

EXPRESSING SUPPORT FOR LOCAL LAW ENFORCEMENT
OFFICERS AND CONDEMNING EFFORTS TO DEFUND OR
DISMANTLE LOCAL LAW ENFORCEMENT AGENCIES

MAY 15, 2023.—Referred to the House Calendar and ordered to be printed

Mr. JORDAN, from the Committee on the Judiciary,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H. Con. Res. 40]

The Committee on the Judiciary, to whom was referred the concurrent resolution (H. Con. Res. 40) expressing support for local law enforcement officers and condemning efforts to defund or dismantle local law enforcement agencies, having considered the same, reports favorably thereon without amendment and recommends that the concurrent resolution be agreed to.

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Purpose and Summary

H. Con. Res. 40, introduced by Rep. Ken Buck (R-CO), expresses support for local law enforcement officers and condemns efforts to defund or dismantle local law enforcement agencies.

Background and Need for the Legislation

Evidence strongly suggests that the June 2020 spike in homicides, violence, and other gun-related crimes was related to the reduction of policing efforts, or de-policing, in the immediate wake of the George Floyd protests.¹ At the same time, law enforcement capabilities were diminished by reduced funding, increased retirements, and, given the anti-police vitriol from politicians and activists, an unsurprising recruitment issue.² Peer-reviewed research indicates that “voluntary resignations” by police officers following the George Floyd riots increased by 279 percent relative to the expected number of resignations had those riots and the corresponding chorus of anti-police rhetoric never occurred.³

Many states and cities acted upon the dangerous “defund the police” rhetoric with predictable results. For example, Colorado created a state cause of action allowing lawsuits against law enforcement officers, which disallowed qualified immunity defenses.⁴ Less than two months later, more than 200 law enforcement officers across the state resigned or retired.⁵ The Fraternal Order of Police reported that the new legislation was the primary reason for these losses.⁶ New York City, in another example, slashed its police budget by \$1 billion.⁷ The city is still feeling the effects of this poor decision-making. In 2022, crime in New York City rose significantly when compared to the previous year. According to data from the New York Police Department (NYPD), New York City saw a 23 percent surge in major crimes.⁸

The anti-police rhetoric and corresponding policy shifts against law enforcement has resulted in fewer people willing to become or remain police officers. According to a study on police turnover after the George Floyd protests conducted by the Criminology & Public Policy Journal, “voluntary resignations in some larger police de-

¹ See, Charles Fain Lehman, *The Minneapolis Effect* WASH. EXAMINER (June 24, 2021), <https://www.washingtonexaminer.com/politics/the-minneapolis-effect>.

² See, e.g. Neil MacFarquhar, *Departures of Police Officers Accelerated During a Year of Protests*, NY TIMES, (Jun. 11, 2021), <https://www.nytimes.com/2021/06/11/us/police-retirements-resignations-recruits.html>

³ Scott Mourtgos, Ian Adams, and Justin Nix, *Elevated police turnover following the summer of George Floyd protests: A synthetic control study*, CRIMINOLOGY & PUBLIC POLICY VOL. 21 ISS. 1 (August 26, 2021), <https://www.hoplophobia.info/wp-content/uploads/2020/12/2021-Elevated-police-turnover-following-the-summer-of-George-Floyd-protests.pdf>.

⁴ Nick Sibilla, *Colorado Passes Landmark Law Against Qualified Immunity, Creates New Way To Protect Civil Rights* (June 21, 2020), <https://www.forbes.com/sites/nicksibilla/2020/06/21/colorado-passes-landmark-law-against-qualified-immunity-creates-new-way-to-protect-civil-rights/?sh=1c3e285d378a>.

⁵ David Migoya, *More than 200 police officers have resigned or retired since Colorado's police reform bill became law* (August 18, 2020), <https://www.denverpost.com/2020/08/18/colorado-police-resign-retain-reform-law/>.

⁶ Mark McDonald, *Police recruitment was already tough. Attacks on qualified immunity make matters worse*. (November 26, 2021), <https://fop.net/2021/11/police-recruitment-was-already-tough-attacks-on-qualified-immunity-make-matters-worse/>.

⁷ Scottie Andrew and Kristina Sgueglia, *New York Police Department's budget has been slashed by \$1 billion*, CNN (July 1, 2020), <https://www.cnn.com/2020/07/01/us/new-york-budget-nypd-1-billion-cut-trnd/index.html>.

⁸ Dean Balsamini, *NYC murders down but major crimes surge as 2022 draws to a close*, N.Y. POST (Dec. 31, 2022), <https://nypost.com/2022/12/31/nyc-murders-down-but-major-crimes-surge-as-2022-ends/>.

partments in the nation may have increased by nearly 280 percent.”⁹ Smaller departments face similar challenges. In July 2022, the town of Springfield, Colorado saw its entire police force resign within a week.¹⁰ Moreover, recruiting qualified people to be police officers has proven so difficult that many cities have had to resort to significantly lowering, or eliminating, important pre-employment personal and professional standards.¹¹

Law enforcement officers place their lives in danger every day to serve our communities. Despite this selfless sacrifice by law enforcement officers, Democrats have promoted and advocated for defunding the police—which would make the jobs of law enforcement officers even more dangerous. Some of the jurisdictions that have defunded their police departments are represented by Democrat Members of the Committee on the Judiciary, while other Democrats in Congress have voiced support for defunding the police in general.¹²

Not surprisingly, jurisdictions that defunded their law enforcement saw a dramatic increase in crime. According to the Major Cities Chiefs Association (MCCA), the heightened levels of violent crime continued into 2021. The MCCA reported that violent crime in the majority of big cities across the U.S. remained high as compared to 2019, with homicides in particular increasing over 36 percent.¹³ Out of the 70 cities that the MCCA included in its data, 69 cities experienced increases in at least one category of violent crimes in 2021.¹⁴ Democrat-run cities have seen significant increases in homicides. For example:

- In New York City, the NYPD’s data shows the overall crime rate rose 11.2 percent in October 2021 compared to October 2020.¹⁵ This jump in crime continues after New York City defunded its police department by \$1 billion.¹⁶

⁹Scott Mourtgos, Ian Adams, and Justin Nix, *Elevated police turnover following the summer of George Floyd protests: A synthetic control study*, CRIMINOLOGY & PUBLIC POLICY VOL. 21 ISS. 1 (August 26, 2021), <https://www.hoplofobia.info/wp-content/uploads/2020/12/2021-Elevated-police-turnover-following-the-summer-of-George-Floyd-protests.pdf>.

¹⁰Tony Keith, *Entire police force resigns in a small Colorado town*, KKTV (July 15, 2022 [updated July 19, 2022]), <https://www.kktv.com/2022/07/15/entire-police-force-resigns-small-colorado-town/>.

¹¹See, e.g., Heather MacDonald, *What Killed Tyre Nichols*, City Journal (Feb. 19, 2023), <https://www.city-journal.org/what-killed-tyre-nichols> (“The idea that policing is racist, both in its treatment of black suspects and in its hiring of black officers, has led to manpower loss, a lowering of standards, and a drop in proactive enforcement. The resulting increase in crime then puts more downward pressure on hiring standards in order to try to replenish the depleted ranks. Unable to compensate for officer attrition, police departments are left without enough well-trained sergeants and lieutenants to supervise officers who maybe should never have been hired in the first place.”).

¹²See, e.g., Michael McDowell, *Jerry Nadler Thinks the NYPD Budget Should be Cut and He’s Getting Ready if Trump Disputes the Election*, WEST SIDE RAG (June 7, 2020), <https://www.westsiderag.com/2020/06/07/jerry-nadler-thinks-the-nypd-budget-should-be-cut-and-hes-getting-ready-if-trump-disputes-the-election>; see also, Inside Politics: Rep. Jeffries on His Fight to Ban Police Chokeholds & Activists’ Push to Defund Law Enforcement, (CNN television broadcast Jun. 7, 2020), <https://www.cnn.com/videos/tv/2020/06/07/ip-jeffries-intv.cnn> (“You have to look at [defunding the police] on a case-by-case basis”); see also Cori Bush (@CoriBush), TWITTER (Dec. 1, 2020, 9:03 PM), <https://twitter.com/CoriBush/status/1333955011475365888> (“It’s not a slogan. It’s a mandate for keeping our people alive. Defund the police.”).

¹³Press Release, Major Cities Chiefs Association, MCCA Releases Violent Crime Report (Feb. 10, 2022).

¹⁴Major Cities Chiefs Association, Violent Crime Survey—Agency Totals (2020–2021), <https://majorcitieschiefs.com/wp-content/uploads/2022/02/MCCA-Violent-Crime-Report-2021-and-2020-Year-End.pdf>.

¹⁵Fox 5 New York Staff, Violent Crime Continues to Surge in NYC, FOX 5 New York (Nov. 3, 2021), <https://www.fox5ny.com/news/violent-crime-continues-to-surge-in-nyc>.

¹⁶The Official Website of the City of New York, *In the Face of an Economic Crisis, Mayor de Blasio Announces Budget that Prioritizes Safety, Police Reform, Youth Services, and Commu-*

- In Los Angeles County, homicides increased 23 percent from 555 in 2020 to 683 in 2021.¹⁷ The increased homicide rate occurred after Los Angeles defunded its police department by \$150 million.¹⁸
- Minneapolis, Minnesota, saw an increase in homicides in 2021 with 96 reported as opposed to only 84 in 2020.¹⁹ Minneapolis was one of the first cities to defund its police department in 2020 after the death of George Floyd. The Minneapolis City Council voted to refund its police department by \$6.4 million after the increase in crime.²⁰ Moreover, in November 2021, Minneapolis voters rejected a city council ballot proposal to replace their embattled police department.²¹
- Philadelphia, Pennsylvania, saw a nearly 13 percent increase in homicides from 2020 to 2021.²² In 2020, Philadelphia suffered 499 homicides, while 563 were reported in 2021.²³ Philadelphia decided to cut its police budget by \$33 million in 2020.²⁴
- Portland, Oregon, also suffered a drastic increase in homicides from 2020 to 2021. In 2020, Portland suffered 53 homicides while enduring 87 in 2021.²⁵ Portland also reported 3,409 aggravated assaults in 2021, an increase from 2,726 in 2020.²⁶ Portland also decided to defund its police department to the tune of \$16 million in 2020.²⁷

Hearings

For the purposes of clause 3(c)(6)(A) of House rule XIII, the following hearing was used to develop H. Con. Res. 40 before the Committee on the Judiciary: “Victims of Violent Crime in Manhattan,” a hearing held on April 17, 2023, before the House Judiciary Committee. The Committee heard testimony from the following witnesses:

- Madeline Brame, Chairwoman of the Victims Rights Reform Council and mother of a homicide victim;
- Jose Alba, Former Manhattan bodega clerk and victim of assault in Manhattan;

ities of Color (Jun. 30, 2020), <https://www1.nyc.gov/office-of-the-mayor/news/487-20/in-face-an-economic-crisis-mayor-de-blasio-budget-prioritizes-safety-police>.

¹⁷ Major Cities Chiefs Association, *Violent Crime Survey—Agency Totals (2020–2021)*, <https://majorcitieschiefs.com/wp-content/uploads/2022/08/MCCA-Violent-Crime-Report-2021-and-2020-Year-End.pdf>.

¹⁸ Anabel Munoz, *Los Angeles City Council votes to cut LAPD budget by \$150 million*, ABC 7 (Jul. 2, 2020), <https://abc7.com/defund-the-police-lapd-los-angeles-mayor-eric-garcetti/6289037/>.

¹⁹ *Supra* note 17.

²⁰ Bradford Betz, *Minneapolis Push to Defund Police Backfires After Residents Complain of Slow Response Times, Increase in Crime*, FOX NEWS (February 14, 2021) <https://www.foxnews.com/us/minneapolis-defund-police-backfires-residents-complain-slow-response-times-increase-crime>.

²¹ Joe Walsh, *Minneapolis Votes Down Proposal to Replace its Police Department*, FORBES (Nov. 2, 2021), <https://www.forbes.com/sites/joewalsh/2021/11/02/minneapolis-votes-down-proposal-to-replace-its-police-department/?sh=1a119c4b2fce>.

²² *Supra* note 17.

²³ *Id.*

²⁴ Michael D’Onofrio, *Preliminary Philly budget cuts \$33M in police spending, implements reform*, PENNSYLVANIA CAPITAL STAR (Jun. 18, 2020), <https://www.penncapital-star.com/government-politics/preliminary-philly-budgetcuts-33m-in-police-spending-implements-reform/>.

²⁵ Major Cities Chiefs Association, *Violent Crime Survey—Agency Totals (2020–2021)*, <https://majorcitieschiefs.com/wp-content/uploads/2022/02/MCCA-Violent-Crime-Report-2021-and-2020-Year-End.pdf>.

²⁶ *Id.*

²⁷ *Portland, Ore., Cuts Police Budget by \$16 million, Dissolves Programs*, OANN (Nov. 6, 2020), <https://www.oann.com/portland-votes-against-18m-police-funding-cut/>.

- Jennifer Harrison, Founder of Victim's Rights New York;
- Paul DiGiacomo, President of the New York Police Department Detectives' Endowment Association;
- Barry Borgen, Father of a victim of anti-Semitic attack in Manhattan;
- Robert F. Holden, New York City Council Member;
- Jim Kessler, Executive Vice President for Policy, Third Way; and
- Rebecca Fischer, Executive Director. New Yorkers Against Gun Violence.

During this hearing, held in New York, New York, the Committee heard directly from victims of violent crime in Manhattan. The Committee also heard powerful testimony from the Detectives Endowment Association (DEA) President Paul DiGiacomo on how left-wing policies are harming law enforcement officers. Councilman Robert Holden testified that crime in New York is worse than at any time he can recall.

Committee Consideration

On May 10, 2023, the Committee met in open session and ordered the bill, H. Con. Res. 40, favorably reported by voice vote, a quorum being present.

Committee Votes

In compliance with clause 3(b) of House rule XIII, the following roll call votes occurred during the Committee's consideration of H. Con. Res. 40:

1. Vote on Motion to Table [appealing the ruling of the Chair in respect to the germaneness of the Cohen Amendment (#1) to H. Con. Res. 40]—passed 16 ayes to 9 nays
2. Vote on Motion to Table [appealing the ruling of the Chair in respect to the germaneness of the Jayapal Amendment (#2) to H. Con. Res. 40]—passed 20 ayes to 13 nays
3. Vote on Motion to Table [appealing the ruling of the Chair in respect to the germaneness of the Cicilline Amendment (#3) to H. Con. Res. 40]—passed 19 ayes to 11 nays
4. Vote on Motion to Table [appealing the ruling of the Chair in respect to the germaneness of the Cicilline Amendment (#4) to H. Con. Res. 40]—passed 17 ayes to 12 nays
5. Vote on Motion to Table [appealing the ruling of the Chair in respect to the germaneness of the Swalwell Amendment (#5) to H. Con. Res. 40]—passed 12 ayes to 11 nays
6. Vote on Swalwell Amendment (#6) to H. Con. Res. 40—failed 9 ayes to 12 nays
7. Vote on Motion to Table [appealing the ruling of the Chair in respect to the germaneness of the Jackson Lee Amendment (#7) to H. Con. Res. 40]—passed 11 ayes to 10 nays
8. Vote on Motion to Table [appealing the ruling of the Chair in respect to the germaneness of the Ivey Amendment (#8) to H. Con. Res. 40]—passed 11 ayes to 9 nays
9. Vote on Motion to Table [appealing the ruling of the Chair in respect to the germaneness of the Scanlon Amendment (#9) to H. Con. Res. 40]—passed 13 ayes to 9 nays

10. Vote on Motion to Table [appealing the ruling of the Chair in respect to the germaneness of the Cicilline Amendment (#10) to H. Con. Res. 40]—passed 14 ayes to 9 nays
11. Vote on Schiff Amendment (#11) to H. Con. Res. 40]—failed 12 ayes to 14 nays
12. Vote on Cicilline Amendment (#12) to H. Con. Res. 40—failed 11 ayes to 14 nays

COMMITTEE ON THE JUDICIARY

118th CONGRESS

25-19

ROLL CALL

Date: 5/10/23

Vote on: *Motion to table [appealing the ruling of the chair]
Re: Cohen (#1) Amndt germaness* Roll Call #: 5

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) <i>Chairman</i>	✓			MR. NADLER (NY) <i>Ranking Member</i>		✓	
MR. ISSA (CA)	✓			MS. LOFGREN (CA)			
MR. BUCK (CO)	✓			MS. JACKSON LEE (TX)			
MR. GAETZ (FL)	✓			MR. COHEN (TN)		✓	
MR. JOHNSON (LA)	✓			MR. JOHNSON (GA)		✓	
MR. BIGGS (AZ)	✓			MR. SCHIFF (CA)		✓	
MR. McCLINTOCK (CA)	✓			MR. CICILLINE (RI)			
MR. TIFFANY (WI)	✓			MR. SWALWELL (CA)			
MR. MASSIE (KY)				MR. LIEU (CA)			
MR. ROY (TX)				MS. JAYAPAL (WA)		✓	
MR. BISHOP (NC)	✓			MR. CORREA (CA)		✓	
MS. SPARTZ (IN)	✓			MS. SCANLON (PA)			
MR. FITZGERALD (WI)	✓			MR. NEGUSE (CO)			
MR. BENTZ (OR)	✓			MS. McBATH (GA)			
MR. CLINE (VA)				MS. DEAN (PA)		✓	
MR. GOODEN (TX)				MS. ESCOBAR (TX)			
MR. VAN DREW (NJ)	✓			MS. ROSS (NC)		✓	
MR. NEHLS (TX)				MS. BUSH (MO)			
MR. MOORE (AL)	✓			MR. IVEY (MD)		✓	
MR. KILEY (CA)							
MS. HAGEMAN (WY)	✓						
MR. MORAN (TX)							
MS. LEE (FL)	✓						
MR. HUNT (TX)							
MR. FRY (SC)							

Roll Call Totals:

Ayes:

16

Nays:

9

Present:

Passed:

X

Failed:

COMMITTEE ON THE JUDICIARY

118th CONGRESS

25-19

ROLL CALL

Date: 5/19/23

Vote on: Motion to table [appealing the Ruling of the Chair Re: Jayapal Amndt (#2) to HConRes 407]

Roll Call #: 6

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) <i>Chairman</i>	✓			MR. NADLER (NV) <i>Ranking Member</i>		✓	
MR. ISSA (CA)	✓			MS. LOFGREN (CA)			
MR. BUCK (CO)	✓			MS. JACKSON LEE (TX)		✓	
MR. GAETZ (FL)	✓			MR. COHEN (TN)		✓	
MR. JOHNSON (LA)	✓			MR. JOHNSON (GA)		✓	
MR. BIGGS (AZ)	✓			MR. SCHIFF (CA)		✓	
MR. McCLINTOCK (CA)	✓			MR. CICILLINE (RI)		✓	
MR. TIFFANY (WI)	✓			MR. SWALWELL (CA)		✓	
MR. MASSIE (KY)				MR. LIEU (CA)			
MR. ROY (TX)				MS. JAYAPAL (WA)		✓	
MR. BISHOP (NC)				MR. CORREA (CA)			
MS. SPARTZ (IN)	✓			MS. SCANLON (PA)		✓	
MR. FITZGERALD (WI)	✓			MR. NEGUSE (CO)			
MR. BENTZ (OR)	✓			MS. McBATH (GA)		✓	
MR. CLINE (VA)	✓			MS. DEAN (PA)		✓	
MR. GOODEN (TX)	✓			MS. ESCOBAR (TX)			
MR. VAN DREW (NJ)	✓			MS. ROSS (NC)		✓	
MR. NEHLS (TX)	✓			MS. BUSH (MO)			
MR. MOORE (AL)	✓			MR. IVEY (MD)		✓	
MR. KILEY (CA)	✓						
MS. HAGEMAN (WY)	✓						
MR. MORAN (TX)							
MS. LEE (FL)							
MR. HUNT (TX)	✓						
MR. FRY (SC)	✓						

Roll Call Totals: ~~X~~

Ayes: 20 Nays: 13

Present:

Passed: ~~X~~

Failed: _____

COMMITTEE ON THE JUDICIARY

118th CONGRESS

25-19

ROLL CALL

Date: 9/10/23

Vote on: Motion to Table [appealing the Rubing of the Chair RC, Roll Call #: 7]
Cicilline Amndt (#3) to HCon Res 40

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) <i>Chairman</i>	✓			MR. NADLER (NY) <i>Ranking Member</i>		✓	
MR. ISSA (CA)	✓			MS. LOFGREN (CA)			
MR. BUCK (CO)	✓			MS. JACKSON LEE (TX)		✓	
MR. GAETZ (FL)	✓			MR. COHEN (TN)			
MR. JOHNSON (LA)	✓			MR. JOHNSON (GA)			
MR. BIGGS (AZ)	✓			MR. SCHIFF (CA)		✓	
MR. McCLINTOCK (CA)	✓			MR. CICILLINE (RI)		✓	
MR. TIFFANY (WI)	✓			MR. SWALWELL (CA)		✓	
MR. MASSIE (KY)				MR. LIEU (CA)			
MR. ROY (TX)				MS. JAYAPAL (WA)		✓	
MR. BISHOP (NC)				MR. CORREA (CA)			
MS. SPARTZ (IN)	✓			MS. SCANLON (PA)		✓	
MR. FITZGERALD (WI)	✓			MR. NEGUSE (CO)			
MR. BENTZ (OR)				MS. McBATH (GA)		✓	
MR. CLINE (VA)	✓			MS. DEAN (PA)		✓	
MR. GOODEN (TX)	✓			MS. ESCOBAR (TX)			
MR. VAN DREW (NJ)	✓			MS. ROSS (NC)		✓	
MR. NEHLS (TX)	✓			MS. BUSH (MO)			
MR. MOORE (AL)	✓			MR. IVEY (MD)		✓	
MR. KILEY (CA)	✓						
MS. HAGEMAN (WY)	✓						
MR. MORAN (TX)							
MS. LEE (FL)							
MR. HUNT (TX)	✓						
MR. FRY (SC)	✓						

Roll Call Total: Ayes: 19 Nays: 11 Present: _____
 Passed: X Failed: _____

COMMITTEE ON THE JUDICIARY

118th CONGRESS

25-19

ROLL CALL

Date: 5/10/23

Vote on: Motion to Table (Appealing the Ruling of the Chair Re: Cicilline Amndt (H) to Hcon Res 40] Roll Call #: 8

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) <i>Chairman</i>	✓			MR. NADLER (NY) <i>Ranking Member</i>		✓	
MR. ISSA (CA)	✓			MS. LOFGREN (CA)			
MR. BUCK (CO)	✓			MS. JACKSON LEE (TX)		✓	
MR. GAETZ (FL)	✓			MR. COHEN (TN)			
MR. JOHNSON (LA)	✓			MR. JOHNSON (GA)		✓	
MR. BIGGS (AZ)				MR. SCHIFF (CA)		✓	
MR. McCLINTOCK (CA)	✓			MR. CICILLINE (RI)		✓	
MR. TIFFANY (WI)	✓			MR. SWALWELL (CA)		✓	
MR. MASSIE (KY)				MR. LIEU (CA)			
MR. ROY (TX)				MS. JAYAPAL (WA)		✓	
MR. BISHOP (NC)				MR. CORREA (CA)			
MS. SPARTZ (IN)	✓			MS. SCANLON (PA)		✓	
MR. FITZGERALD (WI)				MR. NEGUSE (CO)			
MR. BENTZ (OR)				MS. McBATH (GA)		✓	
MR. CLINE (VA)	✓			MS. DEAN (PA)		✓	
MR. GOODEN (TX)	✓			MS. ESCOBAR (TX)		✓	
MR. VAN DREW (NJ)	✓			MS. ROSS (NC)			
MR. NEILS (TX)	✓			MS. BUSH (MO)			
MR. MOORE (AL)	✓			MR. IVEY (MD)		✓	
MR. KILEY (CA)	✓						
MS. HAGEMAN (WY)	✓						
MR. MORAN (TX)							
MS. LEE (FL)							
MR. HUNT (TX)	✓						
MR. FRY (SC)	✓						

Roll Call Totals: Ayes: 17 Nays: 12 Present: _____
 Passed: X Failed: _____

COMMITTEE ON THE JUDICIARY
118th CONGRESS

Date: 5/10/23

25-19

ROLL CALL

Vote on: Motion to table (appealing the ruling of the Chair re: Swailwell #5) Amndt to HConRes 1090

Roll Call #: 9

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) <i>Chairman</i>	✓			MR. NADLER (NY) <i>Ranking Member</i>		✓	
MR. ISSA (CA)	✓			MS. LOFGREN (CA)			
MR. BUCK (CO)				MS. JACKSON LEE (TX)		✓	
MR. GAETZ (FL)				MR. COHEN (TN)			
MR. JOHNSON (LA)	✓			MR. JOHNSON (GA)		✓	
MR. BIGGS (AZ)				MR. SCHIFF (CA)		✓	
MR. McCLINTOCK (CA)	✓			MR. CICILLINE (RI)		✓	
MR. TIFFANY (WI)	✓			MR. SWALWELL (CA)		✓	
MR. MASSIE (KY)				MR. LIEU (CA)			
MR. ROY (TX)				MS. JAYAPAL (WA)		✓	
MR. BISHOP (NC)				MR. CORREA (CA)			
MS. SPARTZ (IN)	✓			MS. SCANLON (PA)		✓	
MR. FITZGERALD (WI)				MR. NEGUSE (CO)			
MR. BENTZ (OR)				MS. McBATH (GA)		✓	
MR. CLINE (VA)				MS. DEAN (PA)		✓	
MR. GOODEN (TX)	✓			MS. ESCOBAR (TX)			
MR. VAN DREW (NJ)	✓			MS. ROSS (NC)			
MR. NEHLS (TX)				MS. BUSH (MO)			
MR. MOORE (AL)	✓			MR. IVEY (MD)		✓	
MR. KILEY (CA)	✓						
MS. HAGEMAN (WY)	✓						
MR. MORAN (TX)							
MS. LEE (FL)							
MR. HUNT (TX)							
MR. FRY (SC)	✓						

Roll Call Totals:

Ayes: 12 Nays: 11

Present:

Passed: X

Failed: _____

COMMITTEE ON THE JUDICIARY

118th CONGRESS

25-19

ROLL CALL

Date: 9/10/23

Vote on: Swailwell Amndt #6 to HCONRES 40

Roll Call #: 10

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) <i>Chairman</i>		✓		MR. NADLER (NY) <i>Ranking Member</i>	✓		
MR. ISSA (CA)		✓		MS. LOFGREN (CA)			
MR. BUCK (CO)				MS. JACKSON LEE (TX)	✓		
MR. GAETZ (FL)				MR. COHEN (TN)			
MR. JOHNSON (LA)		✓		MR. JOHNSON (GA)	✓		
MR. BIGGS (AZ)				MR. SCHIFF (CA)	✓		
MR. McCLINTOCK (CA)		✓		MR. CICILLINE (RI)	✓		
MR. TIFFANY (WI)		✓		MR. SWALWELL (CA)	✓		
MR. MASSIE (KY)				MR. LIEU (CA)			
MR. ROY (TX)				MS. JAYAPAL (WA)			
MR. BISHOP (NC)				MR. CORREA (CA)			
MS. SPARTZ (IN)		✓		MS. SCANLON (PA)	✓		
MR. FITZGERALD (WI)				MR. NEGUSE (CO)			
MR. BENTZ (OR)				MS. McBATH (GA)	✓		
MR. CLINE (VA)				MS. DEAN (PA)			
MR. GOODEN (TX)		✓		MS. ESCOBAR (TX)			
MR. VAN DREW (NJ)		✓		MS. ROSS (NC)			
MR. NEHLS (TX)				MS. BUSH (MO)			
MR. MOORE (AL)		✓		MR. IVEY (MD)	✓		
MR. KILEY (CA)		✓					
MS. HAGEMAN (WY)		✓					
MR. MORAN (TX)							
MS. LEE (FL)							
MR. HUNT (TX)							
MR. FRY (SC)		✓					

Roll Call Totals:

Ayes: 9

Nays: 12

Present: X

Passed: _____

Failed: _____

COMMITTEE ON THE JUDICIARY

118th CONGRESS

25-19

ROLL CALL

Date: 5/10/23

Vote on:

Motion to table [appealing the Ruling of the Chair
Re: Jackson Lee Amndt (H7) to H Con Res 20]

Roll Call #: 11

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) <i>Chairman</i>	✓			MR. NADLER (NY) <i>Ranking Member</i>		✓	
MR. ISSA (CA)	✓			MS. LOFGREN (CA)			
MR. BUCK (CO)				MS. JACKSON LEE (TX)		✓	
MR. GAETZ (FL)				MR. COHEN (TN)			
MR. JOHNSON (LA)	✓			MR. JOHNSON (GA)		✓	
MR. BIGGS (AZ)				MR. SCHIFF (CA)		✓	
MR. McCLINTOCK (CA)	✓			MR. CICILLINE (RI)		✓	
MR. TIFFANY (WI)	✓			MR. SWALWELL (CA)		✓	
MR. MASSIE (KY)				MR. LIEU (CA)			
MR. ROY (TX)				MS. JAYAPAL (WA)			
MR. BISHOP (NC)				MR. CORREA (CA)			
MS. SPARTZ (IN)				MS. SCANLON (PA)		✓	
MR. FITZGERALD (WI)				MR. NEGUSE (CO)			
MR. BENTZ (OR)				MS. McBATH (GA)		✓	
MR. CLINE (VA)	✓			MS. DEAN (PA)			
MR. GOODEN (TX)	✓			MS. ESCOBAR (TX)			
MR. VAN DREW (NJ)	✓			MS. ROSS (NC)		✓	
MR. NEHLS (TX)	✓			MS. BUSH (MO)			
MR. MOORE (AL)	✓			MR. IVEY (MD)		✓	
MR. KILEY (CA)							
MS. HAGEMAN (WV)							
MR. MORAN (TX)							
MS. LEE (FL)							
MR. HUNT (TX)							
MR. FRY (SC)	✓						

Roll Call Totals:

Ayes: 11

Nays: 10

Present:

Passed:

Failed:

COMMITTEE ON THE JUDICIARY

118th CONGRESS

25-19

ROLL CALL

Date: 5/10/23

Vote on: Motion to Table (appealing the Ruling of the Chair 20:12)
 Ivey Amndt (H8) to HCON RES 903 Roll Call #: 12

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) <i>Chairman</i>	✓			MR. NADLER (NY) <i>Ranking Member</i>		✓	
MR. ISSA (CA)	✓			MS. LOFGREN (CA)			
MR. BUCK (CO)				MS. JACKSON LEE (TX)		✓	
MR. GAETZ (FL)				MR. COHEN (TN)			
MR. JOHNSON (LA)	✓			MR. JOHNSON (GA)		✓	
MR. BIGGS (AZ)				MR. SCHIFF (CA)		✓	
MR. McCLINTOCK (CA)	✓			MR. CICILLINE (RI)		✓	
MR. TIFFANY (WI)	✓			MR. SWALWELL (CA)			
MR. MASSIE (KY)				MR. LIEU (CA)			
MR. ROY (TX)				MS. JAYAPAL (WA)			
MR. BISHOP (NC)				MR. CORREA (CA)			
MS. SPARTZ (IN)				MS. SCANLON (PA)		✓	
MR. FITZGERALD (WI)				MR. NEGUSE (CO)			
MR. BENTZ (OR)				MS. McBATH (GA)		✓	
MR. CLINE (VA)				MS. DEAN (PA)			
MR. GOODEN (TX)	✓			MS. ESCOBAR (TX)			
MR. VAN DREW (NJ)	✓			MS. ROSS (NC)		✓	
MR. NEHLS (TX)	✓			MS. BUSH (MO)			
MR. MOORE (AL)	✓			MR. IVEY (MD)		✓	
MR. KILEY (CA)							
MS. HAGEMAN (WY)	✓						
MR. MORAN (TX)							
MS. LEE (FL)							
MR. HUNT (TX)							
MR. FRY (SC)	✓						

Roll Call Totals:

Ayes: 11

Nays: 9

Present:

Passed: X

Failed: _____

COMMITTEE ON THE JUDICIARY

118th CONGRESS

25-19

ROLL CALL

Date: 5/10/23

Vote on: Motion to Table [appealing the Ruling of the Chair rec: 13]
 Scanlon Amndt (#9) to H Con Res 40] Roll Call #: 13

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) <i>Chairman</i>				MR. NADLER (NY) <i>Ranking Member</i>		✓	
MR. ISSA (CA)	✓			MS. LOFGREN (CA)			
MR. BUCK (CO)	✓			MS. JACKSON LEE (TX)			
MR. GAETZ (FL)	✓			MR. COHEN (TN)			
MR. JOHNSON (LA)	✓			MR. JOHNSON (GA)		✓	
MR. BIGGS (AZ)				MR. SCHIFF (CA)		✓	
MR. McCLINTOCK (CA)				MR. CICHLINE (RI)		✓	
MR. TIFFANY (WI)	✓			MR. SWALWELL (CA)			
MR. MASSIE (KY)				MR. LIEU (CA)			
MR. ROY (TX)				MS. JAYAPAL (WA)			
MR. BISHOP (NC)				MR. CORREA (CA)			
MS. SPARTZ (IN)				MS. SCANLON (PA)		✓	
MR. FITZGERALD (WI)				MR. NEGUSE (CO)			
MR. BENTZ (OR)				MS. McBATH (GA)		✓	
MR. CLINE (VA)	✓			MS. DEAN (PA)			
MR. GOODEN (TX)	✓			MS. ESCOBAR (TX)		✓	
MR. VAN DREW (NJ)	✓			MS. ROSS (NC)		✓	
MR. NEHLS (TX)	✓			MS. BUSH (MO)			
MR. MOORE (AL)	✓			MR. IVEY (MD)		✓	
MR. KILEY (CA)							
MS. HAGEMAN (WY)	✓						
MR. MORAN (TX)							
MS. LEE (FL)							
MR. HUNT (TX)	✓						
MR. FRY (SC)	✓						

Roll Call Totals:

Ayes:

13

Nays:

Present:

Passed:

Failed:

COMMITTEE ON THE JUDICIARY

118th CONGRESS

25-19

ROLL CALL

Date: 5/10/23

Vote on: Motion to Table (appealing the Ruling of the Chair Re: Cicilline Amendment 10) to HCONRES 403

Roll Call #: 14

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) <i>Chairman</i>	✓			MR. NADLER (NY) <i>Ranking Member</i>		✓	
MR. ISSA (CA)	✓			MS. LOFGREN (CA)			
MR. BUCK (CO)	✓			MS. JACKSON LEE (TX)			
MR. GAETZ (FL)				MR. COHEN (TN)			
MR. JOHNSON (LA)	✓			MR. JOHNSON (GA)		✓	
MR. BIGGS (AZ)	✓			MR. SCHIFF (CA)		✓	
MR. McCLINTOCK (CA)				MR. CICILLINE (RI)		✓	
MR. TIFFANY (WI)	✓			MR. SWALWELL (CA)		✓	
MR. MASSIE (KY)				MR. LIEU (CA)			
MR. ROY (TX)				MS. JAYAPAL (WA)			
MR. BISHOP (NC)				MR. CORREA (CA)			
MS. SPARTZ (IN)				MS. SCANLON (PA)			
MR. FITZGERALD (WI)				MR. NEGUSE (CO)			
MR. BENTZ (OR)				MS. McBATH (GA)		✓	
MR. CLINE (VA)	✓			MS. DEAN (PA)			
MR. GOODEN (TX)	✓			MS. ESCOBAR (TX)		✓	
MR. VAN DREW (NJ)	✓			MS. ROSS (NC)		✓	
MR. NEHLS (TX)	✓			MS. BUSH (MO)			
MR. MOORE (AL)	✓			MR. IVEY (MD)		✓	
MR. KILEY (CA)							
MS. HAGEMAN (WY)	✓						
MR. MORAN (TX)							
MS. LEE (FL)							
MR. HUNT (TX)	✓						
MR. FRY (SC)	✓						

Roll Call Totals:

Ayes: 14

Nays: 9

Present:

Passed: ☒Failed: ☐

COMMITTEE ON THE JUDICIARY

118th CONGRESS

25-19

ROLL CALL

Date: 5/10/23

Vote on: Schiff Amendment (#11) to HConRes 40

Roll Call #: 15

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) <i>Chairman</i>		✓		MR. NADLER (NY) <i>Ranking Member</i>	✓		
MR. ISSA (CA)		✓		MS. LOFGREN (CA)			
MR. BUCK (CO)		✓		MS. JACKSON LEE (TX)	✓		
MR. GAETZ (FL)		✓		MR. COHEN (TN)			
MR. JOHNSON (LA)		✓		MR. JOHNSON (GA)	✓		
MR. BIGGS (AZ)				MR. SCHIFF (CA)	✓		
MR. McCLINTOCK (CA)				MR. CICILLINE (RI)	✓		
MR. TIFFANY (WI)		✓		MR. SWALWELL (CA)	✓		
MR. MASSIE (KY)				MR. LIEU (CA)			
MR. ROY (TX)				MS. JAYAPAL (WA)	✓		
MR. BISHOP (NC)				MR. CORREA (CA)			
MS. SPARTZ (IN)				MS. SCANLON (PA)			
MR. FITZGERALD (WI)				MR. NEGUSE (CO)			
MR. BENTZ (OR)				MS. McBATH (GA)	✓		
MR. CLINE (VA)		✓		MS. DEAN (PA)	✓		
MR. GOODEN (TX)				MS. ESCOBAR (TX)	✓		
MR. VAN DREW (NJ)		✓		MS. ROSS (NC)	✓		
MR. NEHLS (TX)		✓		MS. BUSH (MO)			
MR. MOORE (AL)		✓		MR. IVEY (MD)	✓		
MR. KILEY (CA)		✓					
MS. HAGEMAN (WY)		✓					
MR. MORAN (TX)							
MS. LEE (FL)							
MR. HUNT (TX)		✓					
MR. FRY (SC)		✓					

Roll Call Totals: Ayes: 12 Nays: 14 Present: X
 Passed: _____ Failed: _____

COMMITTEE ON THE JUDICIARY

118th CONGRESS

25-19

ROLL CALL

Date: 5/19/23

Vote on: Cicilline Amndt #12 to HRCongRes40

Roll Call #: 116

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) <i>Chairman</i>		✓		MR. NADLER (NY) <i>Ranking Member</i>	✓		
MR. ISSA (CA)		✓		MS. LOFGREN (CA)			
MR. BUCK (CO)		✓		MS. JACKSON LEE (TX)	✓		
MR. GAETZ (FL)		✓		MR. COHEN (TN)			
MR. JOHNSON (LA)		✓		MR. JOHNSON (GA)	✓		
MR. BIGGS (AZ)				MR. SCHIFF (CA)	✓		
MR. McCLINTOCK (CA)		✓		MR. CICILLINE (RI)	✓		
MR. TIFFANY (WI)		✓		MR. SWALWELL (CA)	✓		
MR. MASSIE (KY)				MR. LIEU (CA)			
MR. ROY (TX)				MS. JAYAPAL (WA)	✓		
MR. BISHOP (NC)				MR. CORREA (CA)			
MS. SPARTZ (IN)				MS. SCANLON (PA)			
MR. FITZGERALD (WI)				MR. NEGUSE (CO)			
MR. BENTZ (OR)				MS. McBATH (GA)	✓		
MR. CLINE (VA)		✓		MS. DEAN (PA)	✓		
MR. GOODEN (TX)				MS. ESCOBAR (TX)	✓		
MR. VAN DREW (NJ)		✓		MS. ROSS (NC)			
MR. NEHLS (TX)		✓		MS. BUSH (MO)			
MR. MOORE (AL)		✓		MR. IVEY (MD)	✓		
MR. KILEY (CA)		✓					
MS. HAGEMAN (WY)		✓					
MR. MORAN (TX)							
MS. LEE (FL)							
MR. HUNT (TX)		✓					
MR. FRY (SC)							

Roll Call Totals:

Ayes: 11

Nays: 14

Present: X

Passed: _____

Failed: _____

Committee Oversight Findings

In compliance with clause 3(c)(1) of House rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

New Budget Authority and Tax Expenditures

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the *Congressional Budget Act of 1974* and with respect to the requirements of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the *Congressional Budget Act of 1974*, the Committee has requested but not received a cost estimate for this bill from the Director of the Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Chairman of the Committee shall cause such estimate and statement to be printed in the *Congressional Record* upon its receipt by the Committee.

Congressional Budget Office Cost Estimate

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the *Congressional Budget Act of 1974* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

Committee Estimate of Budgetary Effects

With respect to the requirements of clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the *Congressional Budget Act of 1974*.

Duplication of Federal Programs

Pursuant to clause 3(c)(5) of House rule XIII, no provision of H. Con. Res. 40 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program.

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of House rule XIII, H. Con. Res. 40 expresses support for local law enforcement officers and condemns efforts to defund or dismantle local law enforcement agencies.

Advisory on Earmarks

In accordance with clause 9 of House rule XXI, H. Con. Res. 40 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clauses 9(d), 9(e), or 9(f) of House rule XXI.

Federal Mandates Statement

An estimate of federal mandates prepared by the Director of the Congressional Budget office pursuant to section 423 of the *Unfunded Mandates Reform Act* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

Advisory Committee Statement

No advisory committees within the meaning of section 5(b) of the *Federal Advisory Committee Act* were created by this legislation.

Applicability to Legislative Branch

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the *Congressional Accountability Act* (Pub. L. 104–1).

Section-by-Section Analysis

This resolution makes a series of findings about the tireless efforts of local law enforcement officers to protect and serve their communities, highlights challenges that they face from rising crime, and condemns divisive and dangerous rhetoric to defund the police.

The resolution resolves that Congress recognizes and appreciates local law enforcement officers and condemns calls to defund, disband, dismantle, or abolish the police.

Dissenting Views

H. Con. Res. 40, “Expressing support for local law enforcement officers and condemning efforts to defund or dismantle local law enforcement agencies,” provides that Congress supports local law enforcement officers and condemns calls to defund, disband, dismantle, or abolish the police. Supporters of H. Con. Res. 40 claim that this resolution supports local law enforcement by lowering the national temperature that villainizes police. Quite the opposite is true. H. Con. Res. 40 contains incendiary language, makes false and misleading claims, ignores the contributions of federal law enforcement, and does nothing to support law enforcement in the performance of their duties or to keep them safe. To address these concerns, the Minority offered a series of amendments. However, due to questionable rulings by the Chairman, the amendments were not even considered. The Minority believes these important amendments were fully germane with respect to the bill and within the scope of the bill and should have been ruled in order.

For these reasons and those explained below, I urge my colleagues to oppose this flawed resolution.

OVERVIEW

H. Con. Res. 40 recognizes that local law enforcement officers work tirelessly to protect the communities they serve, are tasked with upholding the rule of law and ensuring public safety, put themselves in harm's way in the performance of their duties, and deserve respect and gratitude. Democrats wholeheartedly supported a resolution offering similar sentiments, H. Con. Res. 363, offered by Rep. Michael Guest (R-MS), which provides that Congress supports recognition of National Police Week, which includes Peace Officers Memorial Day to honor law enforcement officers killed, disabled, or otherwise injured in the line of duty. However, H. Con. Res. 40 goes on to erroneously attempt to link the expression of support for law enforcement with incendiary and misleading political claims about efforts to “defund or dismantle local law enforcement agencies.”

CONCERNS

In recent years, the Majority has repeatedly attempted to label the Minority as the party of “defund the police.” H. Con. Res. 40 endeavors to continue those efforts. While falsely describing or omitting the context of bills members of the Minority have supported or statements they have made and attempting to attach all Democrats to certain Members who have expressly called to defund the police, the Majority continues to falsely claim that all members of the Minority support “defunding” the police. While attempting to connect the actions of a few to the Minority more broadly, the resolution references an increase in violent crime, including attacks on officers by “violent leftist extremists” and claims that “leftist activists” as well as progressive politicians called for defunding local law enforcement and encouraged anger towards officers.

The result is a hopelessly misleading resolution that omits crucial context and ignores crime trends across the country, including the disturbing rise in gun violence and the higher per capita murder rate in states won by Donald Trump, as well as Republican calls to defund federal law enforcement agencies, not to mention the right-wing activists who stormed the Capitol on January 6, 2021, taking the lives of brave Capitol Police officers.

Unfortunately, the Majority hid behind an overly restrictive reading of the rules of germaneness to avoid debating and voting on the important issues highlighted by Democratic amendments. Several members of the Minority offered amendments that would have removed the inflammatory language and the false and misleading claims, but the Majority invoked dubious arguments to rule them not germane. Members of the Minority also offered amendments to acknowledge and support the 137,000 federal agents and officers in the 50 states and the District of Columbia—including the United States Capitol Police. But they were similarly ruled not in order under an unduly restrictive theory of germaneness. Members of the Minority even attempted to offer amendments to include gun violence statistics and legislation supported by law enforcement officers and advocacy groups, including legislation to reduce gun violence, and a commitment to pass these endorsed bills since

gun violence continues to pose a threat to law enforcement and the public that officers must keep safe. While the Minority is certain the amendments pertaining to gun violence legislation and a promise to pass such legislation were well within the scope of the bill and, thus, germane, they too were ruled not in order for various conflicting reasons. And although one of the amendments offered by Representative Eric Swalwell pertaining to gun violence statistics was ruled in order, it was not accepted.

Importantly, just as the Majority has routinely done, H. Con. Res. 40 fails to acknowledge those members of the Minority who have rejected the call for defunding the police. The resolution also ignores the Majority's own efforts to defund law enforcement, whether by opposing grant funding that supports state and local agencies, or by calling to abolish federal agencies such as the Federal Bureau of Investigations (FBI) and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). They even voted down an amendment offered by Representative Adam Schiff (D-CA) to express opposition to the "Abolish the ATF Act" of 2023, a bill introduced by Representative Matt Gaetz (D-FL), which eliminates the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) immediately after the bill's enactment, as a dangerous effort to defund the police and which harms local law enforcement.

The data cited below makes clear that the Majority talks more about funding the police than actually funding the police. Several studies have reported that police funding and personnel levels are far higher in the 25 largest cities run by Democrats compared to the 25 largest Republican-run cities; these same Democratic cities increased their police budgets to a greater degree than Republican cities in the most recent funding cycle; homicide rates were significantly higher in the 25 states that voted for former President Trump compared to the 25 states that voted for President Biden; and these Republican-run cities have prioritized guns over public safety.

1. The Red State Defund Police Problem

The Majority has consistently blamed the recent rise in violent crime on the Minority and have attempted to pin the "defund the police" rhetoric on specific members of the Minority and the Democratic party generally. The Majority continues to claim that specific statements made by the Ranking Member and others indicate support for defunding the police or a lack of support for law enforcement. The Majority argues that calls to defund the police, even in cities that increased police funding, are the cause of the rise in violent crime and that the only way to respond is to increase policing and return to the antiquated law and order rhetoric of the 1980s and '90s that led us into the crisis of mass incarceration. Most cities did not "defund" the police and even in cities where police budgets were reduced, there is no evidence that the change in funding caused an increase in violent crime. And last year, the President dedicated \$10 billion to public safety from the American Rescue Plan, including \$6.5 billion to assist state and local communities in their crime-fighting efforts.

According to a Third Way report called *The Red City Defund Police Problem*, which compared the police budgets of the 25 largest Democrat-run cities and the 25 largest Republican-run cities from

FY2021 to FY2022,¹ Democratic-run cities employ far more police officers and spend far more money on policing per capita than Republican-run cities. In fact, police forces in Democratic-run cities are 75% larger than police forces in GOP-run cities. And Democrats spend roughly 38% more per person on policing than Republicans. On average, each of the cities analyzed saw an increase in funding in 2022, with Democrats increasing police budgets by slightly more.

To be sure, the Majority has attempted to pin higher crime rates on the Minority's public safety policy, especially those aimed at confronting inequities in the criminal justice system. From labeling progressive prosecutors as weak to attempting to block the District of Columbia's updated criminal code from becoming law or claiming that only bad guys have guns in cities with stricter gun safety laws, the Majority has shrouded their attempts to override the authority and decisions of predominantly blue-leaning cities behind claims of "soaring crime rates." These attacks assume that the changes in criminal-justice policies that some states and many cities have pursued over the past few years are undermining public safety and fueling higher crime rates. But two exhaustive new studies by the Center for American Progress (CAP) and Everytown, refute that premise.²

Comparing cities that have elected so-called progressive prosecutors with cities where district attorneys continue to pursue more traditional public safety approaches, the CAP study found that homicides in recent years increased less rapidly in cities with progressive prosecutors than in those with more traditional district attorneys. It also found no meaningful differences in the trends for larceny and robbery. This data reinforces lessons learned from the Third Way study, *The Red State Murder Problem*, which found that per capita murder rates in 2020 were 40 percent higher in states that voted for Trump than in those that voted for President Joe Biden.³

Looking at the period from 2015 to 2019, the CAP study found that murder rates increased in a smaller share of cities with progressive prosecutors (56 percent) than in those with traditional prosecutors (68 percent) or prosecutors who fell in the middle (62 percent). Moreover, the absolute number of murders increased by more in the cities with traditional and moderate prosecutors than in those with progressive ones. When homicide rates jumped from 2020 to 2021, the study found, the increase was slightly lower in the cities with progressive prosecutors than in those with traditional prosecutors. Similarly, the study found that from 2018 to 2021, robberies fell about as much in the cities with progressive prosecutors (down 5 percent) as they did in those with traditional district attorneys (down 8 percent). Trends in larceny looked roughly the same in both types of cities as well.

¹*The Red City Defund Police Problem*, THIRD WAY, June 18, 2022, <https://www.thirdway.org/report/the-red-city-defund-police-problem>.

²Foglesong, T. & Levi, R. et al., *Violent crime and public prosecution: A review of recent data on homicide, robbery, and progressive prosecution in the United States*, MUNK SCHOOL OF GLOBAL AFFAIRS AND PUBLIC POLICY, GLOBAL LAB, Oct. 20, 2022; *Gun Safety Policies Save Lives*, EVERYTOWN, <https://everytownresearch.org/rankings/>.

³*The Red State Murder Problem*, THIRD WAY, March 15, 2022, <https://www.thirdway.org/report/the-red-state-murder-problem>.

2. *The Red State Murder Problem*

According to a Third Way report called *The Red State Murder Problem*, published in March of last year, per capita murder rates in 2020 were 40% higher in the 25 states won by Donald Trump in the last presidential election than those won by President Biden.⁴ In addition, murder rates in many of these red states dwarfed those of blue states like New York, California, and Massachusetts. And finally, many of the states with the worst murder rates—like Mississippi, Kentucky, Alabama, South Carolina, and Arkansas—are ones that few describe as urban. The national average was 6.5 per 100,000 residents, but the top five states had rates more than twice that high.⁵ Mississippi had the highest homicide rate at 20.5 murders per 100,000 residents, followed by Louisiana at 15.79, Kentucky at 14.32, Alabama at 14.2, and Missouri at 14.

Only 2 of America's top 100 cities in population are in these high murder rate states. In fact, the top per capita murder rate states in 2020 were mostly those far from urban centers. Eight of the top ten worst murder rate states voted for Trump in 2020 and none of those eight has supported a Democrat for president since 1996. Notably, New Mexico and Georgia were the only Biden-voting states in the top ten, and they ranked seventh and eighth, respectively.⁶

Beyond the top 10, the report found that among the 50 states, murder rates were often well above the national average in many Republican-controlled states and cities. Jacksonville with 176 homicides and a murder rate (19.776) more than three times that of New York City (5.94) has a Republican mayor. Tulsa (19.64) and Oklahoma City (11.16) have Republican mayors in a Republican state and have murder rates that dwarf that of Los Angeles (6.74). Lexington's Republican mayor saw record homicides in 2020 and 2021, with a murder rate (10.61) nearly twice that of New York City. Bakersfield (11.91) and Fresno (14.09) each have Republican mayors and murder rates far higher than either San Francisco or Los Angeles. Of course, some cities controlled by Democrats had alarming murder rates, including Chicago (28.49).

Five of the largest Biden-voting states by population, and those often in the news when it comes to crime, had much lower murder rates. New York at 4.11 per 100,000 residents, California at 5.59, and New Jersey at 3.70 were each well below the national average. Pennsylvania (7.22) and Illinois (9.20) were higher than the national average. But Mississippi's murder rate was nearly 400% higher than New York's, more than 250% higher than California's, and about 120% higher than Illinois'. In fact, the five states with the highest murder rates, all Trump-voting states, had rates at least 240% higher than New York's murder rate and at least 150% higher than California's.

In a follow-up report, homicide data from 2000 to 2020 was studied to determine if the one-year red state murder epidemic was an anomaly.⁷ It was not. The study collected homicide data from 2000 through 2020 for all 50 states from the CDC's National Center for

⁴*The Red State Murder Problem*, THIRD WAY, March 15, 2022, <https://www.thirdway.org/report/the-red-state-murder-problem>.

⁵*Id.*

⁶The rest of the top ten were South Carolina, New Mexico, Georgia, Arkansas, and Tennessee (in that order).

⁷Murdock, K. & Kessler, J., *The Two-Decade Red State Murder Problem*, THIRD WAY, JAN. 27, 2023, <https://www.thirdway.org/report/the-two-decade-red-state-murder-problem>.

Health Statistics Mortality Data and found that the murder rate in the 25 states that voted for Trump has exceeded the murder rate in the 25 states that voted for President Biden in every year from 2000 to 2020. Over this 21-year span, this red state murder gap has steadily widened from a low of 9 percent more per capita red state murders in 2003 and 2004 to 44 percent more per capita red state murders in 2019, before settling back to 43% in 2020. Altogether, the per capita red state murder rate was 23 percent higher than the Blue State murder rate with all 21 years combined. Even when murders in the largest cities in red states are removed, overall murder rates in Trump-voting states were 12 percent higher than Biden-voting states across the 21-year period and higher in 18 of the 21 years reported.

While it is clear that murders continued to increase in most cities in 2021 and the tide of violence began to ebb last year, it is important to note that homicides continued to rise in Republican-run cities. Between 2019 and 2022, homicides rose in seven of the nine Republican-run cities: by 10 percent in Miami, 13 percent in Bakersfield (home to Speaker Kevin McCarthy), 31 percent in Omaha, 37 percent in Tulsa, 44 percent in Fort Worth, 71 percent in Fresno, and an eye-popping 181 percent in Colorado Springs. The median red-city homicide increase is 31 percent.⁸

3. *The Red State Iron Pipeline Problem*

Incidents of domestic violence, suicides involving firearms, and violent crime surged as the COVID-19 pandemic lingered. There was a growing fear that two years of record high gun sales, the proliferation of ghost guns, and guns trafficked from states with lax gun laws to states with stricter gun laws and across the border had magnified the risk of gun violence. With mass shootings also occurring evermore frequently, the Minority passed several pieces of gun violence prevention and public safety legislation in the 117th Congress. Conversely, the Majority has prioritized guns over public safety, costing more than 100 American lives every day.

The Majority has consistently undermined law enforcement and put lives at risk by putting more guns and gun accessories on the street without commonsense public safety protections, such as universal background checks and making sure all guns are traceable. Lax Republican gun laws are flooding our streets with guns, leading to the death of 120 Americans every day. The Minority continues to fight for commonsense gun violence prevention policies that save lives and ensure law-abiding citizens can safely own guns—policies supported by most Americans—while the Majority wants to abolish the ATF, the law enforcement agency responsible for protecting communities from gun violence, stopping gun trafficking, and ensuring lawful and responsible gun ownership.

Just 2 Republicans joined 217 Democrats to pass “The Assault Weapons Ban of 2022,” which would have prohibited the possession, sale, manufacture, or importation of certain semiautomatic assault weapons and large capacity magazines. The “Federal Extreme Risk Protection Order Act of 2022” would have authorized and established procedures for federal courts to issue red flag laws

⁸Lewyn, M., *Red Cities, Blue Cities, and Crime*, PLANETIZEN, March 12, 2023, <https://www.planetizen.com/blogs/122113-red-cities-blue-cities-and-crime>.

to prohibit an at-risk individual from purchasing and possessing firearms. The bill would have also established a grant program to help states, local governments, and other entities to implement extreme risk protection order laws. 219 Democrats voted to pass the bill joined by 5 Republicans, and 201 Republicans voted no. “The Protecting Our Kids Act” would have employed a variety of strategies to effectively reduce gun violence across the country by raising the age that certain semiautomatic firearms can lawfully be possessed, limiting the accessibility of large capacity magazines, prohibiting straw purchasing, promoting the safe storage of firearms, and building on existing regulations to take ghost guns and bump stocks out of our communities. 5 Republicans joined 218 Democrats in voting to pass the bill while 202 Republicans voted against passage.

In addition to the CAP study discussed above, Everytown compared gun policy across the country, scoring each state on the strength of its gun laws and comparing it with its rate of gun violence. In states that have taken action to pass gun safety laws, fewer people die by gun violence, the study found. States with strong laws see less gun violence while the 14 states that have failed to put “basic protections” into place have nearly three times as many gun deaths as the leading gun safety states. Notably, states with strong gun safety laws like Illinois and Maryland continue to be plagued with high gun violence in their largest cities primarily because they cannot protect their states from their neighboring states’ weak laws. The “Iron Pipeline,” which consists of 10 mostly southern states⁹, contributes an outsized share of illegally trafficked firearms into Illinois, Maryland, New Jersey, and New York. For instance, Virginia has long been the top supplier of crime guns in Maryland. Conversely, states like New Hampshire, Vermont, and Rhode Island have unusually low gun death rates even with their somewhat weaker policies, partly because they are insulated by robust laws among other states within their region of the country.

The Majority has failed to offer any solutions while standing in the way of the Minority’s efforts to address the root causes of crime and violence. Policies like stop-and-frisk and increased police presence in high-crime areas have been ineffective in reducing crime and have disproportionately targeted minority communities. Police alone will not solve the problems of crime and violence. Instead, there is a need for a balanced approach that employs both law enforcement strategies and community-based initiatives. Community engagement, resources, and support are also necessary to address the drivers of crime and violence. Safer communities are well-resourced communities and public safety requires investments in housing, employment, education, and healthcare. That is why the Minority has worked to increase funding for social programs, mental health services, and re-entry support, as well as greater investment in community policing.

⁹The states that exported the highest number of guns recovered in crimes were Georgia, Texas, Arizona, Florida, Virginia, Indiana, South Carolina, North Carolina, Alabama, and Mississippi, respectively.

CONCLUSION

H. Con. Res. 40 is incendiary, unhelpful, and advances false and misleading claims. Further, the resolution intentionally overlooks the important contributions of federal law enforcement during a commemoration period intended to highlight the sacrifices of all law enforcement agents. It is for these reasons that I must submit dissenting views on H. Con. Res. 40.

JERROLD NADLER,
Ranking Member.

