

RECOGNIZING AMERICA'S CREDIT UNIONS

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 9, 2024

Mr. CALVERT. Mr. Speaker, I rise to recognize the importance of credit unions in the competitive financial services marketplace. I especially appreciate the 263 credit unions and their 14 million members in my state of California.

The country's two storied trade associations, the Credit Union National Association and the National Association of Federally-Insured Credit Unions are now merged into a new organization called "America's Credit Unions."

As a long-time credit union member and supporter, I appreciate the difference between credit unions and banks. Credit unions are not-for-profit financial cooperatives that are democratically controlled.

Every member, regardless of how much they have in savings or loans at a credit union, has an equal voice and vote in the governance of their credit union. There are no outside stockholders and no motive for the credit union's leadership to gouge the membership or provide poor member service.

In fact, credit unions consistently rank as the most popular form of depository institutions in America. So today I congratulate the unification of the two national credit union advocacy organizations and I expect great things to come from this newly-minted trade organization called "America's Credit Unions."

HONORING ANN MARIE MILLER

HON. THOMAS H. KEAN, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, February 9, 2024

Mr. KEAN of New Jersey. Mr. Speaker, I rise today to recognize and honor the career and accomplishments of Ann Marie Miller, a committed advocate for the arts, as she marks the closing of a 28-year career tenure that has shaped the art sector within New Jersey. Raised in East Brunswick, Ann Marie Miller was inspired by a strong high school arts program to become an art teacher. She graduated from Moore College of Art and Design with a Bachelor of Science in arts education and taught visual art in both public and private settings.

Her 28-year journey has been nothing short of extraordinary, leaving an indelible mark on the cultural tapestry of New Jersey. I applaud Ann Marie's dedication and she has most definitely made a significant impact in the arts community.

I wish Ann Marie a peaceful retirement filled with joy, relaxation and cherished moments spent with loved ones.

SALUTING THE SERVICE OF SERGEANT JASON HOWARD, U.S. ARMY, RETIRED

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 9, 2024

Mr. CARTER of Texas. Mr. Speaker, Sergeant Jason Howard, U.S. Army, Retired, has always been there to lend a helping hand to his fellow citizens and his efforts to make his beloved community a better place has made lasting and positive impacts on the region. He is a dedicated soldier, devoted public servant, and a fitting recipient of a Congressional Veteran Commendation.

SGT Howard has extensive military experience including serving at Fort Cavazos and deployments in both Operation Enduring Freedom and Operation Iraqi Freedom. He worked closely with our Kurdish allies and even met with future Iraqi President Jamal Talabani. His great work didn't go unnoticed as he was awarded a Bronze Star Medal, Army Commendation Medal, and a Meritorious Unit Commendation, and among others.

After retiring from the Army, SGT Howard found his way back to Central Texas. Fueled by his passion for wanting to serve and lead others, SGT Howard serves as the Alderman for the Village of Salado while giving back to his community through numerous volunteer opportunities. He pours himself into making Salado a great place to work and call home, all while ensuring that the voices of residents are heard in the halls of government. His actions reflect the commitment of a devoted public servant. Once a soldier, always a soldier.

I commend SGT Howard's incredible contributions. This soldier-for-life's patriotism, citizenship, and commitment to excellence reflect the very best of Central Texas. I join his colleagues, family, and friends in honoring his career, commending his commitment to public service, and celebrating his outstanding achievements.

IMPEACHING ALEJANDRO NICHOLAS MAYORKAS, SECRETARY OF HOMELAND SECURITY, FOR HIGH CRIMES AND MISDEMEANORS

SPEECH OF

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2024

Mr. THOMPSON of Mississippi. Mr. Speaker, extreme MAGA Republicans have engaged in a cynical and unserious attempt to impeach Homeland Security Secretary Mayorkas. Their report to accompany H. Res. 863 resorted to sloppy misrepresentations in an attempt to justify this baseless, political stunt.

For example, the report misquoted Professor Frank Bowman, who testified before the Committee on Homeland Security on January 10, 2024. Professor Bowman testified that the Constitution did not support the impeachment of Secretary Mayorkas over mere policy differences. The majority report, however, twists a passage of Professor Bowman's book on impeachment and uses it out of context to

suggest policy differences were grounds for impeachment.

Republicans also tried to misrepresent Professor Bowman's writings during the hearing, but they did not afford Professor Bowman an opportunity to explain his work. I submitted clarifying questions to Professor Bowman to supplement the hearing record, but the majority did not transmit those questions to Professor Bowman before the legislative report was filed in the House.

I include in the RECORD Professor Bowman's responses to my questions to make the professor's thoughts on impeachment over policy differences abundantly clear, since the Republican majority cannot be bothered to conduct a proper investigation with a complete record.

COMMITTEE ON HOMELAND SECURITY, U.S. HOUSE OF REPRESENTATIVES

RESPONSES TO SUPPLEMENTAL QUESTIONS

Frank O. Bowman III, University of Missouri Curators' Distinguished Professor Emeritus, Floyd R. Gibson Missouri Endowed Professor Emeritus

(Academic titles provided for identification purposes only. The opinions expressed herein are those of the author, do not reflect those of any other person or entity, and are not endorsed by the University of Missouri.)

Question #1 from Mr. Thompson: Republicans have portrayed your previous academic writing as confirming their position that mere policy differences may be a ground for impeachment. In particular, that "displeasure with administration personnel and policy" may be sufficient to warrant impeachment. Is that correct?

I have never written that mere policy differences would be an adequate ground for impeachment. To the contrary, I join with the consensus view of constitutional scholars that ordinary policy differences are not a proper ground for impeachment. Indeed, this general principle is particularly applicable to a disagreement on policy between a presidential administration and a political party controlling only one house of Congress, and that by the very narrowest of margins.

The quotation to which the question alludes, one mentioned by Chairman Green and Rep. Bishop, occurs in the final paragraph of Chapter 4 of the second edition of my book, *High Crimes & Misdemeanors: A History of Impeachment for the Age of Trump* (Cambridge Univ. Press 2023). Both congressmen take the snippet of text they quote entirely out of context.

In the referenced section of Chapter 4, I discuss the only prior impeachment of a U.S. cabinet officer, President Ulysses Grant's Secretary of War, William Belknap. Prior to the quoted passage, I explained why no cabinet officer before or after Belknap has been impeached. The primary, and obvious, reason is that, as I wrote, any cabinet officer "whose behavior veered anywhere near an impeachable zone" was simply removed by the President. Which is what happened to Belknap. He took a bribe. When President Grant found out, he fired Belknap. But the House, controlled by Democrats for the first time since the Civil War, impeached the Secretary anyway as a means of politically damaging President Grant and by extension the Republicans in the upcoming 1876 election.

In the final paragraph of Chapter 4, I was, of course, not saying that mere "displeasure" with either a person or a policy is a constitutionally acceptable ground for impeachment. Rather, when a subordinate official has actually committed "treason, bribery, or other high crimes and misdemeanors"

(as Secretary of War Belknap incontestably did), Congress might elect to proceed with impeachment to signal its displeasure.

Secretary Mayorkas has not committed any impeachable offense. Impeaching a cabinet officer innocent of “treason, bribery, or other high crimes and misdemeanors” to indicate displeasure with administration policy or the officer’s administration of that policy would be a profoundly anti-constitutional act.

Question #2 from Mr. Thompson: In the past, you have written that impeachable “high crimes and misdemeanors” can be interpreted to include “serious executive misconduct, including . . . betrayal of the nation’s foreign policy interests” such as when a president subordinates the nation’s interests to foreign interests. Republican Rep. Guest suggested that you have written in the past about foreign policy differences as grounds for the first impeachment of President Trump—what you describe as Trump’s “rolling destruction of American foreign policy”—and that your past writing contradicts your testimony at the January 10, 2024, hearing. Are foreign policy differences an impeachable offense, and how do foreign policy differences differ from ordinary policy differences?

I have written that one of the accepted historical categories of impeachable conduct, in both the pre-1787 United Kingdom and in the United States, has been “betrayal of the nation’s foreign policy interests.” However, in saying this, I was obviously not saying that ordinary policy differences between a presidential administration and the opposing political party become impeachable simply because the subject matter of the disagreement is foreign, rather than domestic, policy.

To the contrary, long precedent establishes that, in the U.S. impeachment context, “betrayal of the nation’s foreign policy interests” has had certain identifying features.

First, for impeachment purposes, a nation’s “foreign policy interests” are not merely the transient preferences of a political party or faction. Rather, they are enduring interests about which there is a broad societal consensus, ideally one embodied in statutes, treaties, the practice of multiple presidential administrations, and (where applicable) the views of a nation’s diplomats, foreign policy experts or professionals.

Second, the word “betrayal” implies, not merely changing policy or adopting policy views contrary to one’s political adversaries, but subverting the national interest for illegitimate, often personal, motives.

British impeachments that illustrate these features include the following.

In 1667, after an expensive and unnecessary war with the Dutch, the Earl of Clarendon was impeached in part for seeking payments from France to the British crown to evade parliamentary controls on royal finance.

In 1678, the Earl of Danby was impeached for soliciting—on behalf of the English King Charles II—a bribe from Louis XIV of France in return for English neutrality in the Franco-Dutch War.

Both Clarendon and Danby’s solicitations not only undercut longstanding British foreign policy objectives and subjected the British monarch to undue foreign influence, but were a bald attempt to avoid a significant parliamentary constraint on royal overreach—the requirement that the Crown obtain “supplies” (i.e., funding in addition to the monarch’s private wealth) through the legislature.

More relevant to the present case are the American impeachments of Senator William Blount in 1797–98 and of President Donald Trump in 2020.

Sen. William Blount: Blount, then a U.S. senator, concocted a scheme to enrich him-

self by giving Great Britain control of the territories of Louisiana and Florida. Blount’s scheme was obviously contrary to contemporary U.S. foreign policy interests inasmuch as the American government and populace wanted to expand into Louisiana and Florida, or at the very least to prevent Great Britain from assuming control over those territories. In addition, the articles of impeachment against Blount charged him with violations of the Neutrality Act of 1794, and also with violation of the Treaty of Friendship, Limits, and Navigation between the United States and Spain (because his scheme involved stirring up Native American tribes to attack Spanish officials and interests).

Not only was Blount’s scheme undeniably contrary to U.S. foreign policy interests, and to multiple treaty obligations, but it was a “betrayal” in the most obvious sense. Blount tried to sell out the interests of his country for personal financial gain.

Although Blount was acquitted by the Senate, the historical consensus is that the verdict turned on the decision that senators are not “civil officers” subject to the impeachment remedy under Article II, Section 4 of the Constitution.

President Donald Trump:

President Trump’s first impeachment involved two articles, the first charging that Trump committed “high crimes and misdemeanors” in relation to his scheme to coerce the government of Ukraine into announcing investigations into Trump’s likely presidential opponent, Joe Biden, and the second charging obstruction of Congress. The first article was captioned “Abuse of Power,” but as I have written, it “braided together three themes . . . corruption, damage to foreign policy interests, and injury to the democratic process. As the first article of impeachment summarized the matter:

“President Trump abused the powers of the Presidency by ignoring and injuring national security and other vital national interests to obtain an improper personal political benefit. He has also betrayed the Nation by abusing his high office to enlist a foreign power in corrupting democratic elections.”

The “national security and other vital national interests” alluded to in the article were the interest of the United States in supporting, militarily and diplomatically, a country threatened, and indeed physically invaded, by Russia, a longstanding geopolitical opponent of the United States, together with the interest of the United States in preventing Russian territorial expansion up to the borders of the countries of the NATO alliance.

These objectives had been endorsed as national security interests of the United States over multiple presidential administrations through repeated bipartisan approval of legislation authorizing military and security aid to Ukraine. They were also endorsed by the entire diplomatic and national security apparatus of the U.S. government before and during the Trump Administration itself. For example, when Trump’s White House Office of Management and Budget (OMB) placed a hold on congressionally mandated aid to Ukraine in the July 2019 as part of President Trump’s scheme to coerce Ukraine, every relevant agency of Trump’s own administration except OMB questioned the hold and supported military assistance to Ukraine as being in the national security interest of the United States.

Thus, Trump’s first impeachment precisely matches the template for “betrayal of the nation’s foreign policy interests” described above.

First, the foreign policy interests of the United States in that case were enduring interests embraced by multiple presidential

administrations, endorsed by the foreign policy professionals of the executive branch, and manifested in bipartisan legislation enacted by multiple U.S. congresses.

Second, and critically, the “betrayal” of U.S. interests consisted of subverting the national interest for illegitimate personal motives—securing a personal political advantage over a potential political rival. In Trump’s case, the betrayal was doubly severe because it amounted to an effort to use presidential power to corrupt the democratic electoral process.

Secretary Mayorkas: Nothing alleged against Secretary Mayorkas meets the traditional criteria for impeachment based on “betrayal of the nation’s foreign policy interests.” The most that can be said against him is that he has executed the policy preferences of President Joe Biden in relation to immigration and border control issues and that the political party in control of the House of Representatives disapproves of those policy preferences. There is no indication that the Secretary’s actions, or indeed the Biden Administration’s policy choices, are contrary to established national foreign policy interests. To the contrary, U.S. policy regarding immigration and border control has varied from administration to administration and congress to congress as the challenges, needs, and preferences of the country have varied. More importantly, there is absolutely no indication that Secretary Mayorkas has taken any official action for corrupt or illegitimate personal motives.

To repeat the central point, ordinary policy differences between a presidential administration and the opposing political party do not become impeachable simply because the subject matter of the disagreement is foreign, rather than domestic, policy.

Question #3 from Mr. Thompson: Rep. Crane suggested that Secretary Mayorkas has betrayed the Nation, and that betrayal of the nation would be sufficient to warrant impeachment. Are you aware of any evidence that Secretary Mayorkas has betrayed the United States? And Rep. Crane further suggested that you said “betrayal of the Nation” is a potential ground for impeachment, whereas you actually said “betrayal of the nation’s foreign policy interests” is a ground for impeachment. What precisely did you mean?

I did not say in my testimony to the Committee or elsewhere that that “betrayal of the nation” is a ground for impeachment. I have agreed with Charles Black that one decent definition of “high crimes and misdemeanors” that covers most cases is offenses “which are extremely serious, which in some way corrupt or subvert the political and governmental process, and which are plainly wrong in themselves to a person of honor, or to a good citizen, regardless of words on the statute books.” Nothing alleged against Secretary Mayorkas meets this general definition of impeachable conduct.

I have also written that one specific category of impeachable “high crimes and misdemeanors” is “betrayal of the nation’s foreign policy interests.” In my previous answer, I explain what is meant by that phrase for purposes of impeachment and I demonstrate why Secretary Mayorkas’ conduct does not fall within it.

Finally, I am aware of no evidence that Secretary Mayorkas has betrayed the nation. To the contrary, based on the facts of which I am aware, Secretary Mayorkas appears to be a capable, dedicated public servant trying as best he can to carry out the policy priorities of the President of the United States and to manage the perennial and intractable problems related to immigration and control of the U.S. southern border.

RECOGNIZING THE MILITARY
SERVICE OF TECHNICAL SER-
GEANT FRANK L. PIFHER

HON. JACK BERGMAN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, February 9, 2024

Mr. BERGMAN. Mr. Speaker, it is my honor to recognize Technical Sergeant Frank L. Pifher for his dedicated and humble service to our Nation in the United States Army.

Frank, a Flint, Michigan, native answered our Nation's call and enlisted in United States Armed Forces in 1952. Frank served honorably in the Korean War in 1953 with the Armored Cavalry, seeing combat as a Tank Commander and spending 11 months overseas. He earned the Korean Service Medal with two Bronze Service Stars, the Good Conduct Medal, the United Nations Service Medal, and the National Defense Service Medal in gallant service to his country.

After returning stateside, Frank was stationed at Camp Carson in Colorado, where he was honorably discharged from the Army on May 5th, 1954. While overseas, Frank had frequently written to a pen pal, who was serving as a wartime nurse back in Michigan. Upon his separation from the military, Frank married his beloved pen pal, Mary Lou. In their 70 years of marriage, they had four children—Tim, Janet, Rebecca and James. Rebecca and James went on to serve honorably in the Marine Corps themselves. In addition to their children, Frank and Mary Lou were blessed with five grandchildren, two step-grandchildren, two great-grandchildren and two step-great-grandchildren. The Pifhers currently reside in Tuscarora Township where they have lived for 34 years.

Mr. Speaker, I'd like to thank Technical Sergeant Frank L. Pifher for his exemplary service to the United States of America. Our gratitude extends to him not only for his courage and humility, but also for his legacy of service that he has passed down to his children and their children. May God bless Frank and his family.

HONORING THE LIFE AND ACCOM-
PLISHMENTS OF MAX BLACK

HON. RUSS FULCHER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 9, 2024

Mr. FULCHER. Mr. Speaker, I rise today to honor the life of Max Clark Black. Max passed away surrounded by loved ones on November 10, 2023. He leaves behind a legacy of public service, having served 20 years as a Representative in the Idaho State Legislature, where I had the pleasure of serving alongside him.

Max was a dedicated husband of 62 years to Clydene Salmon Black and a loving father to Jeffrey, Gary, and Wendi. A lifelong learner and passionate historian, Max enjoyed crafting wooden items and was a devoted fan of Boise State University athletics.

Max is survived by his wife, Clydene Salmon Black, children Jeffrey Clyde Black, (Deanna Black), Gary Ernest Black (Kyra Burstedt Black), and Wendi Black Cleverly (Kyle G. Cleverly), 9 grandchildren, and numerous relatives. He was preceded in death by his parents, sisters Reveau Black and Bonnie Black Edwards, his brothers Keith Ernest Black and Shirl R. Black, his brother-in-law Gordon Eugene Edwards and his sister-in-law Shari Lyn Draper Black, nephews Robert Kim Black, Matthew Shirl Black, and Gregory Dale Kehl.

Max will be remembered not only for his professional achievements, but his unwavering devotion to his faith, family, and community. His presence will be deeply missed.

HONORING VIVIAN MARTAIN

HON. CORI BUSH

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, February 9, 2024

Ms. BUSH. Mr. Speaker, St. Louis and I rise today to honor the exceptional career of Ms. Vivian Martain. Ms. Martain is retiring at age 81 after spending over five decades working to service our St. Louis community.

Ms. Martain's commitment to service is evident in each of her pursuits. Since 2018, she has served as the Diversity, Equity, and Inclu-

sion Compliance Officer and Project Pave Administrator at Millstone Weber. In 2019, Ms. Martain became Millstone Weber's first Civil Rights Compliance Manager, where she worked to ensure that minority contractors were represented on the massive I-270 North Project. Prior to that, she served a 14-year term as Executive Director of the Construction Prep Center.

As the chief architect of Millstone Weber's Project PAVE Initiative, she strived to guide, educate, and support students in North St. Louis County high schools and encourage them to pursue careers in heavy design, engineering, and construction. Ms. Martain fondly recounts stories of every single student and how each of them excelled after being in the program.

Ms. Martain has committed her professional life to serving the people of Missouri, and her retirement signifies a well-deserved reprieve from her tireless service. The impact of Ms. Martain's work is immeasurable. We thank her for an unwavering dedication to public service and congratulate her on an outstanding career.

CELEBRATING MARTHA TICE'S 100TH BIRTHDAY

HON. MICHAEL CLOUD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 9, 2024

Mr. CLOUD. Mr. Speaker, I rise today to recognize and celebrate Mrs. Martha Tice's 100th birthday.

Born on February 11, 1924, Martha hails from the wonderful South Texas town of Sinton in my district. A retired schoolteacher, she is well known throughout the community for her selfless heart, as the proud matriarch of her loving family, and someone who still takes every opportunity to give back to others. Martha and her late husband, Henry, raised their two daughters in Sinton and have been blessed with five grandchildren and eight great-grandchildren.

On this truly wonderful occasion, I join her family and the whole Sinton community in wishing Martha Tice a wonderful 100th birthday. May God continue to bless her and her family in the months and years ahead.