can be trumped by the sunshine of a public and an independent judicial system. But, Mr. Speaker, secrecy by a judicial system is a threat to liberty of all free peoples.

In our country we have the Constitution; and, specifically, the amendments to the Constitution protect us as a free people against government—government intrusion and government violation of our privacy—because government really has no right; it has power. It has what we give it when we give up our liberty and our rights.

The amendments promote openness of government and protect individuals from government. There is the Sixth Amendment that talks about a public, speedy trial, where witnesses come forward and people are put on notice of the crime. Citizens are given a jury trial. But the most important part of that amendment is the right to a public trial.

The Seventh Amendment deals with jury trials in civil cases.

Of course, the Fifth Amendment talks about the fact that, in a trial, a person accused doesn't have to testify or produce any evidence against themselves.

And then the Fourth Amendment talks about how government is limited on how it can intrude into our homes and our papers. It limits government surveillance. And it's an inherent right that the government search be reasonable and based on probable cause, and that there must be a warrant drafted under oath describing the place to be searched, the persons and objects to be seized.

Now, this just didn't come out of our ancestors' minds because they thought it was a good idea. There are historical reasons for this. Maybe in our government public school system we ought to teach more about the history of liberty and why we do things the way we do under this Constitution. It goes all the way back to the 1500s in England when England invented this concept of the Star Chamber.

The idea was, well, we're going to be able to prosecute and go after nobles, certain people who are being able to get away with violations of the law. But the courts were made specifically to be secret courts where there were no witnesses, there was no indictment, and a person was forced to testify against themselves. So, obviously, it was abused. It was abused by the Kings of England, primarily Henry VIII, when he went after and fought his opponents by prosecuting them in those secret courts.

The United States doesn't have the Star Chamber, but we have the NSA—the National Spy Agency, as I call it—and the FISA courts, the 21st century descendants of the Star Chamber. The NSA and the Foreign Intelligence Surveillance Act allows those courts under FISA to authorize searches of anyone. Those searches are not based on probable cause, and those areas are not specifically described to be searched. It is a general warrant concept that they used in England to search people in England that were political opponents of the government and of the King.

The spy courts in the United States started under the theory that we need to be safe from terrorists. But the NSA and the spy courts violate the Constitution in the name of security. Warrants under FISA are general warrants where NSA can seize phone records, NSA can seize credit card bills and utility bills. And we are learning now that they seize not only phone data but that NSA seizes bank records.

Also, the judges are far from being independent. They meet in secret—just like the Star Chamber did. They can't even keep the records of the proceeding. Those are turned back over to the government. There are no witnesses present—just like in the Star Chamber. There's no lawyers present for anybody—just like in the Star Chamber.

These FISA courts should be protecting American citizens and should be following the Constitution. They are supposed to act as the independent power between government and the people. But they're not doing that.

I call them the "Spy, Search and Seizure Courts" because they are operating in the darkness of tyranny. We don't know what they're doing. They allow the NSA to seize and violate the privacy of Americans in violation of the Constitution by seizing people's records under general warrants.

A general warrant is the idea that government knows there's a bad guy in the area, so the government wants to search the whole area of town for the bad guy. You can't do that. I used to be a judge. Government has to have probable cause. It has to give the address of the house, the specific area, state the probable cause. The warrant has got to be sworn to and be specific about the location and what government wants to search and what government wants to seize or it's a violation of the Constitution.

The spy courts—the NSA courts and the Star Chamber courts—need to be revisited. It's time to shine sunshine on the FISA courts and the spying of the NSA. The NSA and the FISA courts—the Star Chamber courts—have shut down the Constitution. Now it's time to shut down the unlawful surveillance and intelligence gathering by these courts on American citizens.

And that's just the way it is.

GOVERNMENT SHUTDOWN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.

Mr. HOYER. Mr. Speaker, the government has now been shut down for 3 days, the people's government that is formed to serve it and promote the general welfare and the national defense. That government has been shut down. Entirely? No, not entirely. There are some sporadic incidents where, for the public safety, we have people working.

I read the papers every morning, clips, as so many Americans do, so many Members do. I start discussion of where we are today because surely the public must be confused.

The Republicans say that they don't want to shut down the government. They say that President Obama wants to shut down government and that we Democrats want to shut down government for political advantage.

Having said that, 99 percent of us are prepared to vote for a resolution at 12:01 this day to open the government, because that is the rational, common sense, and right thing to do. I tell Speaker BOEHNER, Mr. Speaker, that we're prepared to vote on that today, as soon as this House opens.

Now, the Governor of Virginia is a Republican. The Governor of Virginia wrote an article today that said:

Budgets are documents born of many compromises. A government shutdown represents the antithesis of that approach.

We agree.

He went on to say:

In a shutdown, planning and forethought go out the window. Instead of rational governing, we get speeches and inaction. That's not how government should work.

So we stand ready on this side of the aisle, I will say as one of the leaders of my party, to vote now to open government and, yes, to do what, in a democracy, we ought to do—sit down and discuss compromises.

Now, the American people, Mr. Speaker, need to know where we are and how we got here.

The process is that the House adopts a budget for the spending which keeps government open, and the Senate passes a budget that funds the government and keeps it open and serving the American people.

□ 1030

Now, often there are differences between the House and the Senate, as there are now. And so what our process

is is to go to conference, as the Speaker has talked about so often, to sit down at a table and discuss, as reasonable people, as Governor McDonnell says government ought to work, resolving our differences.

But for 6 months my Republican colleagues, Mr. Speaker, as you know, have refused to go to conference and sit down at the table. They have refused to try to bridge the gap. They have refused to do what Governor McDonnell says is necessary to do, compromise. And we are far apart.

Now, interestingly enough, we have only passed three appropriations bills out of the 12. All three of the appropriations bills that we passed through this House are at the Senate number—not the House-adopted number—at the Senate number. And so they have to slash the other nine bills very deeply. As a result, they have not brought them to the floor.

I have no power. I used to be the majority leader. I could bring a bill to the floor, as my colleagues know. I can't bring a bill to the floor now. One of those bills was brought to the floor and it was defeated. Actually, it was pulled from the floor because they couldn't pass it. So we are at a place where we are now, have shut down government.

The reasonable, rational, responsible thing to do is simply say we have enough votes to open government at the number that the Republican Party sent to the Senate. Not a compromise. We are telling them we will take your number. I don't like their number. But I like even less having government shut down, because it costs the economy money, it puts at risk our national security, and it undermines the confidence of the American people, not to mention the international community.

But we will take your number, I say to the Republicans, Mr. Speaker. We will take your number. The Senate has said we will take your number. But unfortunately, they haven't yet taken "yes" for an answer.

Now, earlier this week—and I don't know him—but Representative MARLIN STUTZMAN, who is a Republican from Indiana, said this: "We're not going to be disrespected." Now, by that I presume he means that the President and the Democratic Senate is not going to agree to undermining or repealing the Affordable Care Act that millions of Americans already are trying to access to get coverage and get health security in their families. He says, "We're not going to be disrespected." Then he goes on to say this, ladies and gentlemen of the House and Mr. Speaker: "We have to get something out of this. And I don't know what that even is."

Let me repeat that. He says, We have got to get something out of this, but I just don't know what it is. How are you going to negotiate in that context? I see Mr. McDERMOTT here chuckling. I'm chuckling. We need to get something out of this, but I just don't know what it is.