

the NSA's own document is misleading and whether the NSA is not pulling email accounts and emails and photos and VoIP calls on people who are Americans, because, if you read this document, it sure looks like they are.

This is not the first time that we have had this problem. This is not the first time that the government has entered into surveillance on people without probable cause. Many of us remember that there was FBI surveillance of Martin Luther King, including the wiretapping and bugging of his personal conversations. I thought, perhaps naively, that we had moved beyond that. In some sense, we have moved beyond that because now they're doing it to everyone. In fact, one could well say that we are reaching the point at which Uncle Sam is Big Brother.

I submit to you that this program, although the proponents picked it as American as "apple spy," is an anti-American program. We are not North Koreans. We don't live in Nazi Germany. We are Americans and we are human beings, and we deserve to have our privacy respected. I have no way to call my mother except to employ the services of Verizon or AT&T or some other telephone company. I'm not going to string two cups between my house and her house 70 miles away. That doesn't mean that it's okay with me for the government—and specifically the Department of Defense—to be getting information about every telephone call I make to her. It's not okay with me.

I submit to you, Mr. Speaker, it's probably not okay with you, and I know that, for most of the people who are listening to me today, it's not okay with you either.

□ 1410

Then Franklin said:

Those who would give up essential liberty to purchase a little temporary safety, deserve neither liberty nor safety.

I agree with that. We do not have to give up our liberty to be safe.

I have already heard from people who tell me that they're afraid that they're going to be blown up by some terrorist somewhere, that they're afraid their personal safety is at risk, and it's okay with them if the government spies on them.

Well, it's not okay with me. And I stand here on behalf of the millions of Americans who are wanting to say, It's not okay with me either. I'm fed up, and I'm not going to take it any more.

When we had the Civil War and there were 1 million armed men in this country who rose up heavily armed to fight against our central government, we did not establish a spy network in every city, every town, every village, every home; but that's what we've done right now.

When I was growing up and we had 10,000 nuclear warheads pointed at us and some people believed there was a Communist under every bed, even then we did not establish a spy network as intrusive as this one.

I submit to you that this has gone way too far and that it's up to us to tell the Defense Department, the NSA, the so-called "intelligence establishment," we've had enough. We are human beings. We are a free people. And based upon this evidence, we're going to have to work to keep it that way. That's what I'll be doing. I hope you'll join me.

With that, I yield back the balance of my time.

#### IMMIGRATION REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege of addressing you here on the floor of the U.S. House of Representatives and to have an opportunity to inject some dialogue into the ears and minds of this body and across the country as people observe the deliberations here in the House.

I came to the floor, Mr. Speaker, to address the issue of immigration again. As we're watching the acceleration of an immigration proposal that's coming through, moving in this direction at a minimum from the United States Senate, it's important for us, Mr. Speaker, to recognize that there are a series and set of beliefs over there that don't necessarily conform with the majority here in the House of Representatives.

If you look at the names and the reputations and the faces of the people that are advocating for "comprehensive immigration reform," and you recognize the history of some of them—regretfully, Senator Teddy Kennedy is not here to advocate, but he's one of the original proponents of what I call "comprehensive amnesty." He was one of the voices in 1986. In fact, he was one of the voices back in the sixties on comprehensive immigration reform. Ronald Reagan signed the Amnesty Act of 1986. We do have some people around here of significant credibility that were part of that process back then, Mr. Speaker. One of those is Attorney General Ed Meese.

Attorney General Meese was there as a counselor and adviser to the President. He read the 1986 Amnesty Act, of course, and he had full access to President Reagan. All of his Cabinet members—a good number of them—weighed in with President Reagan. I remember where I was. I was running my construction company back in 1986 during the middle of the farm crisis.

I remember being in my office when I had been watching the debate and reading the news and seeing what was moving through the United States Congress and all the while believing that if you waive the application of the law to people who have willfully broken the laws, it is a reward for those lawbreakers to waive it; and if you reward them with the objective of their crime, as the 1986 Amnesty Act did, then the result of that is not what was promised.

What was promised was we will now enforce immigration law forever, and there will never be another amnesty act. That was the promise. The enforcement was that we had to file I-9 forms for every job applicant which would put the pertinent data of the job applicant down on the I-9 form, and we dotted all the Is and we crossed all the Ts on the I-9 form, and we looked at the identification documents of the applicants that were applying to come to work at my construction company and thousands of companies across America.

We had, Mr. Speaker, the full expectation that the Immigration Naturalization Services—then INS and now ICE—would be coming and knocking on our door and going through our records to make sure that we did everything exactly right because the force of enforcement was what was going to justify the amnesty that was granted in the 1986 Amnesty Act.

We were going to enforce and control our border and our ports of entry and enforce the law against those who were unlawfully working in the United States. In exchange for that, there was going to be the legalization of some first 700,000 to 800,000 people in the United States that were here illegally. It was adjusted up to be 1 million people that turned out to be 3 million people. The lowest number on the 1986 Amnesty Act turned out to be 2.7 million to 2.8 million; the highest number is someplace around 3.5 million or 6 million.

But in the neighborhood of 3 million people took advantage of the 1986 Amnesty Act. That's triple, by anybody's number, the original estimate. The tradeoff again was in order to get an agreement with the Senator Teddy Kennedy-types that were in the United States Senate and House at the time, there had to be a concession made.

From where I come from, Mr. Speaker, it's really pretty easy. The rule of law is the rule of law. The Constitution is the supreme law of the land. Legislating is the exclusive province of article I within this Constitution, the legislative branch of government, the United States Congress, the House and the Senate on opposite sides of the rotunda coming to a conclusion and we concur, pass a conference report that goes to the President. When the President signs that, it becomes law, and that's the law that we abide by. It's not complicated to understand. That's what they teach in eighth grade civics class. But the expectation that the law would be enforced and the real effort on the part of President Reagan to do so was eroded by people that undermined that effort.

Many of them never intended to follow through on the law enforcement side of the bargain. Not only the border security, but also the workplace jobs enforcement side, the legislation that some was formed then, some came along in 1996, that required that the immigration enforcement officers,

when they encountered someone that was unlawfully in the United States, that they're required by law to place them into removable proceedings. That's the law.

Ronald Reagan was an honorable man. I had great faith in the principles that he so clearly articulated to the entire Nation and the world with utter confidence. When I saw that amnesty legislation pass out of the House and the Senate back in 1986, I had so much confidence in the clarity of the vision and understanding of Ronald Reagan, that I was confident that he would veto the misguided Amnesty Act of 1986 because you can't trade off amnesty for a promise that there would be law enforcement or border security. The first thing you do is enforce the law. You establish that the law is enforced.

What would happen if there had been 700,000 or 800,000 people in the United States then who were living in the shadows, and what if we would have enforced the border at the time, if we had enforced immigration law at the time, and if we didn't force the shut-off-the-jobs magnet at that time? Then that number that was viewed to be an intolerably high number in 1986, that 700,000 to 800,000, would have become instead a number that would have been less than that and not more than that.

If you would have enforced the law in 1986, there would have been fewer people unlawfully in the United States and not more. But, instead, as time went on—by the way, neither Ronald Reagan nor his successor, George H.W. Bush, saw a particular political bump for signing the Amnesty Act or for supporting it. Regardless, as time went on, there was less and less respect for the law because there was less and less enforcement of the law.

As much as Ronald Reagan would have liked to enforce the law, he didn't have everybody bought in on that, Mr. Speaker. So as the undermining of the enforcement and the turning of the blind eye took place, there was less and less respect for the rule of law and employers themselves began to understand that INS is not going to be in your work place; they're not going to go through your HR records; and they're not going to apply sanctions against employers for hiring people that are unlawfully present in the United States and can't legally work in the United States.

Mr. Speaker, the respect for the law was diminished because there was less enforcement of the law in the workplace on the border, and then we began to see the advocates for open borders start to emerge.

□ 1420

I want to compliment former chairman of the Judiciary Committee, LAMAR SMITH, for the stellar work that he has done in the immigration reform legislation that he was a central figure of when he was chairman of the Immigration Subcommittee back in 1996. I look back at the language that was put

in place then and I'm continually thankful, because this nation has been rewarded by the vision of now-Congressman LAMAR SMITH, and it has made our jobs easier here.

But also the 1996 immigration reform, which was enforcement reform, was triggered off of, to some degree, Barbara Jordan's study that took place in around 1991, if I remember correctly, that if you grant amnesty, you'll get more people coming in here illegally. And the principles are this: you enforce the law. You have to place people in removal proceedings if they violate the law. It is not a draconian thing to do. If you put someone back in the condition they were in before they broke the law, that's not a particularly draconian punishment, and if that's hard to understand, Mr. Speaker—and I know you understand all things—but think of it this way: If someone goes in and robs a bank and they step out on the steps of the bank with the sack of loot, and law enforcement appears and says, sorry, you can't keep the loot, we're going to put that back in the bank, but you can go. That's the equivalent of removal. You don't get to keep the objective of the crime. We put you back in the condition that you were in before you committed the crime. That's not draconian. That's the minimum you can do and still have a rule of law apply. You can't be a nation if you don't have borders. And if you don't determine as a nation what crosses those borders, people, or goods, contraband or not, if you don't make those decisions as a government, as a people, then it's out of control. Then you're really not a nation. Then immigration policy is set by the people that decide they're going to break your laws and come across that border, and if we decide we're not going to enforce those laws, we have, as is often advertised by people in both bodies this year, not so much last year—this year—*de facto* amnesty.

*De facto* amnesty. That means the equivalent of amnesty in Latin. But they also argue we have to do something to resolve the circumstances of ending this *de facto* amnesty because it's an unjust condition to have people in.

Now, I don't feel that same injustice, Mr. Speaker, because, first of all, the people that are here living under the described *de facto* amnesty made the decision to come here and live in the shadows. And some will say, well, they didn't if they were a child when they were brought by their parents, and that's true to a degree, and the group of people that we are the most sympathetic to are those DREAMers, those kids that were brought here when they were young, that have gone through our educational system—paid for by U.S. taxpayers, by the way—that may have a significant opportunity in this country but are subject to removal just like their parents, who clearly knew they were breaking the law.

Some of those people have been boldly lobbying across these Capitol

grounds, and there was a circumstance not that long ago where the president of the ICE union, Chris Crane, who is the lead plaintiff in the lawsuit of *Crane v. Napolitano* that seeks to correct the unconstitutional actions of the executive branch, including the President, but Chris Crane was testifying before a Senate Judiciary Committee on immigration, and while that was going on, they had people that were illegal aliens in the United States, unlawfully present in the United States—by the way, that's a legal term, illegal alien—but they were in the room, in the Senate Judiciary Committee, while the president of the ICE union is testifying. They were also in the hallway outside the Judiciary Committee as recently as yesterday, and they had been invited into the Judiciary Committee, or at least recognized and introduced inside the House Judiciary Committee by former chairman, now ranking member, JOHN CONYERS of Michigan.

How far have we come, Mr. Speaker, when we have people who are subject at the specific directive of the law that, when encountered by the law enforcement officers, they are required by law to place them in removal proceedings, and now they come into the United States Capitol and insist that we change the law to accommodate law-breakers. If we do that, whatever our hearts say about the DREAMers, whatever the short-term piece is about that small segment of the larger group of people that's defined as 11 million, and probably is two or more times greater than that, whatever our heart says about that, we're eroding the rule of law if we grant a component of amnesty.

Our rule of law is more sacred to us than the sympathy that we turn towards people that maybe didn't make this decision themselves. But I can tell you, Mr. Speaker, that the President has directed and it is in the letter of the executive memos that have been produced by John Morton, the head of ICE, and supported by Janet Napolitano, who is the Secretary of Homeland Security, who is the subject of the lawsuit led by Chris Crane, the president of ICE, naming Janet Napolitano and has been before the court in the Northern District of Texas and received roughly a 90 percent decision at this point from Judge Reed O'Connor that when Congress says "shall," it doesn't mean "may." In other words, if you're for open borders, Mr. President, the law says thou shalt not read the law to mean you may enforce the law; it says you shall enforce the law.

The President of the United States takes an oath of office, and it's prescribed in the Constitution. And part of the language that he adheres to is to take care that the laws be faithfully executed. That means enforced. It doesn't mean kill the law, Mr. Speaker. It doesn't mean tear the Constitution up and throw it out the window. It means take care the laws be faithfully

executed. In other words, enforce the law.

The President has defied his own oath of office, and he has prohibited the ICE and other law enforcement officers from enforcing the clear letter of the law, and some of that was law that was put in place in 1996 under the pen of LAMAR SMITH, who was the lead sponsor on the immigration reform legislation of that time.

The President gave a speech to a high school just out here in Washington, D.C., on March 28—I believe the date was March 28, 2011; I know the actual date of the month, not necessarily the year—and he said to them, I know you want me to establish the DREAM Act by Executive order. In other words, legalize people who were brought here by their parents under the age of 16 and essentially give them a work permit and perhaps a path to citizenship. But he said, I can't do that. It's not my constitutional authority to waive the law and grant, I'll say, executive amnesty to the DREAMers. Instead, he said, you understand—he said to the students—you understand the Constitution, you've been taught and you learned this, that there are three branches of government. The legislature has to pass the laws, that's Congress, and the President's job is to enforce the laws. That's the President who was speaking before that group on March 28, and the judicial branch is to interpret the laws.

Well, that's a pretty nice, tight, composite summary of the structure of our Constitution and our Federal Government. And it is worthy of a former adjunct law professor who taught constitutional law at the University of Chicago, President Barack Obama. He understood it clearly. He articulated it clearly to the young people there at the high school just outside here in D.C. And March 28, a little over a year later, the President decided that he was no longer going to respect his own word, his own oath of office or his own interpretation of the Constitution and just, I'll say it wasn't necessarily an executive whim—I suspect it was more like a political calculation. He did a press conference 2 hours after Janet Napolitano released the memo that created four classes of people who were exempted from the law and gave them a work permit.

By the way, all lawful presence here in the United States either comes from birth, natural born citizen, or the naturalization process that's set up by Congress, or the visas, visitors visas, student visas, H-1Bs, H-2Bs, ag workers, all of the lawful presence in the United States aside from natural born citizens is a product of the United States Congress.

Many believe, and I almost entirely agree, that the Constitution defines immigration as the exclusive province of Congress. It clearly defines the legislative activity as the exclusive province of the United States Congress, article I in the Constitution.

And so when the President decides he's going to create immigration law, waive the application of the law and create new law out of thin air, and when Janet Napolitano releases the Morton memo and announces that here are these four classes of people now exempt from the law and manufactures a work permit out of thin air, that happened, and 2 hours later the President was doing a press conference repeating the same thing at the White House.

□ 1430

And so it's not that the President happened to say those things in a press conference. It's not that Janet Napolitano happened to pick the timing of 2 hours before the President's press conference. Of course this was coordinated, and I'd asked her that under oath before the committee, if it was coordinated. The essential answer, after the typical, long rambling that you get from those kind of witnesses was yes.

And so one can only conclude that either it was by the order of the President or the consent of the President that the Constitution itself, I believe, was violated. I believe that the separation of powers was violated. And it appears to me, from reading Judge Reed O'Connor's decision in the case of *Crane v. Napolitano*, he agrees also, and wrote repeatedly, "shall" means "shall"; it doesn't mean "may." When the law says "shall be enforced," "shall be placed" into removal proceedings, it means exactly that.

And so I expect that we will see a final decision out of the Northern District of Texas. Roughly 90 percent of the arguments that we made before the Court were agreed to by Judge Reed O'Connor, and the other one was one that the executive branch's argument was, let's see, less intelligible than it needed to be before a definitive decision could be rendered by a prudent Judge Reed O'Connor. And we'll see that decision perhaps come down very soon.

And I expect that this administration will litigate this all the way to the Supreme Court and insist that the President can legislate by executive order or executive edict, that they can provide executive amnesty.

If the President can suspend any law, if he has the authority to suspend any law and he has the authority to manufacture any law out of thin air—and out of thin air was the work permit, just as a reminder. Made up a work permit so that the DREAMers that he had exempted from the law could legally—and it's really questionable about the legally part—work in the United States.

If the President can manufacture law out of thin air, and if the President can order that the law be suspended, and if the president of ICE can be sitting in a room with people that are unlawfully present in the United States and compelled by law to place them in removal proceedings but prohibited by order of the President or his executive minions,

we have come to a very bad place in America, Mr. Speaker.

Our Constitution itself is threatened. The function of the three branches of the government has been so blurred by an Executive that has contempt for his own oath and contempt for the Constitution itself and the separation of powers. And each time that we go to the Court to get an answer, we're asking the third branch of government to be the referee between the two competing branches, the executive and the legislative branch.

And the Founding Fathers, as they set up this magnificent and brilliant and balanced Constitution between the three branches of government, they envisioned this: each branch of government would have its own constitutional power, and that power was something that wasn't precisely defined between the three branches of government.

They expected the judicial branch would be the weakest of the three branches of government. Some years it is; some years it's not. But they also expected that the executive branch, the President, and the legislative branch, Congress, would reach a level of tension between the two where each branch would jealously guard the constitutional authority that's vested within it and the supreme law of the land, the Constitution. And instead, it seems as though these Members of Congress, 435 here and 100 Senators over on the other side, even though we all take an oath to uphold the Constitution of the United States, seem to have a different understanding of what this Constitution really is. And they seem to have a blurred and weak understanding of the legislative authority that we have here.

Our Founding Fathers envisioned that. They put all of the power of the purse right here in the House of Representatives. Spending bills start here. There can't be a dollar spent by this government unless the House of Representatives approves it, whether we start it here and the Senate amends it and it comes back, or whether we start it here and the Senate approves it and it goes to the President's desk. There can't be money spent unless this House approves it.

And so we have the power of the purse. And they expected we would use the power of the purse in order to restrain an out-of-control Executive. They set some other structures in place, too, that none of us want to contemplate having to use the more draconian approach to this. But the President of the United States has defied the authority here of Congress and his own oath of office, and this Congress has not gotten its back up nearly enough to defend the constitutional authority that we have, or the affront to it.

And so, in an appropriations bill last week, I offered an amendment, an amendment that would prohibit any of the funds from being used to carry out

the orders that came from John Morton and Janet Napolitano and approved by President Obama that grant this executive amnesty to the four classes of people. This is a whole series of six memos, known as the Morton memos. And no money can be used to enforce or implement or execute the special work permit created either by those memos. And that amendment was debated here on the floor, vigorously, I might add, very late at night, and I made a strong constitutional argument, I believe. Members of Congress came down here to the floor of the House, and they voted by a vote of 224–201 to support my amendment.

This Congress has spoken. We may disagree on what we do with people that are unlawfully here, but the majority of the House of Representatives, that 224 vote clearly said we are going to defend our constitutional authority to legislate. We're not going to allow the President to make it up as he goes along, and we're going to constrain the purse strings of a President that would legislate by executive edict, which, in this case, is executive amnesty.

So that's a move in the right direction, Mr. Speaker. But as I see the things unfolding in the United States Senate and the language that comes out of there and the argument that has been repeatedly made here on the floor of the House and, to some extent, in the Senate, we have *de facto* amnesty. *De facto* amnesty is a reality because the President, as I said, broke his own oath of office.

We've gone to court to do all we can do there, and that's moving through the system. But there's another way that this is happening, and that is this. In the minds of too many Members of Congress, they believe that we have to conform our legislation to the President's will. Because the President has refused to enforce the law, they argue that we should conform the law to something the President will enforce.

That's way outside my ability to reason within the confines of the Constitution, Mr. Speaker. I can think of a time or two—and there have been more, I'm sure—that the Supreme Court ruled and they came down with a ruling that this Congress agreed was a constitutional interpretation.

The partial birth abortion legislation was one of those. Congress passed a ban on partial birth abortion. The ruling that came out of the Supreme Court was that the language that banned partial birth abortion was too vague and there wasn't a provision in it that made an exception for the life or health of the mother.

So Congress went back to work. We rolled up our sleeves. I was there in those discussions and in the debate and helped move it forward. STEVE CHABOT of Ohio was the principal sponsor of that legislation. It defined the act precisely from a medical perspective of partial birth abortion. We brought in experts that testified over and over again, and we brightened the defini-

tion, and a brighter, brighter line on what that was. And the Congressional findings, after much medical deliberation, was that a partial birth abortion is never necessary to save the life of the mother, that it just doesn't occur from a medical perspective.

Yes, there are those dissenters out there, Mr. Speaker. I don't bring this up for that reason. Congress read the Supreme Court decision and conformed our legislation to the decision that was a precedent decision of the United States Supreme Court. That shows a decent respect for the jurisprudence of the judicial branch of government, and it's appropriate for this Congress to respect the judgment of the other branches of government.

But we all take an oath to uphold the Constitution. We're not bound by someone else's judgment of what that oath means or what the Constitution means. We're bound by a clear understanding of the Constitution itself, the text of the Constitution, the original text, plus the amendments.

The Constitution has to mean what it says. It has to mean what it says on its face. That's what words are there for. It has to also mean what it was understood to mean at the time of ratification, or there's no guarantee.

□ 1440

This Constitution, Mr. Speaker, is a contractual guarantee that we received, starting in 1789, amended 27 times since then. Every single amendment in there, all the language in there, has to mean what it was understood to mean at the moment of ratification. It can't be changed in its definition because it's inconvenient for today or our Founding Fathers would have not given us a means to amend this Constitution. It has to mean what it was understood to mean, and you can't change its definition. Because if you do so, you're breaking an intergenerational contract that was handed to us in 1789 to be preserved, protected and defended, this Constitution.

So each Member of Congress needs to understand that, take an oath to uphold this Constitution—we do that—defend it. But when the reasonable jurisprudence of a constitutional analysis comes from the Supreme Court, we conform to that. In the case of partial-birth abortion, we've conformed in a number of other times, and that's a respectful thing to do from one branch of government to the other.

But when the President of the United States defies the literal language in the law and orders that there be no application of the law because he disagrees with the law and manufactures a work permit out of thin air, and when a Congress accepts the President's idea on that and decides that we are going to pass legislation—as has been offered by the Gang of Eight in the Senate and the Gang of Eight, minus one, now seven in the House—that we're going to conform this Congress to the whim of the President—not that we agree with

his policy, but they say, well, you'll never get enforcement of the law unless you conform the law to what the President's willing to do. My gosh.

What would the Founding Fathers say if the Chief Executive Officer of the United States and our Commander in Chief defies his own oath of office by his own definition—at the school, March 28, as I said; refuses to enforce the law, pledges to punish even the president of the Immigration and Customs Enforcement union for doing what he's commanded by law to do. The President does that, and there's any kind of mindset here in Congress that we should conform the law to the President's whim. No, Mr. Speaker.

The President has this alternative: if he disagrees with the law of the land and he wants to see it changed, then he can ask people in this Congress, the House and Senate—House or the Senate, for that matter—would you kindly draft some legislation that would please me and I'll be supportive of it as you try to work it through the legislative process—through regular order, as our Speaker often says. That's the President's alternative.

He doesn't write law. He does have the opportunity to veto laws that he disagrees with that reach his desk. But, technically, the President can't even introduce a piece of legislation here in the House or the Senate. But we know that there are friends of the President that are willing to do that, and it should be so, so that the President can advocate for legislation and ask people to move it through the system.

But instead, as I said, he's defied his oath. He has challenged this Congress. And some Republicans and most Democrats appear to have this spell cast upon them that suspends their otherwise good judgment and they're working down the path of a comprehensive amnesty plan in the Senate—and the stage is set here in the House where I can surely see something similar emerging here.

We need to stand up and argue. There's a future for this country. There's a destiny for this country. It is a precious thing that we hold in our hands here, the destiny of the United States of America. The pillars of American exceptionalism built this.

You can open this Constitution up and go to article I, II and III, the legislative, the executive and the judicial branches of government—in priority order, I would say, because article I reflects more directly the voice of the people, the legislature, the Congress.

If there is a conflict between the three branches of government, how is it resolved, Mr. Speaker? If you dig deeply into this and you look at our history and you watch how things have reacted, sometimes the judicial branch comes out on top, sometimes the executive branch comes out on top, sometimes the legislative branch comes out on top. But if push comes to shove, it's the people, we the people, that come out on top.

That's why the House of Representatives has elections every 2 years, so we can be the quick reaction force. When people get their back up and they don't like the direction their government is going, they recruit people, they step up, they run for office. And 2 years later—2 years, or less, later—there's an election, and often new people come into the House of Representatives that more acutely reflect the values and the wishes of those who elected them.

We saw that happen in 2010. The year 2009–2010 brought us ObamaCare. We saw tens of thousands of people all around this Capitol. We saw not just a human chain, not just a human ring, but a human doughnut formed around the United States Capitol; people six and eight deep, human contact all the way around the United States Capitol. I went up to look at it, and I walked around to look at it. If we could have—of course for air space, helicopters can't go up and take pictures. There's no way to get that shot. I wish I had gone up with a camera up on top and done a panoramic, interconnectable picture so that people could see the magnificent unity of the American people, hand to hand, six to eight deep, that thick, a human doughnut all the way around the Capitol saying: keep your hands off our health care. Keep your hands off our health insurance.

That protest was defied when the then-Speaker, NANCY PELOSI, walked through the throng with her huge magnum gavel—you'll remember that, Mr. Speaker, about that long—in a show and display of—what shall I call it—regality. The regal Speaker was coming through with her big gavel to rule over the American people who said: keep your hands off our health care.

To this day, I don't know of a single legitimate poll that says that they want ObamaCare over repeal of ObamaCare. The last number I saw was 56 percent of the American people want to see ObamaCare repealed. They came here to this city and they said: keep your hands off our health care—tens of thousands. They came on three different occasions that I recall: on November 5, and then later in March, about March 22 or so, a Thursday, and then again on a Saturday. Some of them flew up here to be here on a Thursday, flew back home and got the call to come back again. They didn't leave the airport; they just went to the ticket counter and came back. They care that much about our freedom. And still, ObamaCare is being imposed upon them.

They went to the polls in the fall of 2010. They elected 87 new freshman Republicans to come serve here in the House of Representatives. And they every single one of them ran on the ticket of repealing ObamaCare, every single one—87 new freshmen. A magnificent turnover. A class that I call God's gift to America.

Now, that class of 87 is here—most of them still here—and a new class has been elected. All of the freshmen that

came in on my side of the aisle, Mr. Speaker, and all of those that came in in 2010 and every Republican in the House of Representatives has voted to repeal ObamaCare. I believe up until, I'll say, last fall's election—I'm not certain what's happened in the Senate, but up until that time every Republican Senator has voted to repeal ObamaCare. They all took that pledge. That's an example of the quick reaction force of the people.

Now, it didn't work out so well with the Presidential election. But I can tell you that if that election result had been different for the Presidency, the ObamaCare repeal bill and getting past, I'll say, a new majority in the United States Senate, it would have gone to a new President's desk.

But it was passed out of this House of Representatives. I drafted the 40-word repeal language in the middle of the night after the ObamaCare legislation was passed. I wasn't alone doing that; I had company doing that. But the response of the American people overcomes the division between the lines of the three branches of government.

It's the people who will speak. When people rise up, when they elect new people to the United States Congress, when their voice is heard in the ballot box electing a President, then even a Supreme Court decision can be reversed by the voice of the people. It may take a constitutional amendment; but in the end, power is something that you can assume.

Anyone can assume power. We do that in our own families when we direct our children to stay out of the cookie jar, for example. As long as they respect that power, you have that power, Mr. Speaker. But if it's challenged and defied, then the power disappears, and it goes to whatever entity can claim that power, whatever entity can successfully assert that power.

So we're in the struggle right now. The President's hand is in the article I legislative cookie jar. He's reached in and said: I'm taking these cookies of immigration because I don't like the law that exists; I refuse to enforce the law; and I'm going to make up a new law while we're at it.

□ 1450

It's almost like having a child with his hand in the cookie jar with that defiant look in his eye thinking, "And you can't do anything about it. You can go to the judicial branch and you can litigate."

We've done that. The Court is one day going to come down with a decision. Will the President honor the decision of the Court? If it gets all the way to the Supreme Court, will he honor it or will he defy it?

I sat here on this floor, Mr. Speaker, as the President spoke from the rostrum right behind me lecturing the Supreme Court that sat over here and told them that their decision was wrong. That's not a decent respect for the opinions of mankind that are seat-

ed in the United States Supreme Court. That blurs the lines between the judicial and the executive branch of government. It also tells me that we have a President who doesn't understand his restraint.

But I'm troubled by a Congress that will allow that to happen and will allow that Presidential hand into the legislative cookie jar, because we take an oath to uphold the Constitution. It's our obligation to do that. That means we defend the constitutional authority that we've taken an oath to uphold. That's where we sit.

Now, we'll get to the policy side of this from an immigration perspective, Mr. Speaker. If you reward people who break the law, you get more lawbreakers. It's that simple of an equation. I knew that in 1986. I knew that as a businessman who was working through the farm crisis years of the 1980s to keep my company up and going and trying to get it and keep it profitable and raise my young children at the time.

I remember when Ronald Reagan signed the Amnesty Act. That was a big mistake. That was one of only two times that the great man whom I have great respect for, Ronald Reagan, let me down. It was only twice in 8 years, but it comes back to haunt us yet to this day.

Why did I know in 1986, not being a Member of Congress, being a guy that had only been in business 9 years at the time, that had three young sons that were roughly 10 and under and a wife at home that was also working, how did I know that that was a mistake? What was it within me? I didn't have the background that matched up with Attorney General Meese, for example, or the President of the United States. I'm outside of little Kiron, Iowa, 300 people at the time. I can't see a neighbor from my porch. But I knew that that was a mistake. I had no idea that this many years later I'd be standing on the floor of the United States Congress making this case.

It wasn't a matter of clairvoyance. It was a matter of what was justice. It was a matter of growing up in a law enforcement family and being steeped in reverence for the supreme law of the land, this Constitution, and understanding that if you don't like the law, you abide by it. But there's a means to change it whether you're the President of the United States or whether you're this young fellow that's trying to run a business and raise his family but have respect for the rule of law.

When you cross those lines, and especially when you do so from the Office of the White House, the President of the United States, it's the equivalent of taking a jackhammer to one of the beautiful marble pillars of American exceptionalism.

Now, to define what those pillars are, they're here. They're here in the Bill of Rights. The First Amendment is real easy:

Freedom of speech. That's a pillar of exceptionalism. Without it, we can't be

the great country we are. Freedom of religion, same answer. Without it, we can't be the same great country that we are. Freedom of speech, religion, the press, assembly, the right to keep and bear arms, and the property rights that used to exist in the Fifth Amendment before the Kelo decision that we sought to restore in the Judiciary Committee just a couple of days ago. No double jeopardy, trial by a jury of your peers, a speedy trial, no cruel unusual punishment. The rights that are not in the Constitution devolve to the States, respectively, or to the people.

Those are all pillars of exceptionalism.

Free enterprise capitalism is another one. Without free enterprise capitalism, we don't have this vigorous and robust economy that we have.

That's on the citizenship test, by the way. What is the economic system of the United States? Free enterprise capitalism.

How about the property rights that exist within intellectual property up until we amended some of the patent and trademark laws? The property rights to intellectual property is one of the big, big reasons why the United States has been so successful.

So I put this all together and add to that the fact that this country was settled by the values of Western civilization, with Judeo-Christianity included in a prominent form. All of that arrived here on this continent at the dawn of the industrial revolution and the concept of manifest destiny that settled this country from sea to shining sea.

I can look back and try to reverse-engineer America and think where did we make a turn that I could even on Monday morning quarterbacking rules make a recommendation we should have turned another direction. I can't reverse-engineer America and come up with a greater country than we are, except maybe I'd go back to 1986 and say, Ronald Reagan, if you'd just vetoed the Amnesty Act in 1986, I wouldn't be standing here right now. We wouldn't have a Senate that's seeking to stamper an Amnesty Act across the rotunda over to us. I wouldn't have this spell that seems to be cast over too many Republicans that somehow if we'd just pass an Amnesty Act everything is going to be all right in political viability, Republicans will be okay going into the future, end this spell that has suspended good judgment and reason and suspended their ability to listen to empirical data and weigh the policy.

The immigration issue cuts across all the components of constitutional conservatism. Anything that has to do with family, for example, with the rule of law, with the economy, with national defense and national security, almost every issue that we deal with in this Congress is touched somehow by immigration.

It is not a simple topic. It's not something where you just say, Well, I

feel sorry for the DREAMers; therefore, I'm going to grant amnesty. I support amnesty, I get that off the table, and maybe the next Congress can deal with it.

It does not work like that, Mr. Speaker. This is an irrevocable and irreversible advocacy for amnesty. It's something that cannot be undone. ObamaCare, as bad as it is—and I've spent more than 3 years of my life fighting ObamaCare and working to defeat it before it became law and repeal it after it became law. That's a matter of clear public record. But, Mr. Speaker, if I have to accept this perpetual and retroactive amnesty that is offered by the Gang of 8, or what I expect to come from the Gang of 8 minus one here in the House, if I have to choose between perpetual and retroactive amnesty and ObamaCare, I'm going to accept the ObamaCare and defeat the perpetual and retroactive amnesty, because later on we can repeal ObamaCare. We can undo it. We can take it apart. We can roll it back, and we can put together a doctor-patient relationship and a real healthy health care system in the United States. We know what it looks like. We know what to do. We couldn't get it done because we didn't have the votes.

But you can undo ObamaCare, Mr. Speaker, but you cannot undo comprehensive amnesty, because once that genie is out of the bottle, there's no putting the genie back in the bottle. It becomes as amorphous as a puff of smoke. And if they don't have the political will to enforce the law now, why would they have the political will to enforce the law after amnesty would be granted?

They argue that they have all these tight provisions put into the bill, that there's border security in the bill and that we'll get tight borders from this point on. Now, when you read the legislation, there's no prospect of that. I would have to hide my face to say something like that and wink and cross my fingers behind my back with the other hand. They don't mean it. They don't believe it. They write it because it is just a vague, open, comprehensive placebo for those who want border security to give people something to hide behind.

If you say that Janet Napolitano has got this time to come up with a plan to secure the border, it doesn't mean secure the border and it doesn't mean implement the plan. It just says come up with a plan. And if we're not satisfied with that, then they appoint a border security commission whose job is to come up with a plan. And if that fails, then they go back to Janet Napolitano again.

This isn't that hard, Mr. Speaker. If you're serious about enforcing the border, you can do that. If you would give me Janet Napolitano's job and a President who doesn't tie my hands, I would take the resources that are committed now within the 50 miles of the southern border, the southwest border, and I

would get you upwards of the 99th percentile of border security within 3 years—maybe sooner, but I think it would take a half a year to get all the administrative things jump-started.

I'm in the construction business. I know how to build a fence, a wall and a fence. I know what it costs to do that. I'm not proposing we go down. I wouldn't bid such a thing, but I could surely provide some advice. I have designed it already, a fence, a wall, and a fence with access roads going between so you have a road between the first fence number one, wall would be the second and fence above that yet. You could patrol both of those areas in between a fence, a wall, and a fence. Doing so, you could secure it.

It's good to have border patrol personnel. Boots on the ground are good. They do a noble job down there under nearly impossible conditions. I'm a big fan of the Border Patrol, and I'd like to think they know it when I go down there to visit.

□ 1500

But when you start expanding boots on the ground because you don't want to put infrastructure in place, it isn't very logical to me. I live out in the country in rural Iowa. I live on the corner of gravel roads that go a mile in each of four directions where I live. If Janet Napolitano came to me and said: "I want you to secure that mile of road that goes from your house west, and I'm going to pay you \$6 million this year to secure that road," if I thought I might lose the contract next year, maybe I would think, well, I'll hire myself some border patrol agents, and we'll do our best to catch some of those folks—we know we're not going to get more than about 25 percent enforcement, but it's a job, and take it on.

But if I had a 10-year contract, it's not any longer \$6 million a mile, it's \$60 million a mile in a 10-year contract. If that contract was tied to efficiency, in other words if they would dock my pay if I didn't enforce the law, if I couldn't secure the border, I can tell you what I would do, Mr. Speaker. I would invest about \$2 million a mile to build a fence, a wall, and a fence.

Now, \$2 million is more than I think it takes. And to put this into perspective for people that might be overhearing our conversation, Mr. Speaker, we can build a four-lane interstate highway across expensive Iowa cornfields for right at \$4 million a mile—buy the land, do the engineering, the archeological and environmental surveys, do the grading, pave it, shoulder it, paint the lines, put the fencing in, seed it, have it done and finished, and signs, for \$4 million a mile.

Well, it's easy to see now that if we can do a four-lane interstate highway for \$4 million, we can build a pretty tremendous fence for a couple of million dollars—a fence, a wall, and a fence—with just simply patrol roads that allow a person good-weather access through that desert part of the country.



It isn't hard to figure that out. If you give me \$60 million for a mile, I would put a couple million dollars in a fence, a wall, and a fence, I would have myself the necessary border patrol agents to watch that, I would put some cameras up to surveil it, I would put some vibration sensors in, I would put some kind of technology on there to add to that—that they don't like me to talk about here on the floor of the House—and we would have ourselves a 99-plus percent secure border.

Had we done that back when the Secure Fence Act was passed here in the House—supported by DUNCAN HUNTER from California as the lead author and an excellent leader on this issue—had we done that, we wouldn't be having this discussion today, Mr. Speaker, because the southwest border would have been secure, and then that argument would be taken away.

Then when they promise that there will be border security, we would already have it. If we already had border security, then some of the harder hearts here in Congress could take a look at the 11 million that are here and think: Okay, we've demonstrated that we are going to enforce the law from this place forward; is there an accommodation that we can make?

We can't get to that decision because the President refuses to enforce the law, they won't allow that kind of security on the southern border—for political reasons, I believe—the ports of entry are not as tight as they need be, we don't have an entry-exit system; piece after piece of this that is necessary for security.

By the way, I have a bill called the New Idea Act. What it does is it clarifies that wages and benefits paid to illegals by employers are not tax deductible. It subjects that employer to an IRS audit. It gives the employer safe harbor if they use E-Verify, so that an employer could put the employees' numbers into the E-Verify database.

If it came back and said it confirms that these folks can work legally in the United States, put them to work without any kind of sanction or punishment for the employment—safe harbor.

But if the IRS comes in during a normal audit—doesn't accelerate the audits, but a normal audit—they would normally then—in the audit under my bill—they would put the Social Security numbers and the identifying information into E-Verify, run those employees through, and if it came back that they could not lawfully work in the United States, they would give the employer an opportunity—and the employee—to cure that in case there is misinformation in the data, which gets better every time we use it, and it's very good.

Aside from that, the IRS would then rule: Sorry, the wages that you knowingly and willfully paid to someone who is unlawfully present in the United States are not a business expense. So wages come out of the schedule C, they

go into the gross receipts column again, and show up as net income at the bottom. The IRS would apply a penalty and an interest against the unpaid taxes, plus the taxes, to that income, that net income.

The effect of this is it would turn your \$10-an-hour illegal into about a \$16-an-hour illegal. That makes it a business decision. It means as an employer you're going to wonder: What year will I be audited—this year or next year or the year after?

Well, it wouldn't be the end of the world if they audited you for a year, but it might be pretty expensive as those years accumulate up to 6 under the statute of limitations. So employers would look at that accumulating statute of limitations of 6 years and decide, I'm going to get to legal. I'm going to work my way through and clean up my workforce. That's a logical business decision.

The bill also requires the IRS to work in cooperation with the Social Security Administration and the Department of Homeland Security so that they exchange information for the purpose of enforcing U.S. law. Now, this isn't that hard, and it's not complicated. It just takes the will. It takes a decent respect for the opinions of our Founding Fathers, the opinions of those who have written law before us and some who serve in this Congress today, a decent respect for the Constitution.

Let's reconstruct this respect for the rule of law in this country, Mr. Speaker. Let's reestablish its enforcement. Let's do so while we respect the dignity of every human person. Understand that they don't always get the clearest message in the country that they live in. They know they want to leave there. They know they want to come to America. They want to leave for some reason, such as perhaps it's too violent—58,000 people, some say more, killed in the drug wars in Mexico in the last few years.

The rule of law doesn't apply down there the way it does here. People aren't always equally treated under the law. Sometimes they are shaken down by police officers. That hardly ever happens in this country in a significant way.

We have equal protection under the law in America. If you look at the statue of Lady Justice, who is standing there with the scales of justice in her hands, they are balanced—equal protection, balanced protection under the law. Most times, you will see Lady Justice blindfolded, because justice is blind. It needs to treat every human person equally under the law. People come here because they want that kind of protection. It is a component of American exceptionalism—the rule of law.

The Senate is poised to destroy the rule of law, and the House seems to be moving in that direction. I am very troubled, Mr. Speaker, as I watch one of the essential pillars—the rule of

law—of American exceptionalism be attacked and start to crumble before my very eyes in this country.

The job the Founding Fathers had, the vision came from God that our rights come from God. They all wrote that, they all agreed with that. It's in the Declaration.

They put this concept together—inspired, I believe—the concept of a free people, a sovereign people—“We the People.” They sold that to a large enough percentage of the population in the Thirteen Original Colonies that they supported the Declaration. They had to sell it.

It wasn't just, Thomas Jefferson went into a room, got out the quill, and wrote the Declaration—they were so impressed by the language in it they decided to embrace it and start a revolution. This was a cultural thing, it was an intellectual thing, it was a faith component. They put that together and they sold it to the people in the Thirteen Original Colonies, who fought a war to establish this country and then to ratify a Constitution.

Their job was a lot harder than ours, Mr. Speaker. Our job is to preserve, protect, and defend it. They had to conceive of it, argue for it, sell it to the people, put it down in words and parchment—the Declaration, fight the war and some give their lives to shape America to the great, great country that we are today.

Our job is to preserve and protect and defend this glorious destiny that is out ahead of us. We cannot shrink from it, we cannot trail in the dust our Constitution or the rule of law, no matter what our hearts say about having sympathy for groups of people that may or may not have had the say about whether they came here legally or not. That is what's here to be defended.

Next week, we are going to be very vigorously defending the rule of law. I'm going to seek to have Lincoln-Douglas style debates outside of these Chambers, outside of the Capitol building, on Wednesday at 9:00 in the morning. It will extend. We will take a 2-hour break over lunch and begin again at 2:00 in the afternoon, Mr. Speaker.

□ 1510

This is going to be designed so that reasonable people can have an open discussion just like Stephen Douglas and Abraham Lincoln did. Let's air this out before the public, and let's hear what the public has to say. In fact, if we can work it out, I want to hear from the public as well, Mr. Speaker. It will be a big week next week, and I'm looking forward to it.

We are called to this task. Let's not trail in the dust the golden hopes of humanity. We are the redoubt of Western civilization. If we can't protect the fortress of the rule of law and all of these pillars of American exceptionalism here, we can't look to Western Europe to save us or Australia to save us. We can look to them as allies. If our civilization is going to be

preserved, it's going to be here in the United States of America.

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

#### FREEDOMS ENDOWED BY OUR CREATOR

The SPEAKER pro tempore (Mr. MEADOWS). 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.

We are living in interesting times—it's purported to be a Chinese curse to live in interesting times—but when you see what is confronting this country, what is taking our liberties, what is threatening our way of life, it's clear we are on the front lines of either winning back or losing for all times the greatest freedoms ever given and secured for one group of people.

This is an extraordinary country, and it is because, just as our Founders pointed out repeatedly, they recognized that our rights are provided by our Creator; but just as any inheritance can be taken by those who are evil, greedy, power hungry, it must be defended or you lose it.

We have people who make no bones about the fact that they want to destroy our way of life, that they think the freedom afforded the American people leads to debauchery, leads to ways of life that are evil and wrong, and therefore they must destroy the freedoms which have provided people the chance to make wrong choices. Our Founders would prefer the freedoms and so would the people here.

Unfortunately, there are good people who believe that they are so much smarter and know better than everyone else, that, gee, since we're in Congress, we should tell people what they can do, how they can live, how they can make a living, whether they can make a living, or that we may just pay you to do nothing and to never reach your God-given potential.

Then, as we heard today, we had an amendment made by our friend on the Democratic side, Mr. POLIS, that would have required a new addition to the chaplain corps of every branch of the military. It would be a new addition to the chaplain corps for those who are nontheistic—or atheistic—for those who believe there is no God. I had no idea that people who do not believe that there is a God needed help and encouragement and support for their unbelief. Astounding.

If people truly are atheistic, why would they need help in remaining so?

Could it possibly be that, the more people look around, the more they see things like Ben Franklin did—80 years old—and, yes, he enjoyed what some people would call “pleasures” of different types when he represented us in France and represented us in England. He was a brilliant man, and the massive painting outside these halls shows

him sitting front and center at the Constitutional Convention.

It was there at that Convention when he finally got recognized after they'd been there nearly 5 weeks. Some across the country are still mis-educating children, unfortunately, by telling them he was a deist, someone who believes there is something—some force, some thing, some deity—that created nature, that created all of mankind and all of the things in the universe, and if such deity or thing still exists, it, he, she never interferes with the ways of men. Obviously, you see Ben Franklin's own words, and you know that's not what he believed. When he was 80 years old—2 years or so away from meeting his Maker—he finally got recognized after all the yelling back and forth that was done there at the Convention, and someone noted that Washington looked relieved when Mr. Franklin sought attention or, as some at the Convention called him, “Dr. Franklin.”

He pointed out during his remarks—and we know exactly what he pointed out because he wrote it in his own handwriting. People wanted a copy of what he said. Madison made notes, but Franklin wrote it out.

Among other things, he said:

I have lived, sir, a long time, and the longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid? We have been assured, sir, in the sacred writings—

He called it “sacred” by the way—that except the Lord build the house, they labor in vain that build it.

He encouraged those at the Convention that he also believed, in his words, that without His concurring aid—he was talking about the same God, the same Lord he had just referenced—we shall succeed in our political building no better than the builders of Babel. We will be confounded by our local partial interests, and we, ourselves, shall become a byword down through the ages.

That was in 1787 that Franklin said those words, late June. Now here we are, all these years later since 1787, and we have a motion to create chaplains in the military to help people not believe in what Ben Franklin said was the God who governs in the affairs of men, generically speaking. But it is important that people have the freedom to choose what they believe. As the Founders believed that God gave us freedom of choice, that He—our Creator—gave us those rights, they also believed that people should have the chance to choose right or wrong as well.

As an exchange student in the Soviet Union back in the seventies, I saw people and became very good friends with some college students who didn't have our rights, who envied our rights, who would love to have shared the rights that we have. Ultimately, we saw that

play out a couple of decades later when many across the former Soviet Union demanded those rights. Of the 15 states that made up this socialist republic, some have gone back to those ways. I was intrigued that some are scared when they're given that much freedom to choose where they work.

□ 1520

Do you mean I've got to find a job? But I've never had to look for a job. It's a little scary. As so many Americans, particularly over the last 5 years, have found it can be very difficult to find a job. So the idea that the government may just tell you what your job is, tell you whether you get a chance to go to college or not, that sounds good. I don't have to think about those decisions. Let the government do it for us.

It's shocking, but there have grown to be many in America who like the idea of the government telling them what they can do, when they can do it, and how they can do it. It takes away the need to really wrestle with those things or, as so many of the signers of the Declaration believed, to have to pray about it and to struggle with the decision and try to find out, as many of them did, what is God's will for our lives.

We have a statue of Peter Muhlenberg from Pennsylvania that was just down the hall. But when the visitor center opened, he was moved. He is the Christian pastor who is depicted in the statue of taking off his ministerial robe as he preached from Ecclesiastes, There is a time for every purpose under Heaven. He also told his congregation, There is a time for peace and there is a time for war and now is the time for war. And he led men from his congregation to join the military and to fight for freedom.

His brother, Frederick, who also has a statue here, was the first Speaker of the House under our new Constitution. He had not actually immediately been in favor of the Revolution, but after his church was burned down by the British, he kind of thought maybe it was a decent idea for ministers to be involved in a revolution and for ministers to be involved in government where there was self-government of a people. So that brings us to today, from the Revolutionary years, to the Constitution after the Articles of Confederation fell apart.

Now, there was debate on Ben Franklin's proposal, because under the Continental Congress, they had had prayer every day to start their sessions. But the only way they could do that with the diverse Christian denominations, including the Quakers, was to agree on a minister that they believed would not offend the others and pay him to be the chaplain. But as they pointed out during the debate over Franklin's proposal, We don't have money. We're not getting paid. We're here for a constitutional convention, but we don't have money like we did in the Continental Congress. We can't hire a chaplain. But