

law in combating the hideous crime of modern-day slavery, sex, and labor trafficking. China has now become the magnet for the traffickers, buying and selling women as commodities, selling them in China against their will, of course, through coercion, because of the missing girls, the missing daughters, and the missing young women.

Mr. Speaker, earlier this week, the world remembered the dream that was and is the Tiananmen Square protest of 1989 and deeply honored the sacrifice endured by an extraordinarily brave group of pro-democracy Chinese women and men who dared to demand fundamental human rights for all Chinese. Twenty-four years ago this week, the world watched in awe and wonder, as it has since mid-April of 1989, as hundreds of thousands of mostly young people peacefully petitioned the Chinese Government to reform and to democratize. China seemed to be the next impending triumph for freedom and democracy, especially after the collapse of the dictatorships of the Soviet Union and the Warsaw Pact nations. But when the People's Liberation Army poured in and around the square on June 3, the wonder of Tiananmen turned to shock, tears, fear, and helplessness. On June 3 and 4, and for days, weeks, and years, right up until today, the Chinese dictatorship delivered a barbaric response—mass murder, torture, incarceration, the systematic suppression of fundamental human rights, and coverup.

The Chinese Government not only continues to inflict unspeakable pain and suffering on its own people, but the coverup of the Tiananmen Square massacre is without precedent in modern history. Even though journalists and live television and radio documented the massacre, the Chinese Communist Party lies and continues to deny it, that it even occurred, to obfuscate, and to threaten anyone who dares speak out in China about the massacre and all of the terrible barbarity that followed.

In December of 1996, Mr. Speaker, General Chi Haotian, the operational commander who ordered the murder of the Tiananmen protesters, visited Washington, D.C., as the Chinese Defense Minister. You see, he was promoted after he killed all of those innocent people. Minister Chi was welcomed by President Clinton at the White House with full military honors, including a 19-gun salute—a bizarre spectacle that I and many others on both sides of the aisle protested. But why do I bring this up now? General Chi addressed the Army War College on that trip and in answer to a question said:

Not a single person lost his life in Tiananmen Square.

He claimed that the People's Liberation Army did nothing more violent than the "pushing of people" during the 1989 protest. Not a single person lost his or her life? Are you kidding?

That big lie and countless others like it, however, is, and it was then, the

Communist Party's line about Tiananmen.

As chair of the Foreign Affairs Human Rights Committee then, I put together a congressional hearing within 2 days—December 8, 1996—and witnesses who were there on Tiananmen Square in 1989, including Dr. Yang Jianli, a leader and survivor of the massacre, and Time magazine Bureau Chief David Aikman, who were actually witnesses at my hearing this past Monday. We also invited Minister Chi, or anyone the Chinese Embassy might want to send to the hearing to give an accounting of that blatant lie. I guess Minister Chi thought he was back in Beijing when he was at the Army War College where the big lie is king and no one ever dares to do a fact check.

Last week, Mr. Speaker, the U.S. Department of State asked the Chinese Government to "end harassment of those who participated in the protest of 1989 and fully account for those killed, detained, or missing." What was the response from the Chinese Government? The Chinese Foreign Ministry acrimoniously said that the United States should "stop interfering in China's internal affairs so as not to sabotage China-U.S. relations."

We have heard that line from the Soviet Union. We heard it from those who supported apartheid in South Africa: Don't interfere.

Human rights are universal, and we need to speak out boldly and without fear when they are violated, wherever and whenever they occur.

"Sabotage" Sino-American relations because our side requests an end to harassment and an accounting? It sounds to me like they have much to hide.

Therefore, Mr. President, tomorrow when you meet with the unelected President of China, and Saturday when you meet with him as well, please be informed, be bold, be tenacious, and seriously raise human rights with Chinese President Xi. No superficial intervention. No checking off on the box. Yes, I raised human rights. Raise real names. Ask for their release. Raise real issues, like the horrific one child per couple policy or the endemic use of torture by the Chinese dictatorship. Raise the 16 cases that are being raised and given to you to raise of individuals, people who in China are like the modern-day Natan Sharansky or others who have suffered so much for freedom for all these years—like Gao Zhisheng and others.

Mr. Speaker, we will not forget what took place in Tiananmen Square 24 years ago this past Monday and Tuesday. The struggle for freedom in China continues. Some day the people of China will enjoy all of their God-given fundamental human rights; and as a nation of free Chinese women and men, they will some day honor and applaud all those who suffered so much in the Laogai, the Chinese gulags, and sacrificed so much for so long.

Mr. President, the ball is in your court. President Obama, raise these

issues and do it in a robust, sincere, yes, diplomatic, but very powerful way.

I yield back the balance of my time.

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

POISON PILL AMENDMENT IN HOMELAND SECURITY APPROPRIATIONS

(Mr. VEASEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VEASEY. Mr. Speaker, I stand here today greatly saddened and disappointed in this House of Representatives. I was prepared to vote in support of the Homeland Security appropriations bill for the upcoming fiscal year, a bill that is supposed to ensure our local law enforcement, emergency responders, antiterrorism experts, and border security professionals have the resources they need to keep our country safe. Instead, we see a bipartisan and widely agreed upon bill that would fund Homeland Security efforts across the Nation be overtaken by a violently controversial amendment from the gentleman from Iowa that was included in the final passage of the bill.

The last-minute amendment goes beyond the pale of discrimination by prohibiting funding to implement President Obama's deferred action plan from last year that would protect DREAMERS from deportation. This poison pill amendment endangers over 800,000 young undocumented immigrants who have no home other than the United States and only want a fair shot at an education and opportunity to pursue their passions out of the shadows.

I voted against final passage of the Homeland Security appropriations bill because this amendment was allowed to be passed by the Republican majority, and I am deeply saddened that over 220 of my colleagues in this Chamber want to shatter those dreams.

□ 1250

UPHOLDING THE TRUST OF THE AMERICAN PEOPLE

The SPEAKER pro tempore (Mr. BRIDENSTINE). Under the Speaker's announced policy of January 3, 2013, the gentlewoman from Texas (Ms. JACKSON LEE) is recognized for 60 minutes as the designee of the minority leader.

Ms. JACKSON LEE. Mr. Speaker, it certainly is a privilege to be able to come to the floor and begin a dialogue, because there's one thing that I think is vital. We could hold up the Constitution, which I often do. We can speak with great eloquence on the floor of the House, even go to our districts and speak to our constituents.

But I do think it is important that the trust of the American people, even though sometimes tattered, sometimes challenged, that what we can at least adhere to are the values of this Nation,

the constitutional underpinnings that we all are created equal under the Declaration of Independence and those vital 10 amendments that make up the Bill of Rights, among others, that really go to the trust that the American people have in their government and in their documents that are the infrastructure of government.

And when I say that, I am not in any way diminishing some very emotional debate that we've had over the years. We've engaged in debates on war and peace. We've engaged in debates on impeachment. Tragically, we've seen assassinations of our Presidents. We've seen assassination attempts on our Presidents, and so I know that the issue of trust or the issue of stability sometimes wobbles because it is human nature.

We've seen the tragedy of 9/11. But yet, Americans, by and large, with polls going up and down, will probably be more trustworthy than any other population of people. Why?

Because they have a sense that, even in the midst of vigorous disagreement between the partisans, between Republicans and Democrats and Independents, that there's something that holds America together.

And so I am rising today to try to be able to weave in and out why we must get back to that trust, and why it serves us no purpose to go on an unsubstantiated witch hunt on what is one of the finest public servants that this country has seen, and that is the Attorney General of the United States, Eric H. Holder, Jr.

Now, I will be discussing a number of items because, in the course of this discussion, I realize that some will agree and some will not. But minimally, what I would like to ensure is that we have a forthright and truthful discussion. That's really what is key.

I base that upon being a battle-worn member of the House Judiciary Committee for any number of years. I have ascended to the position where you are called a senior member of the Judiciary Committee. And in the course of my work there, I have seen investigations that are far and wide.

I lived through the horrific heinousness of 9/11, and having to craft something called the Patriot Act, which still needs to be challenged, and we need to err on the side of the rights of the American people.

I have seen the investigation of the tragedy of Waco. Many people might not even remember that, the terrible loss of life.

I've seen the throngs pulling a child, a Cuban child, between families—Elian Gonzales.

I've seen the ups and downs of immigration and the debate about where we should go on immigration reform.

I have seen the issues of impeachment and attempts on impeachment, trying to uphold civil rights, trying to write a Patriot Act—which came out of the Judiciary Committee right after 9/11, in our most vulnerable time—in a

bipartisan way that balanced the rights of Americans alongside of the responsibilities that we had to secure America.

I have seen the fight for individual rights, and I'd like to think that when it comes to that challenge, that when you look at the record that I have offered, you have seen a record that prizes individual rights.

So I do not believe that it is of any value, no matter what party you're in, to be in a coverup. Coverups usually wind up with the covers being taken off, and so there's not really much advantage to a coverup.

But I want to discuss, away from the aura of cameras and hysteria, the work of a public servant that I've known for a number of years. Having come to this Congress a few years ago, I remember that Attorney General Holder not only worked for Democratic Presidents, but also worked for Republican Presidents.

In fact, George Bush II held Mr. Holder as his Acting Attorney General, or Deputy Attorney General, which is the highest ranking under the Attorney General. The view of him as an unbiased figure allowed him to be, in essence, that bridge between administrations.

He has served as a judge. He has been a prosecutor. He has likewise, prosecuted those who would do Americans harm. He is a son, if you will, of those who struggled to overcome.

And he had the honor of being appointed, named as President Clinton's Deputy Attorney General, the first African American to be so named.

He pulled himself up by his bootstraps, having graduated from Columbia College, as he's so proud of, in New York, attended the public schools, even schools that I'm familiar with—some of my friends graduated from Stuyvesant High School—where he earned something that was very much sought after in those times, a Regents Scholarship. That allowed him to attend Columbia College, where he majored in American history, and he graduated from Columbia law school.

He is not one to accept your challenge of the affection he has for his college and his law school.

He had a sense of desire to do good. And in those times, one of the premiere civil rights law firms was the NAACP Legal Defense and Educational Fund. No, it is not the NAACP. This is a lawyers' group that would defend you, no matter who you were.

In fact, I remember Constance Baker Motley, out of the NAACP Legal Defense and Educational Fund, defending the Klan in Alabama, because it is the motto and mission of the NAACP Legal Defense and Educational Fund that if your rights are abridged, no matter who you are, we will stand up for those rights.

And so he started there, with a very refined sense of right and wrong and who should be defended, and wound up at the Department of Justice as what you call a line lawyer, Criminal Division.

And then he joined, previously, I guess, he joined the U.S. Department of Justice Attorney General's Honors Program. He was assigned to the public integrity section, was tasked to investigate and prosecute official corruption, local, State and Federal levels.

Some might say, when you saw Eric coming, you wanted to get out of the way. That was his sense of justice, balanced and fair, attacking those who were doing wrong to our system of justice and fairness, and yes, going after corruption in local, State and Federal government.

Those were many years since 1976, and if I would take a guess, if he were going to falter in the practice of law, or in the upholding of justice, he would have faltered a long time ago.

□ 1300

Sorry, Mr. Attorney General, but you have been around for a long time; 1976 is a long time. In fact, if I recall correctly, 1976 was in the midst of when President Carter was coming in and after President Ford had served. So he has seen both Republican and Democratic administrations, and he has passed muster by his superiors. He's climbed up the ladder. He served in private business and private practice. He's not a new kid on the block.

I had the chance to be with his wife, Dr. Sharon Malone, one of the premier physicians in this community, who has her own legacy, as well as the legacy of her sister, who was one of those who integrated the universities in Alabama during the segregated South. But the interesting thing about Eric is that he does not come with a sense of entitlement, which I don't like even using that word, because if you fix something that is broken, if you try to integrate because it is segregated, that is not entitlement. If you try to ensure someone has an opportunity, it is not negative when you say affirmatively you want to make sure that there is diversity. But Eric takes life as he sees it. And so it baffled me when we were proceeding through this process.

Somebody said bad things come in threes. I don't want to start that because I'm hoping we don't have any threes coming along. I've got to get on an airplane in a couple of minutes.

But I would say to you that I would like the answer to some of the questions. Obviously, Benghazi falls in the State Department. But we've certainly had the misfortunes of the IRS. I want to clarify that the IRS falls independently. The Commissioners are appointed on a 6-year term so that they do not have the political influence of a Presidential appointment. But their ultimate oversight is through the Secretary of the Treasury under the U.S. Department of the Treasury. Certainly, that investigation is going forward at this time. But it seems like all of that was piling on someone who was not directly involved: Benghazi and the IRS.

But let's get to the one that has drawn the most ire, rightly so. Let me

temper that because I know that the IRS is drawing a great deal of ire. I've come to the floor and indicated that there are a lot of good, hardworking employees. Maybe you know some of them. Our colleagues see these people in our districts. They're working every day to ensure that the American people, who pay them, who own all of this in the United States Government, are treated fairly. I know there are people like that. But certainly, we are absolutely outraged about any prosecuting in a biased way for political beliefs. That is an absolute, unpardonable sin, if you will, under the First Amendment. We've all agreed to that. We want a full investigation. And I can assure you if any parts of the Department of Justice are involved in a criminal investigation, if it is discovered—and we have an Inspector General under the IRS—you can be assured that the Department of Justice will be involved in determining whether any criminal activities have gone on as relates to the IRS.

But what has drawn the most ire—and it should—is the precious press and the right to be told what is going on. Again, with a little bit of humor, I will tell you that those of us in the public eye really like that press story that says that we're cutting a ribbon for something that has been given from the Federal Government or making the grand speech that someone will quote that was most erudite and astute.

But the press should be unfettered because it is the right of the American people to know what is going on in their government, no matter what level it is, from the school board to the county clerk to the statehouse to the city government and to your Federal Government. Maybe, to the chagrin of many who are found out in the press, we understand.

So when it is suggested that the Department of Justice would violate that sacred trust of blocking information to the American public, then obviously there is an enormous amount of concern. And I understand that. And I think it is enormously important to lay out this whole question of the Fox reporter, the gentleman who has been working on a number of projects, and the whole idea of the release of the emails of the Associated Press, or the targeting of them, and the targeting of one particular individual, Mr. Rosen of Fox News, and the May 15 hearing in the House Judiciary Committee, at which I was present.

I wanted to speak of what I know. One of the questions I raised, just a yes-or-no answer, was whether Mr. Holder had been a supporter of what we call the Shield Act in his professional career, a bill that had been supported by many of us in the last session, or before, and that is to block or protect reporters and their proprietary information under the First Amendment. And for some reason, my good friends on the other side of the aisle, Republicans, did not see fit for that legislation to pass.

So here we are in a set of circumstances that speaks ill of anyone that would target a reporter or this enormous leak of emails. All of this is being reviewed. But I want to focus on Attorney General Holder and the very excellent Attorney General that he had in charge. He did not participate in the ultimate investigation and the determination for the ultimate subpoenas regarding the AP. It was done after some 15,000 pages of documents were issued, and they still could not determine how the leak, where the leak, or who would be the culprit of the leak. This is pertaining to issues that would have a detrimental impact on the security of the American people.

So let me be very clear: it was not the reporters. It was to find out who was, for lack of a better term, the leaker. And, yes, those are sources. That's the angst of the people; the lawyers entrusted with your protection in the Department of Justice. There is no doubt Congress has a right to restrain it, for you elect us in the people's House to make sure that you are protected from that kind of intrusion. But let it be very clear that the intrusion was not to entrap reporters. It was to ensure us that we were protecting the American people.

So all of a sudden the Attorney General is in the hot seat. He recused himself from further investigation. A number of questions were posed in that May 15 hearing. And one of the questions posed was seeking a clarification about different laws but also asking the question about allowing for reporters to be prosecuted. I have a paraphrasing but a fair handle on the answer of the Attorney General. In fact, if you can pay attention to newspaper accounts to precisely see if this is correct:

With regard to the potential prosecution of the press for the disclosure material, that is not something I have ever been involved in—heard of—or think would be a wise policy.

The active word is “potential” prosecution—prosecution.

□ 1310

Yes, there was an FBI affidavit used to obtain the warrant for Rosen's emails, and there was probable cause—and this was in 2010—to determine whether any law had been broken. Yes, that was done. The affidavit did describe this reporter, by way of reports, as an aider and abettor and/or coconspirator. But the Justice Department did not prosecute Mr. Rosen, did not even file charges against him while he was listed as a coconspirator. No charges were ever raised against him. No charges were pulled back. No acquittal. No prosecution.

So the answer of the Attorney General was accurate. To the extent that anyone would suggest that he perjured himself is absolutely without context, without substance, without basis, without intent, without proof, and it serves no purpose. It serves no purpose.

From all of that, and of course some time back the tragedy of Fast and Furious—and whenever I come to the floor I offer my deepest sympathy for the lost and for the family who suffered an enormous loss of their great and wonderful son. There is nothing that one can say to bring back their son.

I have no quarrel with getting to the facts. But again, in Fast and Furious, none of it pointed back, by independent arbiters. This had to do with the misdirected—probably with good intentions—but misdirected and cruel results of putting guns in the hands of thieves and crooks to be able to track guns and gun trafficking between the United States and Mexico. I will not defend it. I am not here to defend that. I was appalled. But I think we must have a reasonable discussion of truth. And the reasonable discussion of truth is: Did Mr. Holder have anything to do with the mishaps of Fast and Furious? I can assure you that they have yet to point to him on that basis.

Eric Holder came to the Department and he took up the challenge, in these words, of his mission, that his challenge would be protecting the security, rights, and interests of the American people. More than 4 years later, together with the extraordinary men and women who serve at the Department of Justice, that promise has been fulfilled for many of the accomplishments that this Department has achieved.

Now, my good friend was on the floor, my good friend—and he is, Mr. SMITH of New Jersey. He has a passion for preventing, among other things, human trafficking. We work together on these issues.

Eric Holder has been a crusader to fight against the viciousness of human trafficking. He has, in fact, set up a task force in my own city of Houston, which, to our dismay, has been known as the epicenter of human trafficking of young people, prostitution, individuals coming up to the southern border. One of the most debasing parts of an existence is to be taken hostage—bondage—by someone else to be abused and mistreated. So he has been enormously committed, passionately committed to the idea of preventing human trafficking, and we look forward to working with him.

He wanted to save you money. And they've had a very successful reach on financial fraud, setting up a Consumer Protection Working Group consisting of Federal law enforcement regulatory agencies, making sure that those who attack the vulnerable with payday loans and the elderly know that the Justice Department is standing on their side. And the very ones that go after Active Duty military—how sad, young people coming home from far-away places and all of a sudden they are victimized, the resources that they have that are limited.

The lawsuit that was filed against mortgage fraud that took this country down, took homes away from those who deserved them, the billion dollar

lawsuit against Countrywide led by this Department of Justice.

Banking houses, various inappropriate behavior by some on Wall Street, General Holder was not afraid, on behalf of the American people. And countless banking officers who took money, such as some of those whose names include Carollo and Goldberg and Grimm, all former executives of General Electric, were sentenced related to bidding for contracts for the investment of municipal bond proceeds and other municipal finance contracts, which would undermine not only the public trust—remember, that's how it started—but it would also diminish the assets.

It was this Justice Department that continued the prosecution of the Madoff brothers, Peter Madoff, on June 29, 2012, one of the most—oh, my God, I would use the word “sad,” but that is certainly not a strong enough word, but I did use the word “tsunami”—one of the most catastrophic attacks on people who innocently invested with someone who they thought would maximize their savings for the good ol' days of their sunset years.

He continued to secure justice for victims of mortgage fraud. He worked on a number of issues regarding servicemembers. And, what I think was particularly important, what you wanted him to do, is he went after international cartels, domestic collusion conspiracies, price fixing, bid rigging, market and customer allocation. He was, along with his team, committed to serving the American people.

I see my colleague is here, and I just want to mention a few others before I yield to her. Because, as I mentioned, his passion for people's lives is so moving that I need to get this on the record.

The Department has charged a record number of human trafficking cases. I gave you the story, but I didn't give you the facts. Over the past 4 years, the Department has increased the number of human trafficking prosecutions by more than 30 percent in forced labor and adult sex trafficking cases, while also getting a number of convictions in the Innocence Lost National Initiative dealing with our children. So the Department has dismantled trafficking with Ukrainian victims held in Philadelphia in false labor; Central American women, convicting the traffickers who threatened and violently abused them to compel them into forced labor and forced prostitution in restaurants and bars on Long Island. Or, we restored the rights and freedom of the undocumented—I like to say “we” because this is close to my heart—of Eastern European victims, convicting the trafficker of brutally exploiting them in massage parlors in Chicago; a Florida man, his wife and a codefendant for actions involving sex trafficking of seven minor victims in a house in Fort Lauderdale; and secured a life sentence against a gang member in the Eastern District of Virginia for

sex trafficking of victims as young as 12 years old.

Eric Holder has not been sitting around trying to construct when he would come to Congress and perjure himself. That has not been his task and his challenge.

Let me just say this, as there is a lot that I want to engage in. I'll just throw this out before I yield. Our violent crime rates have yielded, maybe because we see someone like the old movies about the FBI G-Men, maybe we see the “H-Man” coming in Eric Holder, for he has prosecuted thousands of criminals with illegal gun possessions. That does you harm. That does your children harm.

□ 1320

I want to just say this to my distinguished colleague—as I yield to Congresswoman ELEANOR HOLMES NORTON—when the American people needed to have an unfettered voting system, yes, many disagreed. But Eric Holder and his team in the Civil Rights Division have not been overturned. They were following the law.

We do expect a Supreme Court decision in a matter of days on section 5. I cannot predict what that decision will be. But there were a number of decisions that had to do with ensuring that there was one person, one vote.

Remember I started by saying, whether we agree or disagree, there should be something called trust. Many people would say to me, one person's trust is another person's poison. But it's all about the law. This Justice Department has been following the law. It is crucial that when we use a litmus test to be able to determine whether someone should resign—and by the way, General Holder, do not resign, America needs a top law enforcement officer of integrity—then the standard should be the law, the standard should be the Constitution, the standard should be the facts, the standard should be case law on the Voting Rights Act and redistricting cases and election law. The majority of the cases—the infrastructure of the cases that have been upheld—have been led by Eric Holder, the Attorney General of the United States of America.

I would be privileged to yield some time to the distinguished scholar—and she happens to be a Congressperson of the great District of Columbia—ELEANOR HOLMES NORTON. Thank you for your leadership and scholarship on constitutional issues.

Ms. NORTON. Mr. Speaker, I thank the gentlelady, first, for yielding and for her kind words. But I thank her even more for what she's done this afternoon. She has come to the floor—my good friend from Texas—and has rendered one of the most informative highlights of the career of this Attorney General since he has held the office.

I would like only a few minutes to say a few words about the Attorney General because he began when in the

Clinton administration I got the courtesy that's normally given to Senators—we have no Senators—so I got the courtesy of recommending to the President the U.S. attorney for the District of Columbia and District Court judges. Although the District of Columbia has long had a large African American population, for most of its 200 years there have been no African American United States attorneys. Even though the United States attorney in the District of Columbia handles not only what he does for, for example, my good friend in Texas, that is Federal matters, but because there are some limits on our home rule, also handles all of the local criminal matters. Using a 17-member distinguished committee of citizens who vetted a great number of candidates and gave to me the top three, I chose the man who is now Attorney General as the first African American U.S. attorney for the District of Columbia. He acquitted himself so well that he became an assistant Attorney General and finally Attorney General of the United States.

We are accustomed to seeing Attorneys General get in trouble. The last two Attorneys General were virtually chased out of office because of the mistakes they had made. I think that's because the Attorney General is close to the most controversial business of the President of the United States. I'm not surprised that the Attorney General would be a target. I am surprised that he would be accused so recklessly of, for example, perjury. I believe he will be vindicated shortly because it's so clear, on the face of this matter, that there has been not even a scintilla of an attempt to mislead the Congress or anybody else.

I think of Ambassador Susan Rice, who was yesterday appointed to be the National Security Advisor, the closest advisor to the President on foreign affairs, and of what she went through. She now has been thoroughly vindicated and yet she lost the possibility of being Secretary of State on the allegation that she had somehow misled the Congress in reporting on Benghazi.

Now, of course, the truth is out. All the emails are out. She wasn't part of any of the emails. She was the one who read the statement from the CIA. We now know that the statement was written by the CIA and that the State Department participated in writing it. The State Department was concerned that the State Department would be blamed for what was really a cover. The attack against the temporary U.S. compound in Benghazi was essentially a cover for a CIA operation. And so the CIA got into it. The State Department got into it. All of the intelligence officials got into it.

Together they issued a statement which now has been found not to have misled the Congress. If the joint statement didn't mislead the Congress, imagine the vindication now of Susan Rice, who only read a statement that she had no part in developing and had

no reason to believe—since it came from intelligence sources—that it was anything but the facts as they knew it. And indeed, it turns out they were the facts as they knew it.

I mention Ambassador Rice because of her recent appointment and because she stood accused in the same way that the Attorney General does.

Now, the gentlelady from Texas, my good friend Representative LEE, and I sit on two committees who have spent a lot of their time investigating the Attorney General. Please note that this is a Congress that has no agenda. Had it not been for these so-called scandals I'm not sure there would be anything to do in this House. They tend to go home early, to come late. There is nothing of much consequence on the floor. And indeed, I'm grateful for the appropriations period because at least there is something of substance to come to the floor.

If you don't come here to legislate, if you come here to malign, if you come here to keep the President from getting legislation, then you run out of ideas. We're now at the lowest deficit in 50 years, so they can't continue to talk about that the way you did before. They won't come to the table, as the American people have said they want, for a balanced deal. So we've got a floor where nothing happens and where people went home today—I think the last vote was around noon. There's nothing happening here.

Well, the vacuum has been filled by the committees, who have, each of them—there were five committees—looking into these various matters. Today, there was a Committee on Oversight and Government Reform on which I serve looking into the misuse of money by the IRS, except it turns out that was before this President's Executive order. The worst of the IRS misuse of funds during a travel session began in the last administration, much worse in that administration, and, by the way, in prior administrations. But it's now all over, long ended. But for House Committees, it's another way to go after the IRS.

All of us have been very critical of the IRS. We still don't know what really happened there. But without knowing it, there are some on my committee who are tracing it back to the President of the United States without a scintilla of evidence. That, 50 years ago, would have been called what it is—McCarthyism.

□ 1330

So, when the gentlelady comes to defend the Attorney General who has been attacked, I come simply to join her and to thank her.

In our committee, for example, we spent, perhaps, most of last year on the so-called "gunwalking," where there was the tragedy of a border security agent who was killed. Our committee over and over again asked for the full slate of witnesses. If we'd had those, then we would also have had the last

Attorney General from the Bush administration as well as his lieutenants because that's who started the gunwalking, and this Attorney General, of course, stopped it. Over and over again, they raked Attorney General Holder and his top lieutenants over with charges of perjury. Unable to prove them, they went so far as to try to subpoena documents that the President believed should not, in fact, become a part of the public record, so he invoked executive privilege. Why did he do that? Once he invoked executive privilege, then he, too, was accused of being part of a coverup.

Yet it is, in fact, the case—and here I'm going to quote—that the Supreme Court has said:

Human experience teaches that those who expect public dissemination of their remarks may well temper candor with concern for appearances. Thus, Presidents have repeatedly asserted executive privilege to protect confidential executive branch deliberative materials for congressional subpoenas.

Otherwise the President cannot expect to get the truth from his Attorney General or from others who report to him.

Then they said the President had asserted executive privilege too late, when they ran out of other excuses, except the reason that he asserted it when he did was he was hoping they would negotiate the matter. You don't come up with executive privilege when you think reasonable men and women will come to a reasonable conclusion.

The failure to look at the root causes of the gun walking tragedy involving two administrations, to call no official from the administration that was responsible for thinking of the idea of gunrunning in the first place and for carrying it on for some time does demonstrate a Congress engaged in fairness. If this Congress is not known for its fairness as a general matter, I'm not sure why, perhaps, we should expect that the high-profile Attorney General, who has become, as some of the press has reported, something of a proxy for the President of the United States, himself, would then get fairness.

The gentlelady mentioned the coconspirator matter. She and I are both attorneys. We are accustomed to indictments in which the prosecutor names a "coconspirator," never attempting to prosecute that person, but because the information has to allege precisely what happens, he will name a person. No person in the press has ever been, and there was never an attempt to prosecute anyone in the press. However, those involved are at a disadvantage: we cannot be told what they were going after because it is an intelligence and a secured matter. That leaves everyone here who is out for the Attorney General free to allege whatever he wants to, unless he has some sense of responsibility.

Ms. JACKSON LEE. I am so glad that you raised that point, because we do not want to suggest that a layman's

ears are different from a lawyer's ears, but that is a very important point which you have made.

The frustration is that, on your committee, there are many lawyers. You have lawyers who are investigators, particularly on the majority side. They understand what that concept is, which is that, when you have an indictment, you list names, and those names may be listed as coconspirators. To take that and then translate it into a layman's interpretation—oh, this person is going to be prosecuted—and to then suggest that the Attorney General perjured himself in front of the Judiciary Committee, where he said outright, I have no thought of prosecuting a reporter, and that wouldn't even come to mind, and to take the FBI affidavit which listed—in 2010, by the way, and I think this is 2013—the gentleman, Mr. Rosen, as a coconspirator and that nothing has happened since then, it is almost, I believe, an unfair treatment, an unfair misrepresentation, an unfair mischaracterization for the American people. The Attorney General made it clear in his testimony before our committee, I have no interest, no desire, no knowledge of prosecuting a reporter.

I just want to add, in addition, that we've just introduced a House bill that is similar to the Senate bill that has judicial intervention now, a sort of ramped-up SHIELD Act, which indicates that you would have to go to the courts in certain circumstances to secure some of the information of the press; but there is this distortion as he was questioned on May 15, 2013, and in 3 years, Mr. Rosen has never been indicted, and he has never been prosecuted.

Ms. NORTON. I must say I thank the gentlelady from Texas for that clarification. Not only that, the Justice Department has issued a statement to the effect it has no intent and never has had any intent of prosecuting the coconspirator as is the case and as has been the case for 100 years of the listing of coconspirators.

Just a moment more on this important matter. You mentioned that my committee has a lot of lawyers, like you and me. Your committee is the Judiciary Committee. I surely would have expected more of it than the way they've gone at the Attorney General.

On this matter of the AP reporters, of the AP-Rosen matter, the Attorney General recused himself. I'm not sure why he recused himself, but I imagine it is because, if you're looking for a leak and if you're doing a thorough investigation, you look from the top to the bottom. So, once he'd been questioned just as a President could be questioned, then, of course, he did the right thing, if that's the reason, by recusing himself. But when it came to the Rosen matter, which is simply signing off on the prosecutorial information—a routine ceremonial matter—there was nothing contradictory about that and his statement that he had no knowledge of the prosecution. He had

recused himself. Having recused himself, he'd better not have any knowledge of it.

These are fine points we are making, and I'm afraid, for many in the public, they are fine points because, as the gentlelady says, most people are not trained as lawyers, and if they are, they don't want to hear lawyer talk; but these are really important questions if you want to accuse somebody of something.

Ms. JACKSON LEE. Of perjury.

Ms. NORTON. Of something as serious as perjury—and a lawyer at that.

I thank the gentlelady for coming to the floor so that these accusations—these wild and reckless accusations—against the Attorney General have not gone unanswered.

Ms. JACKSON LEE. I am so grateful for your leadership.

I am going to conclude, and have some further comments; but before you yield, I just want to pose a question to you, Congresswoman, because, if nothing else, we can both agree together so it won't look like one person is saying it.

For an officer of the court, for the highest ranking law officer of the United States, the American people need to understand that the charge of perjury is one of the most devastating charges. Forget about your career, because all of us who are barred, who are members of the bar, are officers of the court—of all courts. Some are able to practice in the Supreme Court, in various Federal courts and otherwise, and as an officer of the court, even in the representation of your client, perjury is the ultimate charge.

□ 1340

That is why I'm so baffled and felt compelled to come to the floor to raise the question of why lawyers on the Oversight Committee and lawyers on the Judiciary Committee would even offer a charge of perjury under the circumstances of what I have just defined.

Let me just say this. In a letter to the Judiciary Committee, the Attorney General said:

The Attorney General takes the disclosure of classified information by those who have committed to protecting it very seriously, especially as such disclosures can cause grave damage to our national security.

The Attorney General also has the utmost respect for the vital role the media plays in an open society.

Then it goes on to talk about his commitment to protecting these vital sources. Then it goes on to again restate this whole question of investigation versus prosecution. It says:

At the outset, it is important to note the difference between an investigation and a prosecution.

And it goes on to lay out probable cause again. That's lawyer talk.

But it is very clear that the General wants to lay out for the Members of Congress in an open way—by the way, I don't know if we could both stand up here and count how many side meet-

ings and staff meetings that they had with the Attorney General on the gun walkings, what we call Fast and Furious, and now the meetings and letters that are going back, the ongoing contempt charge issue that is going on. This Attorney General has made himself available.

The real question I just want to pose to you, as I yield for your answer, is what it means to be charged with perjury as an officer of the court. What General, what lawyer would take it lightly—though some generals have gone to jail for perjury—that has been proven in a court of law?

Ms. NORTON. And charged on the basis of some evidence.

Ms. JACKSON LEE. And some evidence.

In this instance, we have one line that was stated that, No, I will not prosecute, versus the fact of the signing of an affidavit that did not result in a prosecution.

Congresswoman?

Ms. NORTON. Your point about an officer of the court is something that most Americans may be unaware of.

Every piece of paper that a lawyer files before a court of any kind—it may seem perfunctory—is subject to perjury precisely because when you're admitted to the bar, you become an officer of the court. So you risk your professional life because you could be disbarred not only for committing perjury, but even for misstatements in an offering before a court. That's the high standard to which we, who are members of the bar, are held. And for that reason, it would be unseemly for any lawyer, much less the highest lawyer in the land, to risk perjury.

And I submit that not only has perjury not been committed; the word "perjury" should never have entered into this conversation without the slightest bit of evidence. That's what "reckless" means, and I thank the gentlelady for the question.

Ms. JACKSON LEE. I thank the gentlelady for her knowledge, and I thank the gentlelady for laying out something that, as you said, non-lawyers would say, We're going too much. But I think they understand when you have a role as given to you by the bar license and a role that you would not play with lightly—but I think the other point is, as I told you, I didn't want to highlight Mr. Holder's tenure. But he's been around since 1976. Let me just say that he's had many times to disabuse this officer role, and he has not done so because of his integrity.

I'm glad you mentioned now National Security Adviser Rice and use that as an example. Let me congratulate her and use that as an example of a very fine public servant and outstanding diplomat. In this instance, there is not a morsel of evidence that she would manipulate the Benghazi talking points. What an enormous tragedy. Who would want to see our fallen diplomats lose their lives and their families? Let me just say this: We want the

truth, but we also juxtapose that as something to suggest that let us hold our words until we know what the facts are.

I just want to say very quickly that all of what you've heard us discuss is what has been absorbing the time of a place that should be talking about making right on the Affordable Care Act.

Now, I know that thousands in California are just getting rebates back because of the Affordable Care Act. I know that small businesses are getting dollars back because of the Affordable Care Act. I know that seniors are now getting preventive care because of the Affordable Care Act, children are getting preventive care, women are getting preventive care; but you're only hearing the bad news. Why? Because we're too busy making charges about perjury. I would rather you have the testimony. Let's have hearings to get people to come forward to tell America how the Affordable Care Act is making it better for them.

Let me tell you what else we're not taking any time to do because we're suggesting that the Attorney General—with no evidence whatsoever—is perjuring himself. In a couple of days, the parents of America, the children of America will be facing a 6.8 percent increase in the interest rates that our children will have to pay who are now coming out as 2013 graduates. But we're talking about General Holder, about whom I've given you a list. He has been a fighter against consumer fraud, human trafficking and crime, and there's been no evidence of perjury.

Instead of us meeting to have a compromise, to prevent the clock from ticking on July 1 and kicking up the interest rates—this is a nightmare. If you want to see a nightmare, go from \$4,174 to \$10,109. That was the bill that was passed by our Republican friends, and then the automatic increase is \$8,000. This is what our young people are going to be feeling the brunt of as they're trying to pay for college loans. Could we get together and work on that? I think we could.

Then, of course, we have heard dead silence about what we're going to do about reasonable gun legislation. I hope the lights of the Chamber don't turn off or the sound go out because it looks as if we're trying to take away guns. No. Every one of us holds up the banner of the Second Amendment. What we're saying is can we at least know who has them.

There are some who are putting forth mental health laws. I am a strong supporter of it. Let us help individuals who are suffering; but at the same time with regards to automatic weapons of any kind, there needs to be, minimally, closing the gun show loophole. And then those who are far more sophisticated than what these pictures may show, from my perspective, the kind that was used in Sandy Hook, we can do better as the American people.

Maybe we can also do something that we can all come together on. What

about a simple gun storage law, you know? We don't have it. And there is a series of children that have killed their siblings or their grandparents or their parents by having a gun lying around not locked, because there's no law, no requirement. Some States have it. We've done it and done a good job in bringing down that loss of life in Texas.

I'll be introducing legislation. I've been working with the General and the Department of Justice to ensure that we find a good balance. But there's a lot of work.

Sequestration is literally closing down teachers and child care units and cutting off civilians at military bases and stopping ICE enforcement officers and Customs and Border Protection and numbers of others are put on furlough because of sequestration.

Couldn't we get rid of H.R. 19? It says eliminate sequestration, go back to the budget or at least go to conference and treat the American people with respect so the services that you need are not shut down because of sequestration.

Why are we talking about perjury from the top legal officer where there has been no proven evidence that anything that he said in the Judiciary Committee was contradictory to what happened to Mr. Rosen? There's no proof. He recused himself. He's not involved. There's no indictment, no intention of indictment on the premise of what this particular issue was about, the leakage of national security matters.

□ 1350

And so my plea today is that we can do better. We can do better by our youngsters. In essence, we can stop the bleeding. We can do better by our children for health care. We can do better by better gun laws. We can do better by getting a better budget. We can do better by serving the American people. We can do better by building you new roads and bridges and infrastructure, fixings the dams, stopping the flooding.

All I want to say, Mr. Speaker, as I close, and I thank you, is to thank you, Mr. Holder, for your service. Do not resign. And to my colleagues, let's get to work to help the American people. I believe that will in fact be our finest hour.

I yield back the balance of my time.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC.

Hon. BOB GOODLATTE,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.*
Hon. F. JAMES SENSENBRENNER, JR.,
*Chairman, Subcommittee on Crime, Terrorism,
Homeland Security, and Investigations,
Committee on the Judiciary, House of Rep-
resentatives, Washington, DC.*

DEAR CHAIRMAN GOODLATTE AND CHAIRMAN SENSENBRENNER: This responds to your letter to the Attorney General, dated May 29, 2013, requesting information about the Department's policies with respect to investigations involving members of the media and the Attorney General's knowledge of an investigation into the unauthorized disclosure

of classified information that was then published in a news article in June 2009.

The Attorney General takes the unauthorized disclosure of classified information by those who have committed to protecting it very seriously, especially as such disclosures can cause grave damage to our national security. The Attorney General also has the utmost respect for the vital role the media plays in an open society. To ensure the proper balance of these important interests, the President has directed the Attorney General to conduct a review of Department policies regarding investigations involving the media, and as part of that process, the Attorney General has initiated a dialogue with news media representatives and other interested parties. Furthermore, as the Attorney General explained in the hearing before you on May 15, 2013, he supports the media shield legislation currently under consideration by the Senate, which provides robust judicial protection for journalists' confidential sources while also enabling the Department to continue to protect national security and enforce criminal laws. We look forward to working with Congress on this measure.

The Department's current policies provide separate processes for subpoenas and search warrants in the course of investigations involving members of the news media. As you know, 28 C.F.R. §50.10 governs the issuance of subpoenas to members of the news media, including subpoenas seeking their telephone toll records. This regulation requires the Department in every case to consider the balance between the public's interest in the flow of information and the public's interest in effective law enforcement and the fair administration of justice. Thus, the regulation requires the government to take all reasonable alternative investigative steps before considering issuing a subpoena to a member of the news media or for the telephone toll records of a member of the news media. This regulation has not been substantively amended in more than 30 years, and is a subject of the review process currently being undertaken by the Attorney General at the President's direction. Search warrants for materials in the possession of a journalist whose purpose is to disseminate information to the public are governed by the Privacy Protection Act of 1980, 42 U.S.C. §2000aa, et seq. That law outlines the limited circumstances under which the Department may seek Court approval for a search warrant. Specifically, under the Privacy Protection Act, the government may seek work product materials or documents in the possession of a journalist only where there is probable cause to believe that the journalist has committed or is committing a criminal offense to which the materials relate, including the crime of unlawfully disclosing national defense or classified information.

Your letter also asks for additional information about the investigation of the unauthorized disclosure of classified information to a reporter in 2009. At the outset, it is important to note the difference between an investigation and a prosecution. When the Department has initiated a criminal investigation in the unauthorized disclosure of classified information, the Department must, as it does in all criminal investigations, conduct a thorough investigation and follow the facts where they lead. Seeking a search warrant is part of an investigation of potential criminal activity, which typically comes before any final decision about prosecution. Probable cause sufficient to justify a search warrant for evidence of a crime is far different from a decision to bring charges for that crime;

probable cause is a significantly lower burden of proof than beyond a reasonable doubt, which is required to obtain a conviction on criminal charges. Prior to seeking charges in a matter, prosecutors evaluate the facts and the law and make decisions about who should be prosecuted. The regulation governing the issuance of subpoenas to the news media described above, which provides for consideration of the public's various interests, also requires that the Attorney General must approve any charges against a member of the news media. We are unaware of an instance when the Department has prosecuted a journalist for the mere publication of classified information.

The unauthorized disclosure of classified information that appeared in a June 2009 news article was a serious breach that compromised national security. The Federal Bureau of Investigation conducted a comprehensive inquiry into that unauthorized disclosure, and after exhausting all other reasonable options, the government applied for a search warrant for information in the reporter's email account believed to be related to the source of the unauthorized disclosure. The affidavit in support of the search warrant satisfied the requirements of the Privacy Protection Act, based on the facts alleged, and a federal judge granted that warrant. The Attorney General was consulted and approved the application for the search warrant during the course of the investigation. Ultimately, as you know, although a Grand Jury has charged a government employee with the unauthorized disclosure of classified information, prosecutors have not pursued charges against the reporter. At no time during the pendency of this matter—before or after seeking the search warrant—have prosecutors sought approval to bring criminal charges against the reporter. The Attorney General's testimony before the Committee on May 15, 2013, with respect to the Department's prosecutions of the unauthorized disclosure of classified information was accurate and consistent with these facts. As the Attorney General explained, these prosecutions focus on those who "break their oath and put the American people at risk, not reporters who gather this information."

We hope that this information is helpful. Please do not hesitate to contact this office if we may be of additional assistance in this or any other matter.

Sincerely,

PETER J. KADZIK

Principal Deputy Assistant Attorney General.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

EVENTS OF THE DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Thank you, Mr. Speaker.

Today is a very important day, the day of the anniversary of the invasion on D-day during World War II. There is also another important aspect about today, because we learned about the administration's collecting of massive information, private information, about every Verizon customer's phone numbers, all the calls they made, outside the country and within the country. Staggering. It makes one think,