

We cannot allow libel laws in other countries to censor the writings of American authors when laws within the United States find the writings legitimate. Doing so will erode our right to free speech in the United States, an outcome I believe we all find abhorrent.

I cosponsored H.R. 6146 with Congressman STEVE COHEN to help eliminate this threat. The bill instructs courts within the United States not to enforce libel judgments of foreign courts unless the domestic court finds the judgment is consistent with the First Amendment. This is a fairly simple mechanism, but one that we expect to help control the threat of censorship arising from libel tourism.

Without the fear of foreign judgments against legitimate writings, American authors should feel safe continue to promote national and international discourse and debate.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ALTMIRE). The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 6146, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. HASTINGS of Florida (during debate on H.R. 6146), from the Committee on Rules, submitted a privileged report (Rept. No. 110-897) on the resolution (H. Res. 1514) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

EQUAL JUSTICE FOR OUR MILITARY ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3174) to amend titles 28 and 10, United States Code, to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Equal Justice for Our Military Act of 2007".

SEC. 2. CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.

(a) IN GENERAL.—Section 1259 of title 28, United States Code, is amended—

(1) in paragraph (3), by inserting "or denied" after "granted"; and

(2) in paragraph (4), by inserting "or denied" after "granted".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 867a(a) of title 10, United States Code, is amended by striking "The Supreme Court may not review by a writ of certiorari under this section any action of the Court of Appeals for the Armed Forces in refusing to grant a petition for review."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself such time as I may consume.

Mr. Speaker, the Equal Justice for Our Military Act amends the Federal judicial code to allow members of the United States Armed Services to petition for review by the United States Supreme Court in certain cases when they have been denied relief by the Court of Appeals for the Armed Forces.

Many Americans would be shocked to learn that soldiers serving their country in uniform are blocked from equal access to the Supreme Court.

But the truth is that current law provides virtually no avenue through which active service members who have been convicted by court-martial of certain serious offenses, or who face discharge or dismissal, to ask our Nation's highest court to review their case.

Currently, the Supreme Court can only hear cases where the U.S. Court of Appeals for the Armed Forces, the highest court of the military justice system, has either conducted a review of a court-martial, or has granted a servicemember's petition for extraordinary relief.

What this means is that when the court of appeals denies review, which it does nearly 90 percent of the time, the Supreme Court is barred from reconsidering the case at the request of the servicemember.

Adding insult to injury, while a servicemember is not able to obtain Supreme Court review if he or she loses at the court of appeals, if the court of appeals rules against the government, the Government can seek review in the Supreme Court.

And a former servicemember who is tried under the Military Extraterritorial Jurisdiction Act in civilian court for crimes committed while on active duty also has full right to petition for Supreme Court review.

The Equal Justice for Our Military Act corrects this unfair one-sidedness by allowing an active servicemember to file a writ of certiorari to the Supreme Court in any case where the Court of Appeals for the Armed Forces has denied review of a court-martial conviction or has denied a petition for extraordinary relief.

I would like to commend the author of this bill, our colleague SUSAN DAVIS of California, for her leadership in working to correct this ongoing injustice, so that our active servicemembers have the same fundamental protection that Americans take for granted.

I urge my colleagues to support this legislation.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise today on behalf of our troops by urging passage of H.R. 3174, the Equal Justice For Our Military Act, a bill giving our servicemembers equal access to the United States Supreme Court.

We all know when American men and women decide to serve their Nation in the Armed Forces, they make many sacrifices, from lost time with their families to irreplaceable loss of lives. Servicemembers also sacrifice one of the fundamental legal rights that all civilian members enjoy.

Members of the military convicted of offenses under the military justice system do not have the legal right to appeal their cases to the U.S. Supreme Court. After exhausting their appeals through the United States Court of Appeals for the Armed Forces, they have no recourse. In fact, the playing field is weighted in favor of the military, granting the automatic right of Supreme Court review to the Department of Defense when a servicemember wins a case. But servicemembers are denied the same right in nearly every case the government wins against them.

It is unjust to deny the members of our Armed Forces access to our system of justice as they fight for our freedom around the world. They deserve better.

As the chairwoman of the Subcommittee on Military Personnel, a long time advocate for servicemembers and a Representative from San Diego, one of the largest military communities in the Nation, I feel an obligation to fight to ensure that the members of our military are treated fairly.

I introduced, along with Armed Services Chairman Ike Skelton, H.R. 3174 to correct this inequity. This bill has been endorsed by the American Bar Association, the Military Officers Association of America, and many other legal and military advocates. In addition, the Congressional Budget Office has stated that this bill does not affect direct spending.

It is fundamentally unjust, Mr. Speaker, to deny those who serve on behalf of our country one of the basic rights afforded to all other Americans. I hope that all of my colleagues will stand with me in strong support of this legislation to attain equal treatment for those who fight for us.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the vast majority of servicemembers serve with distinction and honor, and are never subjected to disciplinary action under the Uniform Code of Military Justice. But when disciplinary action is necessary, the UCMJ and the military justice system provide a high degree of protection for the accused. In many cases, these protections extend well beyond those provided by the civil justice system.