my good friend from New Jersey, Congressman GARRETT. Thank you so much for joining us tonight.

Good night, and God bless all of America.

IMMIGRATION REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker.

It's my privilege and honor to be recognized to address you here on the floor of the House tonight and to pick up on some subject matter. I think my colleagues that spoke on the previous hour covered that subject matter pretty clearly and very well, the matter of global finances and the broader picture that we're working with. For me, I come here tonight with a number of things on my mind and things that are fresh on my mind, Mr. Speaker. They have to do with the immigration situation here in the United States.

Having had a long history with this subject matter, when I first came to this Congress, I recall listening to Congressman Tom Tancredo here on the floor. I actually was in my office and watching on C–SPAN and I thought, Well, this is a piece of history in the making. And so I walked over here and into the Capitol Chamber and sat here to listen to him speak. Tom, knowing the rhythm of the place here, saw me in the Chamber and concluded I came over because I had some things to say. He recognized me to speak on the subject matter of immigration. I was not preparing to do so, although I happen to have been prepared because of the issues in mind. From those days on forward, I have been active on this issue in my time here in Congress.

I happen to have had the privilege of sharing the stage with Congressman Tancredo Saturday night in Phoenix. It was the same good man with a passion and a great heart; a man that understands America, the need to have a sovereign Nation, a need to control our borders, a need to have a network across this country of all levels of law enforcement working together to enforce the law, the rule of law—I should say, reestablish the rule of law here in the United States—and build a greater country than we are today, Mr. Speaker.

It was a refreshing thing for me to hear those words again come out of the mouth of my good friend Congressman Tom Tancredo and to share some time on that microphone with Sheriff Joe Arpaio of Maricopa County in Arizona, who has a national reputation for enforcing immigration law, for establishing and building Tent City. And when Sheriff Joe, when he asked me if I had been to visit—and actually I had. He had sent a guide to take me to Tent City last year and presented me with a pair of his autographed underwear. When he found out I have that in my office in safekeeping, I was his good friend, Mr. Speaker. That tent city was built because a judge ordered that the prisons provide more space; and the choice was, apparently, to turn some people loose, spend a lot of millions of dollars to put up a structure, or set up a tent city. They did what they needed to do to enforce the law, especially down in that climate, Mr. Speaker.

I also was able to share a microphone with State Senator Russell Pearce, who is the principal author of Arizona immigration law S. 1070, and to spend several hours probing his intellect, his sense of history, and his patriotism that runs so deep for America, and his dedication to the United States of America, the rule of law, the State of Arizona. Put those pieces together, and I looked across at the faces that filled the park grounds there next to the State Capitol in Phoenix, Arizona. A lot of red, white, and blue. A lot of the yellow Gadsden flags; the Don't Tread on Me flags, flying in the light breeze that we had there.

It was an event to remember, with people just clear out to the outside edges of the park; a good, respectable crowd that was there. People came from many of the States of the Union. This time, I don't know that it's all the States but many of the States. A lot from Florida came all the way to Arizona to express their support for S. 1070, for the law that was principally drafted and pushed through into legislation by State Senator Russell Pearce. And he went out to bounce his legislation off of the best experts he could find in America.

And I do give great credit to Governor Jan Brewer for signing and supporting Arizona's immigration law. It is a law that has been misinterpreted, I think willfully, by people on the other side of the aisle. But here's what it is. It is a mirror of Federal legislation. It doesn't go beyond the limits of Federal legislation. It's written within the limits that are there. And it simply says that Arizona law enforcement is going to enforce Federal immigration law.

Now, if you remember, Mr. Speaker, there seemed to have been a grudge match or something going on between now Secretary of Homeland Security Janet Napolitano, former Governor of Arizona, and Sheriff Joe Arpaio, the sheriff of Maricopa County. But when Janet Napolitano became the Secretary of the Department of Homeland Security, shortly after that she announced an initiative to look at how they were going to make some changes in the 287(g) law. The 287(g) law is the Federal law that provides Federal assistance to train local law enforcement officers so that they are well trained and certified to enforce Federal immigration law. And then it makes a commitment for ICE, Immigration and Customs Enforcement, to work in cooperation with the local law enforcement that has a memorandum of understanding that is the 287(g)—that's the section in the Federal code—that is an understanding that they now have reached an agreement where they're going to work and cooperate together.

There are a lot of jurisdictions in America that had 287(g) agreements. What it is, it's a commitment for the local law enforcement to enforce and support Federal immigration law. It's that simple.

Now, you don't have to have a 287(g) agreement in order to have local law enforcement enforce Federal immigration law. In fact, there's an Attorney General's opinion that was written under John Ashcroft that makes it clear that local law enforcement can enforce Federal immigration law. There are a number of pieces of Federal case law out there that address this. One of them would be a 2001 case, the 10th Circuit, and it's U.S. v. Santana-Garcia.

In case you want to look that up tonight, Mr. Speaker, if you're having trouble sleeping, I just will tell you simply what that says is that the Federal court, the 10th Circuit, has concluded that it is implicit that local law enforcement has the authority to enforce Federal immigration law, that it wasn't contemplated otherwise. And I would go further and say that if there's something implicit that local law enforcement can't enforce Federal law, does that mean then that if there is a Federal officer that's being assaulted or that is murdered by someone that we can't have local law enforcement pick them up, that it's a Federal crime so, therefore, only Federal officers can enforce Federal crime? If it's a national bank that would be robbed, could the county sheriffs pick up those bank robbers and support the violation of the Federal law against robbing Federal banks or would you have to wait until the FBI showed up to be able to pick up the robbers of the Federal banks?

By the same token, if it's a city ordinance that's being violated, can the State highway patrol enforce a city ordinance? I will suggest that yes, they should do that. They should do that when that becomes an obligation of their job. When there's a law being broken in front of them, they should enforce that law. If the speed limits are written by either the State or the city or perhaps county on county roads, if those are the speed limits set, does that mean the county sheriffs and deputies and people can enforce speed limit laws only on county highways but they can't do so on city streets or State highways?

I mean, it borders on ludicrous to make the argument that immigration law has been, up until this time, Federal. Therefore, the only people that can enforce it are Federal officials, and they only would be the ones who were trained within ICE and Border Patrol and Customs and border protection to enforce immigration law. It's ludicrous to believe that. There has to be a network of law enforcement working in conjunction, from city police to county sheriffs to highway patrol, departments of criminal investigation, all of

our Federal officers working in cooperation with each other with great profound respect for the Constitution of the United States, for the laws that are duly passed here in the United States Congress and those laws that are passed in the State legislatures, the ordinances that come from the cities, and the list goes on.

□ 2200

So it is a cooperative effort. It always has been a cooperative effort for law enforcement to work together, and it cannot be such a thing as we are going to separate statutes by the jurisdiction of the entity that passed the law. If we do that, then we will have law enforcement officers who watch crimes before their very eyes but don't enforce the law.

Mr. Speaker, that would be the circumstances that take place in sanctuary cities now, sanctuary cities across the country that number by name, places like Houston or Denver or San Francisco. Many other cities have established sanctuary city ordinances that would tell their local law enforcement, Do not work or cooperate in the Federal immigration law. And even though the 1996 Immigration Reform Act that was passed into law, and much of that work was done by now the ranking member of the Judiciary Committee, the gentleman from Texas (Mr. SMITH), who deserves a lot of credit for language that is there, there is language in that 1996 Immigration Reform Act that prohibits the cities from establishing sanctuary cities.

I don't have the language in front of me, Mr. Speaker, but it is language that says to the effect that you cannot prohibit your officers from enforcing Federal immigration law or working in cooperation with. But the problem is that those cities got together that wanted to have a sanctuary policy, and apparently, they found out the same lawyer or lawyers, or sent out a memo to the League of Cities or whatever ties these larger cities together. And they found a way to write an ordinance around the Federal language, and they prohibited their officers from gathering information. And because they were prohibited from gathering, they didn't have any information to pass on and share with ICE and the other law enforcement officers when it came to immigration.

It created this thing called sanctuary cities. And so they have said that they are not going to enforce the immigration law within these cities. And what would happen? Of course, you create a magnet for illegals to go to those cities where they are sheltered by the sanctuary city language.

And we have, out of the House of Representatives, several times passed amendments on appropriations bills that prohibited any of those dollars coming out of those bills from being distributed to the cities that have jurisdictions where they passed sanctuary language and made sanctuary cities. But it never made it through the Senate, and it never made it into law.

So we have city after city that protects illegals within them because there is a political base already there for illegals. And in Arizona, what they have done is, S. 1070, in effect, it invalidates any city that wants to provide a sanctuary city, and simply requires them to enforce immigration law by their local law enforcement. And if they refuse or fail to do so, it allows a citizen to have standing to bring a lawsuit against that entity, against that city or county that is not enforcing the immigration law, not inquiring as to the legal status of the people that they encounter in the course of their normal law enforcement duties. I think that is a good thing.

Once 1070 is implemented into law, which I think will be on the last day of July of this year, then you will see the sanctuary cities that happen to exist in Arizona, that will shut down, and they will be compelled to enforce the law, or they are going to be brought into court by the people of Arizona.

But the uproar, the objection hasn't been about shutting off sanctuary cities in Arizona; it has been about whether there would be a boycott of Arizona because some claim that the Arizona law will bring about racial discrimination profiling.

Well, first, let me say, Mr. Speaker, that profiling has always been an important component of legitimate law enforcement. If you can't profile someone, you can't use those commonsense indicators that are before your very eyes.

Now, I think it is wrong to use racial profiling for the reasons of discriminating against people, but it is not wrong to use race or other indicators for the sake of identifying people that are violating the law.

Now we all get profiled. I had a moment of irony this morning when I stepped out of the USDA building down here several blocks west of the Capitol. I was wearing a suit, and I had just stepped out to the sidewalk. I hadn't even looked for a cab. I started to walk down the street thinking I would go to the corner. There was a cab going the other direction on the opposite side of the street. He tapped his horn. I looked up, and he swung around the street and picked me up. I asked, How did you identify me as someone who needed a cab ride? I hadn't indicated I wanted one. I was walking down the street.

He said, Well, you were wearing a suit and you stepped out the USDA office. There wasn't a car there to pick you up; I knew you needed a cab. He profiled me. He said, I don't stop for people wearing shorts and sneakers because they are not looking for a ride. People in suits coming out of that building are. There I was, profiled because I was a guy in a suit at a time of day when it would be logical I would be looking for a ride somewhere.

It is just a commonsense thing. Law enforcement needs to use commonsense indicators. Those commonsense indicators are all kinds of things, from what kind of clothes people wear, the suit in my case, what kind of shoes people wear, what kind of accent they have, the type of grooming that they might have. There are all kinds of indicators there, and sometimes it is just a sixth sense, and they can't put their finger on it.

But these law enforcement officers, if they were going to be discriminating against people on the sole basis of race, singling people out, that would be going on already. And we would have already the files of the objections that are taking place.

But this is about a political argument. It is not about Arizona's law being unconstitutional or preempted by Federal law or somehow had stretched the bounds that have been set by case law that is out there. It is not about any of that. They would like to say it is; in fact, they have said that it is.

But what it is about, Mr. Speaker, is about making a political argument that would like to brand Republicans as being anti-people because of race.

Now, could this happen? Could anyone start an agenda here to try to brand people and try to scare the American people on the subject of race or the subject of immigration? My answer to that is, You bet. I have seen it happen. It started here on this floor right over here, in 2006, when in the early summer, if I remember my dates correctly, we passed immigration reform legislation out of here headed up by at that time chairman of the Judiciary Committee JIM SENSENBRENNER of Wisconsin. Of the things that it did, it was enforcement of immigration law. In the original bill, it made it a felony to cross into the United States illegally. To sneak into the United States, it made it a felony. The gentleman from Wisconsin (Mr. SENSENBRENNER) sensed that that would be a highly contested issue if it became law, and so he offered an amendment to strike the language that made it a felony to enter the United States illegally.

Now, had Mr. SENSENBRENNER's amendment passed, then it would have eliminated the language that made it a felony to enter the United States illegally. JIM SENSENBRENNER argued vociferously in favor of his amendment. He didn't actually convince me, by the way, but he understood what was going on. And when the vote went up on the board, 194 Democrats voted ''no'' on the Sensenbrenner amendment, which can only be concluded that they wanted it to be a felony to enter the United States illegally. And it is a crime, but it is not a felony. So 194 Democrats voted to make it a felony when they voted ''no'' on the Sensenbrenner amendment. And that Sensenbrenner amendment failed. And when it failed, brought down by Democrats, the streets filled up with protesters protesting that Republicans wanted to make it a felony to enter the United

States illegally; 194 Democrats wanted to, and almost all of them demagogued Republicans for the language that was in the bill when they had voted to keep the language in the bill.

It was completely cynical. They knew it. You all knew it, and there isn't anybody in this Congress that can challenge this statement. And I would be happy to yield to anybody who has a different perspective on this. I watched it happen. I was in the middle of it. And I watched the streets fill up with people that were storming in the streets, first with Mexican flags and then with white T-shirts and carrying American flags. And as they lined up for the protest, the organizers were taking their Mexican flags out of their hands, handing them an American flag, saying put on this white T-shirt, come out here and protest against these evil Republicans that want to make it a felony to enter the United States illegally.

□ 2210

It doesn't bother me that there is a little upset and turmoil in the streets if that's the case. We need tighter immigration laws. We need more tools to work with, not less. But my point, Mr. Speaker, is the very cynicism of voting one way and arguing the other way: 194 Democrats, and they turned and pointed their fingers at Republicans and said, You wanted to make it a felony. They brought down the amendment. It is a fact. It's a fact in the CONGRESSIONAL RECORD, Mr. Speaker.

So here we are now in 2010. No legislation of significance on immigration has been passed since then. It didn't happen in 2006 or 2007. The switchboards of the United States Senate were shut down at two different times during those years because the American people reject the idea of amnesty.

And I have watched immigration at the Federal level be enforced less with each administration since Ronald Reagan signed the 1986 amnesty act. But he was straight up and honest enough to declare it to be an amnesty act, Mr. Speaker. The 1986 amnesty act was the last amnesty. It was the amnesty to end all amnesties, and President Reagan signed it because he believed that there wouldn't be another amnesty.

It was supposed to be amnesty for about a million people. Turned out to be amnesty for about 3 million people by the time the system was gamed and the fraudulent documents and the people came out of the shadows. And 3 million people went through to receive the amnesty in '86, three times the number that they anticipated.

And we have had six lesser amnesties since then that aren't published very much. So we have had a continuous series of amnesties. And it's going to continue until such time as either nobody wants to come to the United States, or until such time as we simply give up on the idea that we can control our borders, or until we establish that we are going to enforce immigration law and we are going to stand by the rule of law and we are not going to equivocate and we are not going to compromise.

And that, Mr. Speaker, is where I stand. I refuse to equivocate, I refuse to compromise on the rule of law, I refuse to grant amnesty. And we should talk about what amnesty is. To grant amnesty is to pardon immigration law-breakers and reward them with the objective of their crimes.

Now, I don't know necessarily what their objectives are. It may be a path to citizenship. It might be a job. They might want to have access to the United States to do philanthropic good things. Or they might want to have access to the United States so they can travel back and forth into the United States hauling illegal drugs into America. And that happens a lot.

A couple of nights ago on Sean Hannity's program you could see the video that he ran, and you could see the backpackers coming into the United States with roughly 50 pounds of marijuana bound in a burlap bundle on their back with straps that might be woolen scarves used for straps, makeshift backpacks. And you might see 10 or 15 or 20 or more all in a row each carrying their 50 or more pounds of marijuana on their back. And this goes on night after night after night, Mr. Speaker. It goes on every night.

And I have gone down and sat on the border in the dark, sat there quietly, didn't have night vision equipment, and just listened, and just listened as the vehicles came down, they let people off, they would set their pack out on the ground. You could hear the packs thump when they set them on the ground. They would get out of the vehicle. They would talk a little bit. Somebody would hush them up. They would close the doors on the vehicle. You could hear that. They would hoist their packs up, put them on their back, and they would march through the mesquite, come across the border.

And when you sit by a barbed wire fence that's got four or five barbs on it and a steel post, you can listen to the posts and you can hear the wire when it stretches. And you can tell each time somebody crosses the fence, and you can count them. And at night I never trust my eyes to be able to actually give an accurate count. I see the shadows, but shadows are not clear enough for me to tell you how many. I can tell you I have heard the noise, I have seen the shadows, I have listened to the same rhythm come over and over again.

I have gone up through the stream beds that are in the desert and there seen where they have dropped off many of their clothes that are unnecessary, empty water jugs. When they unload the packs, the burlap bags that they are in will be dropped there. There will be food that's dropped off, some that's been eaten, some that's been left partially eaten, and some of it left. The desert is full of smugglers' litter.

And if one would go down to the Organ Pipe Cactus National Monument down there where Kris Eggle was killed by an illegal, and he was a National Park Officer ranger, there is a monument to him at the headquarters at Organ Pipe Cactus, but there is a large percentage of Organ Pipe Cactus National Monument, and that's a national park called a monument that's off limits to Americans. And I am guessing at the area. I know it's the southern side of it. And it seems to me that as I looked at the map, about 40 percent of Organ Pipe Cactus is off limits to Americans because it's full of litter, it's full of drug smugglers' litter. It's drug smugglers gulch there. And it is too dangerous for people that are out just enjoying the desert to walk down into. And it's too full of litter. And we don't have the labor to go pick up the mess. And if we did, the mess is accumulating day by day, every day, every night.

And the numbers of people that have been crossing the border illegally, we could take the information that comes from Secretary Napolitano, I suppose, and accept it at face value. They would argue that their interdictions on the border have gone down significantly over the last year. And they claim that because they are arresting fewer people on the border that there is fewer border crossings. Now, that may be true. I don't know what's true.

But to use the data that shows that there are fewer interdictions of illegal border crossers to conclude that there are fewer crossing attempts isn't necessarily a logical or rational approach. It could also be that they are just simply not enforcing the law as aggressively as they were a couple of years ago when the numbers were higher. I don't know the answer to that question.

But when the Bush administration used the same argument, I had the same questions. Just because you arrest fewer people doesn't mean there are fewer people crossing. It might mean you are just not arresting as many people. But here are the numbers that came before the Immigration Subcommittee in testimony from witnesses that had represented our Federal Government. And I am including Border Patrol officers. The number of interdictions they believed turned out to be they were stopping about one out of four. Twenty-five percent of border crossing attempts were being stopped.

If you do the math on the stops that they had, that means that there were 11,000 a night on average every night. Not during the day so much. At night 11,000. And that turns out to be four million illegal border crossings a year. And when I go to the border and talk to the people that are enforcing the border and I tell them, so you are stopping about one out of four, you are getting 25 percent of those that attempt. And they look at me and laugh. It's not 25 percent. The most consistent number I get from the people that are hands-on is maybe they stop 10 percent.

If you go to some of the other officers there that are not quite as optimistic, they will take that number down to 2 to 3 percent. But I have never heard an officer that works the border regularly tell me that they stopped 25 percent. And I don't believe I have heard a number higher than 10. So I will tell you I think it's 10 percent that get stopped, not 25. That's still a whole lot that get through.

If it's 4 million attempts and we stop 25 percent, that means 3 million actually get through into the United States. And, yes, a lot of them go back to Mexico and flow back and forth. A lot of them are drug smugglers. They do that for a living.

The people that are working our law enforcement in the desert tell me that they will catch some of these drug smugglers and maybe they will have somebody that only weighs—young men, 15, 16, 18, and they get older—weighing 100 pounds, 105 pounds, not very big people, wiry, tough, with great big calves on them carrying half their body weight or more in marijuana on their back through the desert 70 or 100 miles. Tough people that can cover a lot of territory with a lot of weight on them. And this goes on night after night after night every night.

And does America know, Mr. Speaker, that in some of the sectors on our southern border the policy is that if we catch somebody that has less than 500 pounds of marijuana on them we just simply take the marijuana off their hands and turn them loose? That there is not a prosecution for the drug possession in many of the sectors on the southern border because they argue that they don't have the jail space, they don't have the prosecutorial time, and they don't have the judges to deal with this? And I am convinced that this is true, Mr. Speaker.

I hear this as not necessarily testimony before the committee, but I hear it come out of the people that have to live underneath it. And I was down there and watched an interdiction take place. And I helped unload the bundles of marijuana from underneath the false bed of a pickup truck, and this was down near Sells, Arizona. It was roughly 240 pounds of marijuana in there. And that would have been under the amount that they would be prosecuted for at the time. They have since raised that threshold. It was 250 at the time I was there. Now the threshold in some of those sectors has been raised to 500 pounds.

Now, where I come from, if it's an ounce or a half an ounce or any little particle, that's something to prosecute for. That's the rule of law. But the rule of law has been stretched to the point of ridiculous on our southern border, and the lawlessness from across the border in Mexico is flowing over into the United States.

□ 2220

The murders, the intimidation, the deaths are taking it out in the lives of our law enforcement officers, innocent American people who are being murdered, who are being raped, who are being targeted as victims to crime that makes Phoenix, Arizona, the No. 2 capital of kidnapping in the world. Phoenix, Arizona, the No. 2 capital of kidnapping in the world. Does anybody believe that if we could enforce our immigration at the border that Phoenix would be the No. 2 capital of kidnapping in the world?

Mr. Speaker, it's important to note that 90 percent of the illegal drugs consumed in America come from or through Mexico. That means across our southern border, 90 percent of the illegal drugs.

I pointed out that we have 4 million—the number is probably down a little bit from that, but I don't have any other data—4 million illegal border crossing attempts a year, and maybe we stop 10 percent. So that means that we still have a number that is about 3.6 million successful border crossings a year, a 10 percent interdiction rate, 3.6 million. Now, just the attempts, I did the math and I said it was 11,000 a night every night. One might take a look, what was the size of Santa Anna's army? Well, 4,000 to 6,000. So we're looking at a number every single night that I will say is probably twice the size of Santa Anna's army, every single night pouring across our southern border, bringing in 90 percent of the illegal drugs in America. We are importing the violence and the death that goes with the illegal drug trade, and still, this President's heart is hardened.

So the President scares the American people by telling us that a mother and her daughter could be going out to get some ice cream and be pulled over and stopped and asked to produce their papers based upon a presumption of their skin color. Where is that in the Arizona law? It specifically prohibits such a thing, specifically prohibits.

Then, as the President of the United States had his shot or two shots at Arizona, he ordered the Attorney General of the United States to use the resources of the Department of Justice to seek to invalidate Arizona's immigration law. So when Attorney General Eric Holder came before the Judiciary Committee a couple of weeks ago, just before the Memorial Day break, to testify before the committee, he knew that Arizona's immigration law would come up before the committee, that that would be a subject matter that he would be questioned about. It was his job to be briefed on the subject matter so he could answer in an informed, intelligent way.

So as the subject came up, I asked the Attorney General if the President had ordered that he use the Justice Department to seek to invalidate Arizona's immigration law. I can't quote back into this RECORD his exact quote in the CONGRESSIONAL RECORD. I can tell you he didn't dispute that. So it was at least by assent that twice the Attorney General acknowledged that the President had directed him.

Now, this is supposed to be a Justice Department that's independent from politics, a Justice Department that makes its decisions based upon the law, an objective evaluation of the law, and, by the way, a Justice Department that has an obligation to enforce the law. These are not policy setters. The President of the United States, Mr. Speaker, is not to be a policy setter when it comes to areas where the Congress has legislated. That's what we do here. We set policy. We set policy here in the United States Congress. That's part of the separation of powers.

Just at the risk of being redundant, everybody in this Chamber, Mr. Speaker, should know this. I think it's getting harder and harder to teach government class in our schools today because of the conduct of especially our executive branch of government. The separation of powers, the judicial branch of government will take care of things that have to do with the courts. The legislative branch of government, the House, down that hall, the Senate, we pass the legislation. We set the policy. We write the laws. The executive branch of government's job is to see that those laws are faithfully upheld, enforce the law, carry out the policy, the will of the people of the United States of America as expressed to the Republic, the constitutional Republic, the representatives that are elected by the people.

Yet, we have Members of the executive branch of government as high as the President, himself, who seem to not understand that simple concept. A President who taught Constitution law at the University of Chicago is still a President that would tell America that a mother taking her daughter to get some ice cream could have a problem and have to produce their papers. This is misinforming the American people. Is it willful? In his case, I don't know. I think when he said that he had not read the bill, and a week or so later he uttered a mitigating statement that indicated to me that either he was briefed or he might have read the bill.

But Eric Holder, the Attorney General, to come before the Judiciary Committee, and when I asked him the question, So you have directed the Justice Department to seek to invalidate the Arizona immigration law and to test it constitutionally or statutorily or by case law, could you point to me, General Holder, a place in the Constitution that gives you concern that Arizona's immigration law might be unconstitutional? No, he could not.

Could you, General Holder, point to a Federal statute that would preempt Arizona's immigration law? He could not.

Could you then, General, point to some case law that would be controlling and limit Arizona's ability to pass immigration enforcement law at the State level? He could not. The Attorney General of the United States could not point to even a potential constitutional violation or a statute that could

preempt Arizona's immigration law or any case law that would control, none of it whatsoever. Yet he was still committed and still taking the resources of the taxpayers of the United States of America to seek to invalidate Arizona's immigration law and bring suit against Arizona. And that's what he seems to be doing.

There is a draft memo out there—it's not the exact word for it. It's a draft something, Mr. Speaker, that is a product of the Justice Department now that apparently lays out the parameters by which the Justice Department would bring suit against Arizona to invalidate their immigration law, and here's what I believe happened, and I don't think it can be proven otherwise.

The ACLU has already brought a lawsuit against Arizona, and the ACLU along with the SEIU, and just name your leftist organization in America. They all joined in common cause. They have made these arguments. This is a lawsuit filed May 17, 2010. Here's what the ACLU and the Muslim group here in America and the SEIU and others have brought suit on, against Arizona's immigration law 1070.

It says that it violates the Supremacy Clause. That's the preemption component of this. I don't know where and the suit doesn't say where, not that I have found.

It says it also violates the Equal Protection Clause. It argues that plaintiffs who are racially and national origin minorities, including Latinos residing or traveling in Arizona, might be targeted. It does make targets out of them is what it says. I would argue that the bill says that you can't use racial profiling, and so if the targets are breaking the law, you have to enforce the law no matter what their skin color is, Mr. Speaker. That's the ACLU's argument.

Another is it violates the First Amendment. I don't know what the logic is on that, and I won't trouble this Congress with that part.

But this goes on and says that it violates the Fourth Amendment against unreasonable search and seizure. Well, on what basis? I don't think it goes very deep into that.

□ 2230

And then due process, privileges and immunities, right to travel—people breaking the law don't have a right to travel in the United States, and it violates 42 U.S.C. 1981, which is, prohibits discrimination under color of State law on the basis of alienage, national origin, or race. Well, no, the law prohibits such a thing.

But here's what I'll predict to you, Mr. Speaker: When we finally see the litigation that the Department of Justice is seeking to bring against Arizona, we will see that it has been copied and pasted right off of the ACLU's lawsuit. That's the work that I believe is being done. The outside groups, the left-wing groups play the tune—the tune is right here in this lawsuit from the ACLU—and then the Justice Department dances at the direction of the President of the United States, at the direction of the ACLU, the SEIU, and the rest of the left-wing organizations that have filed this lawsuit.

But this is not a rational approach. If the President can't articulate a problem, a constitutional violation—even though he taught constitutional law at the University of Chicago—the Attorney General, under oath, couldn't articulate a constitutional Federal statute or a case law violation by Arizona's immigration law, S. 1070, but yet, this radical case that I think is irrational and illogical that's brought by the ACLU—and this is just a summary, it's about that thick, and I've read a lot of it, actually—this will make sole theories of specious arguments, and I believe that the Justice Department—if they come forward, and I think they will—will be making those same irrational speeches, arguments.

So, Mr. Speaker, I'm concerned about an unbiased Justice Department. It's hard for me to buy the idea that they are unbiased. When I look at this case, this all-out effort to focus on Arizona's immigration law and to invalidate it without a basis or a rationale, when I look at the many faces of the administration that have spoken against it that hadn't read the bill—Attorney General Holder, of course, would be the lead person that had admitted he hadn't read the bill. When Judge POE asked him that question shortly after my questions of the Attorney General that day, he admitted he hadn't read the bill. Seventeen pages, he hadn't read the bill.

He clearly had not been briefed by any objective person that had read the bill. He may have taken the MoveOn.org or the Huffington Post talking points and read them. It sounded to me like he had. It sounded to me like the President had as well. And then Janet Napolitano, the Secretary of the Department of Homeland Security, who is charged with heading up the office that enforces immigration law, the former Governor of Arizona, who should have focused on that bill—well, Governor Jan Brewer should have focused on that bill more; I know she did. Senator Russell Pearce focused on 1070 a lot more; I know he did. But Janet Napolitano, a former Arizona Governor and now Secretary of the Department of Homeland Security, had not read the bill, but still made public statements that implied, at a minimum, that it would bring about profiling of people in Arizona and disagreed with the law. And when JOHN MCCAIN point-blanked her before the Senate hearing, she had to admit she hadn't read the bill either.

The President didn't read the bill when he talked about the mother and her daughter going for ice cream; either that, or he willfully misinformed the American people. We know that Eric Holder didn't read the bill. He admitted to that under oath. We know that Janet Napolitano didn't read the bill. She admitted that under oath. We go further down the line.

Michael Posner, the Assistant Secretary of State, he was so outraged by Arizona copying Federal's immigration law that he took the argument to the Chinese. We brought it up early and often, he said, apparently to compare Arizona's immigration law with the brutality that goes on in that brutal regime in China.

I don't think I'm done yet, Mr. Speaker. Let's see, who am I forgetting? Assistant Secretary John Morton, who heads up ICE, Immigration and Customs Enforcement, who made the public statement that he wouldn't commit to cooperation with Arizona when it came to picking up the illegals that would be arrested by Arizona under S. 1070.

Now, John Morton doesn't get to set policy, neither does Janet Napolitano, nor does Eric Holder, nor does Assistant Secretary of State Michael Posner, nor the President of the United States; they have to work within the laws that they get. Now, there are other policies that they do get to set within the framework, but they don't get to amend the policy. Congress sets that. The voice of the American people sets it.

If John Morton, the head of ICE, doesn't want to enforce the law, if he doesn't want to pick up the illegals that are arrested by Arizona's law enforcement officers, then John Morton should just simply find himself a job that his heart was in. He should go do something that he could do that he believed was right if he disagrees with the policy. You know, a general that thinks we're off on the wrong mission will just resign their commission if they don't think they're getting the support from the political people, and that's happened a number of times throughout our history. When they get an order that they can't carry out, generals have just resigned. At least they maintain their integrity that way.

Well, there is an order out there, and it is, Enforce the law. Cooperate, by the way, with Arizona, who has uttered this almost a primal scream of despair and frustration that they've had to take their resources in their State and pass an immigration law that, by the way, I hope and plead goes to every State in the Union. If they can find ways to toughen it up, tighten it up and make it more effective, do that, but start with that foundation of Arizona's law. It's rare when a State takes an initiative that it begins to set the policy for America. I would be very happy to see this happen, Mr. Speaker, when it comes to the case of Arizona.

So our Federal officials that got this wrong, that are trying to mirror, by the way, the President of the United States, but the President misinformed the American people. He hadn't read the bill. Janet Napolitano misinformed the American people. She hadn't read the bill. Eric Holder misinformed the

American people. He hadn't read the bill. I don't know if John Morton read the bill, but he didn't want to enforce the law, you could tell that. Now I actually think he has made some mitigating statements, and he will be better to get along with. Michael Posner had no business sticking his nose in this whatsoever, and he carried it all the way to negotiations with the Chinese under the State Department.

And by the way, I can't stand here in this place on the floor of the House of Representatives, Mr. Speaker, without raising an issue of Felipe Calderon, back behind where I'm standing now and before Memorial Day, spoke to a Joint Session of Congress, and he had to lecture us on how he strongly disagrees with Arizona's immigration law. Well, if he does, he also disagrees with the United States Federal Government's immigration law because that's what Arizona's law does; it mirrors it. It mirrors the Federal immigration law.

And so we're in an era where the administration, the highest ranking officials within the administration aren't compelled to check the facts before they misinform the American people. They might check a left-wing Web site, but they're not checking the facts. And the American people, who are they going to trust? Shouldn't they be able to trust the voice of the President of the United States? Who's briefing him? Who's telling him what's in the bill? Did they all decline to read the bill? Couldn't anyone have given him an objective analysis? What kind of a shop is being run at the White House in that regard? I think we're getting an indication.

And so, furthermore, while I talk about the immigration subject matter, there is another one out here that causes me reason to be concerned. It was reported in the news that President Obama's aunt was granted asylum—and I always have to check her name to make sure that I get it exactly right. Zeituni Onyango is President Obama's aunt, and she has lived in public housing—reported by the news, at least—in Boston for some time. I believe she came to the United States in the year 2000. We don't know necessarily how she got into the United States, whether it was on some type of a visa, whether it was a tourist or what it might have been, but she stayed. And along about the year 2002, she became the focus of the immigration law enforcement personnel. By 2004, his aunt, Zeituni Onyango, had been adjudicated for deportation by an immigration judge.

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Well, she defied the deportation order. She stayed in the United States, purportedly on public benefits of a series of kinds. I don't know how she actually did that, but that's what the news has reported. Then not that long ago, after her nephew became President, she received asylum. Now, ''asylum,'' in this case, is the equivalent of amnesty for an individual, Mr. Speaker. So Zeituni Onyango, who, if she had honored the deportation order, would have left the United States and would have gone back to Kenya, stuck around here, and couldn't be deported or was not forcibly taken out of the United States. She defied the order, and now she is rewarded with the objective of her crime.

Remember when I said that the definition of ''amnesty'' is to pardon immigration lawbreakers and to reward them with the objectives of their crimes?

Well, it is a crime to come into the United States illegally. She may have overstayed a visa, in which case it puts her onto the civil side of this, but if her objective were to be able to stay in the United States, the asylum that she has been granted has come from a judge to whom she has argued that it is too dangerous for her to go back to Kenya because, now, the notoriety of being related to the President makes it too dangerous for her to go back and live there.

Well, if that's the case, if the President's aunt who lives in Kenya can't go back to Kenya because there is too much focus on her there, then I think there are a lot of the other relations of the President who are in Kenya who would be living under the same kind of fear. Wouldn't they get the same asylum if they came here to the United States? Is that something that the President is for, her getting asylum after the court had said ''no,'' based on the fact that her nephew was elected President? Would that be a reason?

As I read that law, I have a lot of questions that come up, but one of them is: If his aunt gets asylum, then wouldn't all of the Obama relations get asylum if they just snuck into the United States? Maybe they can move onto the White House grounds. Then none of them can go back to Kenya anymore. I don't know. I think we should be concerned about whether there was favoritism involved. If a court would grant asylum with no greater basis than what I read here, then I think it is one that should be questioned.

Robert Gibbs said, no, there was nothing out of the ordinary, and there was no impropriety. No one from the White House had anything to say about that. They just let the court do what they did. Really? I would wonder if the administration would say the same thing about the bankruptcy court for General Motors and Chrysler. Yes, they have.

I happen to have thought about this to the point where I reached in, and I wanted to look at some of the testimony before the Judiciary Committee on hearings that took place some time back. I, actually, don't have this date in my record, but it is a matter of the CONGRESSIONAL RECORD. This would be testimony of the Indiana State Treasurer, Treasurer Mourdock, who gave some compelling testimony before the Judiciary Committee. I listened to a number of the witnesses testify on this similar theme. The theme was that the White House had dictated the terms of bankruptcy to the automakers. So I asked the question of Treasurer Mourdock:

Did any of that testimony that came before the bankruptcy court—''did any of that testimony alter the anticipated result of chapter 11?'' Well, this was for both Chrysler and General Motors. Did it alter it? In other words, did the evidence that was presented to the bankruptcy court change the terms that had been offered to it by the White House?

Here is what Treasurer Mourdock said: ''No, it did not.'' Now, that's a quote. ''No, it did not.''

I'll just embellish that a little bit and say his answer was this—and this is how I interpret the answer, is more accurate: the White House dictated the terms of bankruptcy to the bankruptcy court. Now, whenever in the history of America has the President of the United States determined the terms of bankruptcy and told a bankruptcy court this is how it will be?

Furthermore, to go on with Treasurer Mourdock's testimony—and being from Indiana, he was in the middle of this, and he was speaking only of the Chrysler industry, I should make it clear. He said this: ''You had the situation where one party was negotiating, setting values, determining which creditors would be in, which ones would be out, what they would be given, what would be liquidated, all to be set up for an auction sale for which there was only one bidder—the United States Government. It was on both sides of the table simultaneously. The impropriety of that in trying to establish value for a sale goes beyond plausible.''

That entire string comes out of his testimony. It says to me, and my conclusion is that he was a witness of this, that the Federal Government set the terms of bankruptcy, and when the testimony went before the chapter 11 bankruptcy court, the court had to make a determination. The determination was already made and offered to them. He said there was only one party negotiating, only one party setting values, determining which creditors got paid, which ones were the winners and the losers. There was one party that was offering shares over to the unions—that didn't have an interest in but they walked out of there with an interest in General Motors at least—of 17.5 percent of the shares. Yet this quote is about Chrysler, determining what they would be given, what would be liquidated, all to be set up for an auction sale for which there was only one bidder. That means the Federal Government, the United States Government, on both sides of the table simultaneously, bidding and receiving and dictating the terms to the bankruptcy court.

An administration that could do this we are to believe wouldn't find a way to provide amnesty and asylum for the aunt, Aunt Zeituni Onyango, who lives still in the United States and whom I've invited to testify before the Judiciary Committee?

This is not an obscure aunt of President Obama's. I've read his book, ''Dreams from My Father,'' and this is the aunt who was his guide when he visited Kenya. I believe the year was 1988. President Obama writes extensively about his trip to Kenya. It was a transformative or at least it was a very enlightening experience for him, according to his book, which I take at face value. I know that it was fiction, at least in part, but it was based upon fact.

So I went through it the other night and searched to take a look as to when this subject matter came up. I thought, well, maybe he made just a light reference to his aunt in the book. So I went through and counted the references to his aunt, who now has received asylum in the United States after defying a deportation order. President Obama mentions Aunt Onyango 66 times in his book ''Dreams from My Father''—66 times. She took him to place after place. Almost everywhere he went in Kenya, she was the one who took him there. His impressions of Kenya were delivered to him through her.

It is not conceivable to me that an aunt who is that close to him would have come to the United States without his knowledge, nor is it conceivable to me that an aunt who lived in the United States in public housing, presumably under public benefits—and I don't know how those terms were reached and how that could have happened—nor is it conceivable to me that an aunt could have gone to an immigration court and could have been adjudicated for deportation and could have escaped the knowledge or the awareness of Barack Obama. It's not conceivable.

It is not conceivable to me that a President can dictate the terms of bankruptcy to General Motors and to Chrysler and can take the shares away from the secured creditors, who are the people who should be first in line to receive the benefits or to receive any liquidation or any purchase or settlement of the automakers General Motors and Chrysler, and can ice them out, box them out, and give them nothing and hand shares of the automakers over to the unions that had no investment in and no collateral hold on those companies. It has mirrored the language exactly out of the Democratic Socialists of America, off the Socialist Web site.

If all of that can happen—and it has happened, and some of the evidence I've read into the RECORD here tonight, Mr. Speaker—it is not conceivable to me that this amnesty/asylum for President Obama's aunt happened independent from the influence of the White House. Perhaps show us the records. Let's open up the case. Let's see.

By the way, Attorney General Holder, let's see your draft complaint that you've prepared now to bring the suit against Arizona. When that draft complaint is released—and I formally requested that as a document—I will take it myself and go into the ACLU's lawsuit, and I'll show you where the Attorney General's office copied and pasted right of the ACLU's lawsuit into their own. It will be what comes from that draft complaint.

I know it's coming. That's how they're operating. They're not operating independently within that operation. They've been politicized. They have canceled the most open-and-shut voter intimidation case in the history of America, which is the New Black Panthers' case in Philadelphia. It is on videotape. They had a conviction. All they needed to do was to follow through. They canceled the case. Loretta King did so inside the Justice Department. Her name rings back to me because she is the one who canceled the will of the people in Kinston, North Carolina, who voted that they wanted no more partisan elections in local elections. They wanted to take the ''R'' and the ''D'' off the names of the candidates; and with a 70 percent vote, Loretta King invalidated that because she said, Well, black people won't know to vote for another black person unless there is a ''D'' beside his name.

That is not equal protection. It is contempt for people's judgment. I think we need to have equal protection under the law. We need to uphold the Constitution, the rule of law and the separation of powers.

I am going to stand with the people of Arizona, who have done a great thing for America; and we are eventually going to get to the point where we establish this rule of law and enforce our immigration laws. When that becomes a practice in the United States of America, then we can talk about some of the other solutions when it comes to immigration.

Mr. Speaker, I appreciate your attention this evening, your indulgence and the opportunity to address you here on the floor of the House.

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today.

Mr. FATTAH (at the request of Mr. HOYER) for today.

Mr. HILL (at the request of Mr. HOYER) for today on account of family business.

Mr. HONDA (at the request of Mr. HOYER) for today and until 5 p.m. on June 15 on account of illness.

Mr. INSLEE (at the request of Mr. HOYER) for today.

Ms. KILPATRICK of Michigan (at the request of Mr. HOYER) for today.

Mrs. NAPOLITANO (at the request of Mr. HOYER) for today.

Mr. GERLACH (at the request of Mr. BOEHNER) for today on account of attending his daughter's high school graduation.

SPECIAL ORDERS GRANTED

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

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

Mr. SCOTT of Georgia, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

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

Mr. BURTON of Indiana, for 5 minutes, June 18.

Mr. POE of Texas, for 5 minutes, June 18 and 21.

Mr. JONES, for 5 minutes, June 18 and 21.

Ms. ROS-LEHTINEN, for 5 minutes, June 15 and 17.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. GINGREY of Georgia, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 3473. An act to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 15, 2010, at 9 a.m., for morning-hour debate.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend