

We expect to hear the ruling on the individual mandate across the street at the Supreme Court. The individual mandate was the centerpiece of Republican health care proposals until the Obama administration embraced it. Then the Republicans decided it was an outrageous infringement on personal liberty.

Here in this Chamber, we will debate Operation Fast and Furious. Most Democrats, including me, don't really even quite get what the supposed scandal is about, but have always thought that gun sales in large quantities to drug cartels was just generally a bad idea. For Republicans, on the other hand, the gun sales that were part of Operation Fast and Furious appear to be the only gun sales they've ever had a problem with. We will also have a 180-degree reversal on the issue of information that Congress can require as part of our oversight powers.

I was an Oversight Subcommittee chairman for 4 years. I believe congressional oversight is an important check on the executive branch of government, an established, important part of our Republic system of checks and balances. I support investigations that might make an administration of my own party look foolish or worse. I want people who have the power of government, of either party, to be accountable for their decisions. I want them to pause over how they will explain their decisions in public; and if they can't explain them, maybe they shouldn't do it. Congressional oversight exposes and deters abuses of power and garden-variety stupidity of which there is plenty in the public sector, in the private sector, and in all activities in which human beings are involved.

But the courts have also recognized that uninhibited, candid discussions improve decisions. Decisions are less likely to be stupid when they are carefully discussed, and the courts protect the privacy of some discussions within the executive branch to further the goal of fewer stupid decisions. The courts recognize a strong privilege for discussion between the President and his top advisers and a lesser privilege, a qualified privilege, for other debates within the executive branch.

When I was an Oversight Subcommittee chairman, I read many of the court decisions that discussed those privileges. Anyone who says that the law is clear, in that what is privileged and what is not is well defined, is misinformed or dishonest.

Five years ago, the Democratic majority disagreed with a Republican President over whether information we sought as part of our oversight powers was privileged. There was plenty of partisan acrimony at the time, but we found a simple solution. We filed a lawsuit to ask a judge to decide whether we were entitled to the testimony and the documents that we had subpoenaed. The Bush administration argued that the court shouldn't decide the case. The judge disagreed. The judge

said that enforcing subpoenas and deciding what testimony or documents are privileged is something courts do every day. Judges expect lawyers to make careful, calm arguments based on the law and the facts; and they have little patience for tedious, dishonest talking points or personal attacks.

The debate here tomorrow will not even remotely resemble a legal argument in court. So we could go now to a court to clarify the law. I would support that—but no. Instead, House Republicans are going to force a vote to prosecute the Attorney General for the crime of taking a plausible position on uncertain legal issues. Instead of asking for a careful, calm decision by a judge on a legal issue, House Republicans are choosing an intemperate, acrimonious debate here in this Chamber over legal issues about which few Members have the first clue.

Why? The only possible reason is that House Republicans just like partisan acrimony.

HONORING THE LIFE OF SPECIALIST JARROD LALLIER, AN AMERICAN HERO

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Washington (Mrs. McMorris Rodgers) for 5 minutes.

Mrs. McMorris Rodgers. Mr. Speaker, I rise today with a heart full of sadness and sorrow to honor the life of Specialist Jarrod Lallier.

Jarrold was a proud member of the prestigious 82nd Airborne Division, serving his first tour in Afghanistan. He was a graduate of Mead High School and a lifelong resident of Spokane, Washington. He was an athlete, a son, a brother, and an American hero.

Jarrold was just 20 years old when he lost his life last week in Afghanistan. He was just 20 years old when men in Afghan police uniforms turned their weapons on his unit and robbed him of his life. He was just 20 years old when he said goodbye to his family forever.

He would have celebrated his 21st birthday this week.

But since he is not here to do that, I want to celebrate the life he lived and the country he served.

Today, we celebrate a man who dreamed of serving America since he was young. We celebrate a man who fought for America, who protected America, who defended America. We celebrate a man who died in the name of American freedom.

Today, my thoughts and prayers and gratitude are with Specialist Jarrod Lallier and with all those who will carry on his legacy forever: his father, Gary; his mother, Kim; his sister, Jessica; and his brother, Jordan.

May God bless this great American hero, his family, and all the brave men and women who have answered America's call to freedom.

□ 1050

THE PATHWAY OF CONTEMPT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. Jackson Lee) for 5 minutes.

Ms. Jackson Lee of Texas. Mr. Speaker, this is a solemn place and a solemn moment when Members come to express their views.

A previous speaker drew us to heroes, and we thank those who have served us in the United States military. This morning I draw us toward constitutional and congressional responsibility. It is all intertwined in the honor that we have in serving in this august institution entrusted to us by the American public, our individual constituents.

I first suggest that earlier this week the Supreme Court established the superiority of the United States Government in immigration reform. In all of the points that were brought by the State of Arizona, two-thirds were rejected under the understanding and the law that the United States Government is in charge of immigration enforcement, immigration benefits, and that we should do our job.

For the one provision that remained standing—and as the ranking member formally of the Immigration Subcommittee and on Homeland Security, I see this every day. Having just come from Arizona, I have seen the good work Congressman Grijalva and Congressman Pastor and others are doing. I know that we are working to ensure the safety of the border, but I also recognize the need for the dignity of human beings. I fight for the dignity.

Congress should get out of the way in terms of being in the midst of confusion and stand in the way and close the gap on immigration reform. The only provision left standing was a provision that the Court warned the State that if they engage in racial profiling, that too may be proven unconstitutional.

Law enforcement officers have always had the right in a legitimate stop to ask for the credentials of anyone they stop. The question is now burdening those officers to see who they stop and why they stop. Again, I speak to the issue of congressional responsibility.

Now I come to the act that is going to take place tomorrow, and a number of us are writing the Speaker and asking and imploring him, as Speaker Newt Gingrich did in 1998, refusing to bring forward a contempt charge against Janet Reno that was pointedly personal. We suggest now that there is much work to be done. As my colleague indicated, this case could be taken to the courts to determine what documents should be brought in.

In addition, the work has not been completed. Kenneth Melson, who headed the ATF, has never been allowed to speak before the committee to explain that he never told any of the officials, including the Attorney General, about the intricacies of Fast and Furious. The former Attorney General, who has

appeared before the Judiciary Committee on a number of times, I know that he would not in any way flee from coming and telling what he knew. General Mukasey, he has not been asked.

There have been 7,600 documents presented to the Oversight Committee, but yet we will be on the floor tomorrow in a purely personal relating of why Attorney General Holder, a life-long law enforcement officer, the senior officer of the United States, the one who has come riding in and helping the most vulnerable in the United States, those who cannot get to vote, the disabled, and others who have been denied by the oppressive rules that have been passed by many States.

Thank God for the Federal Government and the attorney general of the United States. If it had not been for him, I would not be standing here because I would have still been bent down in the Deep South with hoses on top of me because the General of the United States in the 1960s and the Department of Justice came in and helped Dr. Martin Luther King after Bull Connor turned those hoses on in Birmingham.

Tomorrow we malign the very officer that has come to the aid of any American, those whose homes are being foreclosed. This General led a massive settlement to be able to stand and to be able to provide for the most vulnerable of Americans.

Congress has the responsibility of creating jobs, of passing an important transportation HUD bill that will provide housing and rebuilding of our highways and freeways. Tomorrow we will stop and pause and begin to call each other names and to take a man whose very life has been in public service, who has led the Department of Justice with dignity and respect, who has answered questions, who has prepared, who has appeared before us with a demeanor that is respective of his position. All I ask is that we not bring this to the floor and cooler heads will come and sit down and resolve the remaining documents.

For the love of this Nation, for the patriotism and the honor of serving in the United States Congress, I beg of this Speaker and this House: Do not go down the pathway of contempt. I beg of you to raise this House to a level of dignity.

THERE GOES THE RULE OF LAW

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 5 minutes.

Mr. GOHMERT. Mr. Speaker, I appreciate the comments of my friend from Texas. We do have some disagreements, but I want to go back to the issue of jobs.

People are hurting. Without jobs, the unemployment has been higher than the President said it would ever get if we would just simply give him about a trillion dollars to give away to his friends, that that would make it all better. Well, it didn't.

What we've seen over and over from this administration is a complete disregard for the rule of law. When you look at all the people who have been drawn into this country illegally, in violation of our immigration laws—even though there is no country in the world that allows the immigration that this country does and the wide open gates that we do. But we do have parameters.

We've been told there may be a billion, billion and a half people who want to come to this country. If they did all at once, they would overwhelm us, and there would be no country for others to come to.

Why do so many want to come here? It's because we've always had regard for the rule of law. When there were those who would ignore the rule of law and put partisan and personal benefit above the law, eventually they had to account. Some have gotten away, but this country has done a better job of being fair across the board than any other country in history. That's why so many want to come here, because we've had more jobs, a better economy, and made more advancements than any country in history.

Yet, on the issue of immigration, this President stands up and announces we're going to ignore the law, just as he did on marriage. There is a proper law that was signed into law by President Bill Clinton, enacted by Congress, upheld, and he says we're going to ignore that because we don't like it. There goes the rule of law.

When it comes to ObamaCare, we've passed this law. But you know what? So many of the people that pushed this through and rammed it down the throats of America, they're asking for waivers and they're good friends, so we're going to give them waivers so they can ignore the rule of law.

How about the auto bailout? Ignored. The bankruptcy law? It ignored the Constitution and took away dealerships and gave them to others. This was a place where the rule of law was completely ignored.

Then this President stands up and says: Not only are we going to ignore the rule of law, duly passed law, but as I speak, I will create law. I now speak into effect new work visas and work permits that have never existed. But just as the ancient pharaohs or the leaders of the ancient world, as I speak, so it must be. I'm speaking into effect new work permits. I'm speaking into effect an ignoring of the laws that were duly passed. I'm speaking into effect a chance to give them jobs that Americans are hurting and trying to get.

We also have an Attorney General who was not only asked about Fast and Furious, he was asked about Justice Kagan on the Supreme Court: Are you aware of any instances during Justice Kagan's tenure as Solicitor General of the United States in which information related to patient protection and affordable care and/or litigation related thereto was related or provided? He refused to answer.

When did your staff begin removing Solicitor General Kagan from meetings in this matter? On what basis did you take this action? On what other matters was such action taken?

□ 1100

Look, the rule of law required that when it turned out there were possibly thousands of abuses of the national security letter in a Republican administration, I picked up the phone, called the chief of staff of my President, and said, This is unforgivable. We need a new Attorney General. Where is my friend across the aisle who will step up and say, the rule of law is too important?

We have Justice Kagan, who is ignoring law 28 U.S.C. 455 that says, You must disqualify yourself in any case in which your impartiality might reasonably be questioned. It must be reasonably expected that either she ignored the law, did not do her job as Solicitor General, was totally negligent, or she did her job, and she should not have sat on this case. She should have disqualified.

I beg and plead for my colleagues across the aisle to step up, as I did when the Attorney General was responsible for presiding over an injustice, and call for her resignation. It is contemptuous of Congress.

SOME DAYS ARE BETTER THAN OTHERS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DAVIS) for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, U2 has a song, "Some Days Are Better Than Others." The lyrics go something like this:

Some days are dry. Some days are leaky. Some days come clean. Other days are sneaky. Some days take less, but most days take more. Some slip through your fingers and onto the floor.

Well, Mr. Speaker, today it is certainly threatening to slip through onto the floor. The House is apparently preparing for an unprecedented floor vote to hold a sitting Attorney General, the Nation's chief law enforcement officer, in contempt. The path that has led us to this sorry day is so long, so bizarre, so tortuous, so fantastical, so unbelievable that it stretches the imagination of individuals to try to make some sense out of our actions.

The Oversight Committee started out investigating the so-called "gun walking" which was initiated under the Bush administration. The Department of Justice produced thousands of pages of documents. The Attorney General testified nine times, and the committee found no wrongdoing by the Attorney General.

So the committee majority turned its attention to a February 4, 2011, letter sent by the Department of Justice to Senator GRASSLEY, initially denying allegations of gun walking. The DOJ acknowledged the errors in the letter