

unions, independent media are allowed to operate freely; and, all Cuban people are able to fully exercise their universal rights, maximum pressure must be exerted on the Cuban tyranny.

UPHOLDING THE RULE OF LAW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. CARTER. Madam Speaker, while these young folks are setting this up for me, I want to start off tonight by talking about what we've been talking about in this hour now for close to a year, and that is that the United States is a Nation of laws, not of men. It was designed by our Founding Fathers to be such. It is something we are proud to be a part of. It's something we are proud to step up to the plate and say we defend because we believe that the rule of law is more fair than having individuals set their own rules as kings and dictators do. And so, the rule of law is a sacred part of our institution.

We say that the people will elect representatives to represent them in this Congress and in State legislatures across the country and other legislative or quasi-legislative bodies to speak on their behalf, to vote on their behalf, and to set up laws and rules which establish what a civil society will be and what we will consider right and wrong in our world.

This is a simple concept, arguably, a biblical concept going back for centuries and centuries, in fact, thousands of years. There have been sets of rules in every society, every culture, and every religious background, sets of rules that are established that allows society to function.

The rule of law is important to America. In fact, it is the underpinning that allows me and other folks like me who are blessed to be able to serve in this Congress, allows us to do this job because we stand on that rock, that the law in this country is something that we enforce.

In fact, we take an oath to preserve and protect and defend the Constitution of the United States against all enemies, foreign and domestic. And we take that oath freely because we're saying, the basis of our legal structure, the ground rock of the rule of law, is the Constitution of the United States, which was adopted by this country and formed our Nation as we presently know it.

So we've been talking about that Members of Congress, administration people, and others need to be dealt with in the light of the rule of law, and when there are questions that should be raised, they should be raised publicly.

And so tonight, as I've done on many occasions in the past, I'm going to talk about some things that are concerning me, concerning others who care about

the rule of law. I hope to be joined by some of my colleagues here tonight.

But to start off with, I'm really concerned about what's being reported by the Obama administration, with the political backing of the Democrats in this House.

□ 1930

We are arguably seeing one of the most lawless political crusades in American history. Blatantly, this administration has violated both the spirit and the letter of the law in advancing a theory of European-style socialism on State governments and on the unwilling people.

The administration's ignored two Federal court orders that have just come out, and have ignored both of them now, saying that the drilling ban in the Gulf of Mexico is arbitrary and capricious and wrong, and ordering the United States and the Secretary to withdraw and lift that drilling ban. And yet the minute these two courts, both a Federal district court and a United States court of appeals, the 5th Circuit Court of Appeals, told this administration, this President and this Secretary, that they were to lift the drilling ban and save the between 140,000 and 250,000 jobs that are connected with that industry along the entire stretch of the Gulf of Mexico, that it was arbitrary and capricious to ban all drilling and it should not be done, they immediately amend and reissue another drilling ban in the face of that court.

The administration blocks Louisiana's efforts to proceed to fight their own environmental fight by trying to throw up a little small rock barrier and a sand barrier to maybe keep the oil from getting into the marsh. It's bad enough when this oil stacks up on the beach because it makes tar balls, and it makes nastiness on that beach. It makes that beach very ugly. But you know what, it just gets on your feet and gets your feet dirty, and it just picks up.

But when it goes in the marsh, when this oil goes in the Louisiana marsh, it affects an entire ecosystem that has to do with our shrimping industry, our oyster industry, our fishing industry. It has to do with the ecosystem of the entire State and the Gulf of Mexico because there is a lot that flows in and out of that marsh that has to do with the ecosystem of the gulf. And when oil gets in amongst those grasses and amongst those habitats, it kills. On the beach it probably causes some terrible environmental impact, but nothing like going into those marshes.

So Governor Jindal says let's do something about it, and our administration blocks it. And international companies call out and say we have material to help clean up, and the administration refuses to allow them to come.

The administration refused to allow the United States Senate to conduct a single hearing over the appointment of

Dr. Berwick to head Medicare at the same time that this Congress and the President plan cutting Medicare by \$50 billion, and putting a man in charge of Medicare that there is a lot of questions that should have been asked by the Senate. But using a recess appointment, which is legal, it's legal, but in the face of what's facing Medicare and in the face of the conversation we just had earlier with Mr. UPTON about the massive burdens that are going to be created by this ObamaCare bill that has now been signed into law, and just the burdens on industry and business that are going to be put on there for really no good understandable reason, you've got to ask the question why you put a guy in there who says the things that Mr. Berwick has said and then don't allow the Senate to ask questions about that. I think that's something we ought to be concerned about.

We have a Supreme Court opinion, a recent Supreme Court opinion, that protected certain First Amendment rights of free speech, and this Congress and this administration immediately brought to this floor and shoved through on a partisan vote a bill called the DISCLOSE Act, which gives special free speech rights to some and bars other groups from having the same rights, which is in the face of a Supreme Court opinion that's taken place this summer. And so you have to say what is it about "no" that you don't understand? But you know, this is the way we are operating.

This administration has filed a lawsuit against the State of Arizona to try to block them from enforcing their laws and Federal laws with specific provisions against discrimination in any form or fashion, and profiling in any form or fashion, but to just try to save their State from the invasion that happens nightly and from the slaughter of American citizens that has happened over the last couple years, and the multiple slaughters across the border.

The administration's refused to defend the Republic against the most egregious violations of voting rights since the Civil Rights Act was passed. And we all saw them on television. It's kind of like we used to wonder how you were going to get the guy that shot Lee Harvey Oswald, ever get him a fair trial when the whole world saw the shooting on television. Well, the whole world saw these two guys, one with a club, standing out in front of a polling place, intimidating voters. And yet this administration says that they don't see any harm in that, and they are not going to enforce it.

So we are going to go through some of these things tonight and talk about them. And the first one I just brought up: the voting rights violations are ignored. Attorney General Eric Holder, who is right now very proud to be out suing the State of Arizona, dropped the case that, hey, I will ask you, if you can see this clearly, if you will look right there, you will see a club or a shillelagh or a baton, but it is, if you

go down to the gun store you can buy that weapon. So it's clearly a weapon.

Then if you would watch the film, you would hear the intimidating language that's going on there, and yet this is dropped. And it's a blatant voting rights violation. Refused to sentence the Black Panthers to default judgment. These guys were sued and didn't even show up. And it was a default judgment got against them, and then they dropped it. They didn't even have to work to get something against these guys. These guys lost. I mean, a fresh-out-of-law-school, brand-new lawyer can handle a default judgment and get recourse against these people. But the Justice Department chose, after these guys defaulted in the lawsuit, to drop the suit. I think this is a blatant disregard of something.

Civil rights is an issue that when we say the term "civil rights" of course we remember what developed in the sixties, of course we know where it came from. Of course we know it had to do with the treatment of African Americans in this country initially. But it was not written just for African Americans. It was written for Americans, every kind of American. And then an off-shoot of civil rights is the Voting Rights Act, which protects every American's right to freely vote.

Now, if two guys dressed in paramilitary uniforms, carrying clubs, are standing in front of a polling place and intimidating people and making them afraid to go up to that polling place, why in the world wouldn't it be the duty of our Attorney General, the man who is sworn to represent us in this type of law and to represent us being the American people and the Federal Government, why wouldn't they pursue this?

And that's why I say this is blatantly avoiding, ignoring, of not doing your job and doing your duty to this country to preserve the laws.

□ 1940

So if one man, Eric Holder, makes the determination—and maybe a couple other lawyers in the office, I don't know. There are a whole bunch of them over there. But if he made the decision not to enforce this law, is that a rule of law or is that a rule of men?

Now, you'll hear prosecutors say every prosecutor determines what's a good case. That's true. But they have a civil suit already that they already won, okay. I mean, they didn't have to do anything but take it to judgment, and they didn't do it—much less go prosecute the other violations under the Civil Rights Act.

So you have to ask yourself: Is this the rule of law or the rule of Eric Holder? And if it's the rule of Eric Holder, then it's not what this country is designed to be. It's not designed to be the rule of Eric Holder. It's not designed to be the rule of Barack Obama. It's not designed to be the rule of George Bush or any other President or leader of this country. It's designed to be the

rule of law. And this body has an awful lot to do with what is in that body of law that's called a rule of law.

And if we are going to arbitrarily and capriciously make changes or choose how we're going to enforce the law, I would argue that we're going down a slippery slope, and that slippery slope could lead to real disaster for this country, because if Eric Holder made this decision based on some personal decision that he has, what's to prevent the next Attorney General to have a different personal opinion and avoid some other law that's important to the rights of the American people? I don't know.

So it's the Office of Attorney General we need to be talking about. And what's their job? And I would argue their job is to enforce the law. And if there is any question as to whether or not this is intimidation—and I would almost guarantee you there is—that's for a jury or a judge to decide in a court of law; not for a group of lawyers sitting around a back room someplace deciding which group you want to protect. That's not the way it's supposed to work.

I would hope that the Attorney General will be taking another look at this. And if he thinks there is any way anybody could think this guy with a club is intimidating somebody under the Civil Rights Act, then let a trier of fact make that decision and do your job and present your case in court like a good lawyer should, and let's find out just what the courts that we trust with these decisions have to say about it. I'll accept that. I think that's right. That's the way it's supposed to operate.

So there's one blatant avoidance of the law.

Now, let me start off—because I like to be straight as I can be. To do a recess appointment—it's been done in the past. I can certainly tell you the last administration did it. Other administrations have done it. Using that method is not what I have a concern about because the President absolutely has the right to do it.

Now, he picked sort of a brief recess but, hey, that's okay. It's been done on brief recesses in the past. So that's all right. I'm not complaining about that.

But one of the things we've got to ask ourselves is, when the President of the United States told the American people what was in that 2,500-page bill that NANCY PELOSI said we were going to have to pass so we'll find out what's in it because she didn't know and neither did anybody else in this House, now we're getting to know what's in that bill.

But the promises that were made by the administration were a lie. And one of those promises was there are no death committees. There's nobody going to be deciding your life or death. Nothing in this bill is going to create or have someone in charge that's operating this bill that believes that rationing your health care and making

decisions about whether or not you get treated—that's what we were promised. The President of the United States himself told us that on multiple occasions. And not only the President, but almost everybody that represented what was in this bill said, We're not in the business of rationing health care. This bill's not going to ration health care. That's what they said. That's what they all told us.

Now, who's this guy Donald Berwick who's now been put in charge of Medicare and Medicaid? He's a proponent of the British health care system and believes in rationing your health care and redistributing wealth. What he said, and if you watch—I know it's on FOX; I hope it's on all of the channels, his statement about how he viewed health care. He basically said health care, by its very nature, requires you to have some form of rationing and a redistribution of wealth from the more prosperous to the least prosperous. It's the very nature of the beast, he said. He told us rationing health care is inevitable.

Now, wait a minute. We were promised by the President of the United States that we were not talking about rationing health care. Why would the first guy put in charge of this be a guy who publicly endorses rationing health care?

You know, I was talking about rationing health care back home, and I was surprised to learn that people didn't get the whole concept. So let me give you an example, okay, and I've given this example before.

My wife was born and raised in the Netherlands, in Holland, where they have socialized medicine and have had socialized medicine since the Second World War. My mother-in-law, who lived a long time—into her nineties—she lived under a system of socialized medicine. And she was healthy enough and so desirous of seeing her grandchildren that, even when she was really struggling with a lot of health issues, she still flew to the United States to be with her grandchildren and to be with her daughters. She's got a daughter here and a daughter in Florida. My wife's one of her daughters.

My mother-in-law, back when she was in her mid to late eighties, was suffering from anal polyps—not a pleasant thing to talk about—and she was having a lot of bleeding issues, and she went to the health care people in the Netherlands. And when she came to the United States, she was still—she'd been treated with a drug that they gave her for almost a year, and it had not changed her situation at all. Very embarrassing for a very nice woman to have this situation.

So we took her to a Dutch doctor that we knew that worked in Austin, Texas, and spoke Dutch, and we had gotten to be friends with him. And he went in and talked to my mother-in-law about it, what it was, and when he came out he said, You know, he said, this is a shame. They're treating your

mother—he's talking to my wife—with sulfa drugs. Now, we haven't treated people with sulfa drugs since the Second World War because we have antibiotics. And sulfa drugs were our drugs of choice in pre-antibiotic days, but at a time when you're 88 years old and it costs the system a lot of money for antibiotics to fight this bug, just treat the old person with sulfa drugs because, quite frankly, she's not worth the investment. That's rationing.

So being in the United States of America, the doctor immediately prescribed two antibiotics. Two weeks later, my mother-in-law was cured after a year of suffering with this situation. That's rationing. That's a governmental agency making a decision what drug you get for your illness.

And we've got a guy that we just put in charge of the health care for our elderly and the health care for our poor, Medicaid. So our needy and our elderly are now under the charge of a man who says a health care system, by its very nature, has to have rationing in order to be fiscally able to function; in other words, in order to pay the bills. And we have been promised that this wouldn't happen.

So what rule am I saying this is a violation of? It's not a rule that—they followed the rules. But it's the spirit of the thing, that the Senate should have been able to at least ask a few questions about these statements which were promised weren't going to happen. And I think the American people deserve to have those questions answered, so that's something else.

We have had one of the worst, if not the worst, environmental disaster in the history of the United States on British Petroleum's poor management and poor operation of their offshore drilling resulting in an oil spill that is catastrophic.

□ 1950

We are in like the 95th day of that oil spill right now. We have a new procedure being worked on as we speak and we're hopeful it will help. But it doesn't matter. We have poured millions of barrels, not gallons but barrels of oil into the Gulf of Mexico; and the consequences, we are beyond thinking about.

But one of the problems is the action of the Obama administration because of this one leaking oil well. Now, it is kind of interesting that the United States has drilled, according to what they are reporting today, 42,000 plus oil wells in the Gulf of Mexico, and the United States, the United States drilling area, has had one drilling mishap, and that's the one we're dealing with today. One in 42,000 is what the record is, right now.

So the question is, what should we do about it? Well, I would argue, and this is not hard stuff, plug the well, which has got to be done a certain way and I think they're ultimately going to do it. I'm not pleased with their performance. And secondly, under the Oil Spill

Act, the Federal Government took control of oil spills. We have a written law, the Oil Spill Act, and it puts one person in charge of making sure that all the resources of America, and anywhere else we can get, I would argue, are to be put in to clean up that mess. And under the Federal Oil Spill Act, the President of the United States is in charge of that. It's his jobs. BP's got to stop the oil drilling and they've got to pay damages, but the United States has got the duty under the Oil Spill Act to clean up the mess. And they have a way to try to collect on who will pay the damages. I'm not talking about a damage issue. I'm talking about who says to clean up boat number 5, go out there and clean. How about you number 10, go clean. Number 100, go clean. Number 1,000, go clean. Who says that? The Federal Government does that.

Okay. We are close to 100 days into this oil spill and the responsibility for the cleanup belongs to the Federal Government. Now what is the solution that our administration, the Obama administration, has come up with? We're going to put an oil drilling moratorium and shut down all oil drilling in the gulf. Later they tried to amend it to make it deep water only. But what happens when you do that, when you say the power of this government says stop drilling, what do the people who are in the gulf do? Stop drilling.

Now I can't tell you the number of drilling rigs we've got in the gulf, but it's a lot. Deep water, we have in the twenties or thirties or forties out there, in deep water. Those are the big expensive drilling rigs. But all of them cost a lot of money, even the shallow water rigs. We shut down drilling in the gulf, started making accommodations for the shallow water people, but interestingly enough, since that occurred, nobody, not one person, has been issued a permit to drill out there. So they may have told them they could drill but they haven't issued them a permit to let them drill, so, quite honestly, nobody's drilling.

Now what this means to the economy of the Gulf of Mexico, Texas, Louisiana, Mississippi, Alabama, possibly portions of Florida, is that a lot of people are going to lose their jobs. The public number that they're giving out is 140,000, but that I believe is the number that was determined in Louisiana alone. I asked the question of a person very knowledgeable at the Chamber of Commerce in Houston, Texas, what they thought this—what could ultimately end up as a permanent ban out there, or at least a long-term ban—will do to Houston, and they said 250,000 jobs.

Now is this what you do in a time of recession? At a time when unemployment is at record numbers? I don't think so. But they did. They issued a moratorium. And they were taken to court. And the Federal district court said, No, lift that moratorium, this is arbitrary and capricious, and it is the

wrong thing to do. Lift it. Well, of course, not being willing to take no for an answer, they took it to the appellate court, Fifth Circuit, in New Orleans. Lo and behold, the Fifth Circuit said, No. The trial court is right. It's arbitrary and capricious. Lift that drilling ban. You're doing harm by having that drilling ban.

And Secretary Salazar steps up, makes a few adjustments to zero in on some deep water rigs, floating deep water rigs, and issues another moratorium. Now first, I think there are probably a bunch of judges both on the Fifth Circuit and in the district court that ought to be asking Mr. Salazar, "Secretary Salazar, excuse me, sir, but what is it about no that you don't understand?" I have asked that of lawyers who argued in my court from time to time, and I think that question ought to be asked: What is it about no that you don't understand? We've told you this is an arbitrary and capricious and way beyond the scope of what you should be doing here and you're doing it anyway. Why don't you understand the word "no" when people you are supposed to be answering to are telling you no? I think that's a question that's valid, and I think that's a question that we as people who defend the rule of law, we ought to be asking that question. I don't think we have an answer, but I do know what they did. They issued another moratorium.

Now those who would defend the moratorium would say, yeah, but they've lightened it each time. The issue is at some point in time until the playing field is cleared, the people who operate those rigs don't know if they're in trouble or not in trouble if they start to drill. They don't know. Because this keeps in the court system.

See, one of the real crimes that happens in this country and happens in every part of the country now, even including politics, is we use our courts as a weapon, sometimes when we really have no real position in law that would allow us to do so. We used to have a saying back where I come from that any idiot can file a lawsuit. All he's got to do is have the price of the filing fees and directions to the courthouse. That doesn't mean it's a good lawsuit, but defending that bad lawsuit can be so economically depressing to whoever's getting sued that ultimately that becomes a weapon, and even though they would have won if they had contested, the cost of contesting it becomes a weapon.

Well, now in this case, they've gone to court. They've been told by the court it's arbitrary and capricious. They've been told by the appellate court it's arbitrary and capricious. They've done it a third time. Now if you're a driller sitting on a drilling rig that costs somewhere between a half a million and a million dollars a day just sitting there and not operating, if you are that owner operator of that drilling rig, do you know if you can drill the day after the district court ruled? No.

Because you've got the appellate court. Do you know you can drill after the appellate court ruled? No, because they've issued another moratorium.

Now eventually that guy that's running that rig says, you know what, this is costing me somewhere around a million bucks every 2 days. I can pick this thing up and I can go over as I believe was announced by a group, Diamond or something like that, Diamond drilling rig, Diamond offshore drilling pulled their rig out today and moved it off the coast of Egypt.

Well, why wouldn't you? Is it good business to lose half a million dollars a day? Because people are clouding the waters so much or clouding the environment so much that you don't know whether if you start drilling, they're going to come drag you off and throw you in jail for violating a moratorium. I mean, that's why the drilling rigs aren't drilling. That's why they're pulling out and moving to other places. So at least Diamond is going off the shore of Egypt. Others will move off the shore of Australia. Others will move off the shore of Europe, into north Africa. Others will move off the shore of Libya; off the shore of Brazil.

□ 2000

Now, what is wrong with this picture? What is wrong with this picture? We all attach to the same oceans. The rest of the world is drilling. And we have had two courts of jurisdiction say, no, you can't have a moratorium. Why do we have a moratorium? Because I would argue that Secretary Salazar is ignoring the courts and ignoring the rule of law, and we ought to be concerned about that.

It has nothing to do with defending British Petroleum. They ought to get hammered every way they can get hammered, because they actually did some very bad business practices, it is going to prove out, I think. But we will have to see the proof. But still they have to pay for the damages they have done, which they have agreed to do, by the way.

Let's talk about another issue that in Texas at least is on our minds 24/7, and that is the issue of what is going on at our borders. President Barack Obama made a speech about 10 days ago that specifically raised this issue of immigration. He talked about we needed to do a comprehensive immigration plan and that we were defending our borders better than we have ever defended them, ever; that we have improved the situation greatly.

In the interest of fairness, I would argue that maybe he should have mentioned that the day before he made this announcement that there had never been a better defense of our borders, automatic weapon fire hit the city hall of El Paso, Texas, fired from across the border at city hall. I think at least in the order of fairness, we should have known that, well, except for maybe the fact that for the first time since 1919, the City of El Paso has been fired upon from across the border.

By the way, in 1919 when they did fire across the border, the American troops went across the border and cleaned out Juarez, in fact chased Pancho Villa, and they all came from right there at Fort Bliss, and we are sitting with 24,000 experienced combat soldiers at Fort Bliss right now. I am not saying he should have called them out. I am just saying let's paint the picture accurately.

Even if it is true that we have got more resources on the border than ever, and I think there is something to that, we have also had a massive escalation of what is going on across the border from our southern border States.

The cartels that promote and sell various sorts of drugs, and being an old judge I have tried more drug cases than 10 times the number of seats there are in this room, but I can tell you that when the cartels moved to the Mexican border, especially that strip of border between El Paso and Brownsville, we have got two, arguably three cartels fighting for who will control that area. Each of the two major cartels formed hit squads, separate organizations like Murder, Incorporated, when they used to talk about the Italian Mafia, and these groups became the murder squads, going out and killing not only other cartel members from the opposite cartel, but also killing Mexican police officers and Mexican army military people, Mexican civilians, kidnapping Americans, et cetera. Now those hit squads are thinking about becoming cartels themselves, so we have a real Wild West shootout going on across the border from where we live.

Now, I didn't mean that to be humorous. But the week before the firing on the El Paso city hall, 21 people were killed in one day in Juarez, Mexico, in gun battles. I am sorry, but if you will check Afghanistan and Iraq, the number of days that 21 people were killed, there were very few, in one day. So arguably we have got a situation in a city of almost 2 million people directly across the Rio Grande River from the State of Texas that is frightening.

Senator JOHN KYL says that President Obama told him, the problem is, if we secure the border, then you all won't have any reason to support comprehensive immigration reform. The White House denies that. Senator KYL sticks with his story. I don't know. But the issue that we really need to be talking about is defending our border, and I would say we are refusing to defend our border.

Arizona enacted a law to actually enforce the immigration laws the Federal Government has failed to enforce. Attorney General Eric Holder and the Obama administration have filed a lawsuit against Arizona saying it has no right to enforce that law. This is going to be a question that is going to be settled by the courts. How many times have I said on this floor I respect the decisions of the court? So we will certainly see how it comes out.

But why did the Arizona legislature and the Arizona Governor put this law forward? And why, by the way, did they take this law and track, according to multiple experts, word-for-word the enforcement provisions set out in the Federal law as far as the actions of Federal agents and what they can and cannot ask someone? Why does it track word-for-word the Federal law? Why did they pass this with specific provisions saying that we will not do any kind of profiling of any sort, racial or otherwise, and it can only be done as a result of a lawful stop on other matters, can you ask a question about the immigration status of the person you are talking to, or what country they come from.

So, you say, why did the legislature pass this? Why is the Governor stepping up and doing it? Because they have been begging in Arizona, please, come help us. You guys are not stopping this flow of people.

We had a rancher brutally murdered in his own living room for standing up to these drug lord caravans coming across the border bringing people and drugs into the United States. And the guy, all he did, he was out on his land, he told these people, you are not supposed to be here. And they killed the guy.

In Texas, we have a river between us. They have a barbed wire fence between them and Mexico, and we have got a river between us.

I have friends, I talked to a good friend of mine, a former county commissioner in my home county, who told me that at his place at Carrizo Springs down close to the border, that he leaves food and water out for people because he doesn't want them tearing the place up. He leaves the place unlocked because there used to be mostly economic people looking for a job coming through there and all they wanted was something to eat and something to drink. But now these thugs are coming across the border stealing everything not nailed down and tearing the place to shreds, these lawless people that come across our border.

□ 2010

Now, maybe that's why the State of Arizona has said, You know what? You guys in the Federal Government are not doing your job. We're going to help. And I haven't heard anybody say that if they ask someone, Are you an American citizen, and they say, No, I'm from Guatemala, or whatever, and they say, Well, we're going to call the Border Patrol. At that point, that's where their participation stops, the way I understand it.

Whether the Border Patrol is going to do their job, well, that's going to be a whole different issue. But it's going to be decided by the courts. But I just think really and truly the real solution to the Arizona problem is for the Federal Government to enforce the laws that are on the books. The laws are on the books right now.

And I was thinking about this coming over here tonight. I will make a slight presumption, but it's not much of a presumption, that possession of cocaine in Arizona is against the law—especially large amounts. I would make the presumption that possession of marijuana in Arizona is against the law. I think there's a good presumption by an old judge from Texas that possession of heroin in that State of Arizona is against the law. I do think under those circumstances, if those are written into the code, which I presume they are, they are probably felony cases of a serious nature. I think that carrying automatic weapons, fully automatic weapons, is both against the Federal and the State law in Arizona. I'm pretty sure. I know they are in Texas.

Now, if people are coming across our border armed with AK-47 weapons, backpacks full of drugs, marching in caravans, in many cases dressed in uniforms—paramilitary uniforms—marching into the public lands of Arizona and I guess turning over to some motorized operation they want to that takes it and spreads that filth all over the country, the State of Arizona has the right to enforce, if nothing else, the drug laws of Arizona. And I would argue if they don't have the resources to stop this epidemic of violence and drugs and prostitution and smuggling of individuals from every part of the world into our country, if there's not enough law enforcement personnel to put on the ground to enforce those laws, which they have absolutely the right to enforce, they ought to be able to call out the Guard to do it, as long as they abide by the posse comitatus laws.

So this is just after you have caught the drug dealer with a pack full of heroin and an AK-47 on his shoulder. How bad is it to ask, Oh, by the way, are you an American citizen? I don't know. First off, you don't have to call the Border Patrol. Throw them in jail and prosecute them for violation of State law. So this thing is kind of out of whack a little bit, by my way of thinking. But the real shame to me is suing Arizona.

Finally, we spent almost a year and a half talking about, dealing with, and behind closed doors, writing of the majority party's bill for health care reform. And in that bill we basically mandate that the government will tell people what product they will buy and who they can buy it from. As a result, the individual mandate extends the commerce clause power beyond the economic activity to economic inactivity. That is unprecedented. In other words, what they're saying is, If you don't buy this product for your employees, you're going to be punished with a \$2,000 fine. And the question becomes: Is this commerce as the commerce clause of the United States is written?

Basically, we have expanded the Federal Government probably farther

under the commerce clause than any other single clause in the Constitution. And now, using the commerce clause as an argument, the argument in here is that you can make an employer buy a product sold by a company or your choice of companies, or if they don't buy it, they get fined. And the question is, Where does that stop? If that's the law, why can't we make everybody buy a Chevrolet? I don't know. Why can't we? If we can make them buy Blue Cross or some other company's policy or be fined \$2,000, why can't we say everybody that buys a car in America next year has to buy a Chevrolet or a Buick or a Ford? Let's not get in trouble with the auto manufacturers. Or, I don't care what. You have to buy one or they pay a \$2,000 fine. If they can do it on health care, they ought to be able to do it on automobiles, shouldn't they? Where does it stop? That's the kind of issue we've got to ask ourselves as we look at this.

Never before has the Congress used its commerce power to mandate that an individual person engage in an economic transaction with a private company. Regulating the auto industry or paying cash for clunkers is one thing; making everyone buy a Chevy is quite another. This is in *The Washington Post*.

But the real question we have to ask ourselves is: How are we marching over human rights in this country, individual rights—the real thing that sets us apart from the rest of the world? How are we stepping all over people as a government. And shouldn't we be concerned about stepping all over people? And I've lost count, but I know it's in the teens of people who have filed lawsuits against the Federal Government in at least two jurisdictions, and maybe three, saying this is unconstitutional; you can't do this.

Shouldn't we be thinking about all this? Shouldn't we wonder if the rule of law prevailed in other parts of that 2,500-page document we call the ObamaCare or health care bill? Because when we wrote that bill, we created some of those laws that are the rule of law. And the rule of law has to comply with and be supported by the United States Constitution, because that's the rock we build our laws upon.

So as we finish up talking today about the rule of law, I bring these issues up so that this House and others can ponder them and say, As we continue to march down a corridor which steps all over the rule of law, where does it stop? And where do we stand up and say, Wait a minute, that's not right. Wait a minute. When a court tells you something and orders you to do something and then you appeal it and the appeals court tells you the same thing, then what is it about “no” that you don't understand? When Governors are trying to save their environment, why are you getting in the middle of their business and not letting them build a berm. Why aren't you helping them?

We've got issues we've got to talk about as far as the overreaching of this Federal Government, and I think we will. I think we will be discussing them this fall in a pretty serious manner.

Madam Speaker, my time is almost done. I thank you for the time you've yielded me tonight.

I yield back the balance of my time.

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THE COUNTRY'S ECONOMIC FUTURE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 60 minutes as the designee of the majority leader.

Ms. WASSERMAN SCHULTZ. Madam Speaker, it's a privilege to join my colleagues on the floor this evening to talk about the future of our economy and the new direction that we, the Democrats, are moving this country since taking over the Congress. We will plan to spend the next 45 minutes to an hour talking about where we've been and where we are at this point and the opportunities that we have to continue to go. My colleagues and I will talk about the progress that we've made and the efforts that we've employed to try to create jobs and turn the economy around.

We feel really excited about the accomplishments that we've made thus far. We have only to look back to the month before President Obama took office in January of 2009 to see at that point the economy having bled 700,000-plus jobs. Fast-forward to June, now July of 2010, and we are now adding, on average, between 125,000 and 200,000 jobs per month. And those are private sector jobs. We also have the addition of public-sector jobs through the census. But consistently month after month, particularly starting at the beginning of this year, the economy has consistently added private sector jobs, and that is incredibly important. We know that the way we're going to continue to turn our economy around, the key to our economic revival, is through job creation.

We can attribute much of the success and much of the turnaround that has occurred thus far to our passage of the American Recovery and Reinvestment Act last February. We know that the \$787 billion stimulus package that we passed injected badly needed resources into the economy. But, Madam Speaker, it also injected badly needed capital in the form of tax cuts for the middle class and for working families, and that's something that doesn't get talked about enough.

We do talk a whole lot about job creation, but one of the keys to job creation, we know, is stimulating the economy through tax cuts targeted towards the middle class, working families, and small businesses. We have really endeavored to make sure that