

Sanders	Stabenow	Whitehouse
Schatz	Udall (CO)	Wyden
Schumer	Udall (NM)	
Shaheen	Warren	

## NAYS—54

Alexander	Enzi	McConnell
Ayotte	Fischer	Moran
Barrasso	Flake	Murkowski
Baucus	Graham	Paul
Begich	Grassley	Portman
Blunt	Hagan	Pryor
Boozman	Hatch	Risch
Burr	Heitkamp	Roberts
Chambliss	Heller	Rubio
Coats	Hoeben	Scott
Coburn	Inhofe	Sessions
Cochran	Isakson	Shelby
Collins	Johanns	Tester
Corker	Johnson (WI)	Thune
Cornyn	Landrieu	Toomey
Crapo	Lee	Vitter
Cruz	Manchin	Warner
Donnelly	McCain	Wicker

The PRESIDING OFFICER (Mr. HEINRICH). Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that following leader remarks tomorrow, Thursday, April 18, the Senate resume consideration of S. 649; that the time until noon be equally divided and controlled between the two leaders or their designees for debate on the Barrasso and Harkin amendments; that at noon the Senate proceed to votes in relation to the Barrasso and Harkin amendments, in that order, with all other provisions of the previous order remaining in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## MORNING BUSINESS

Mr. REID. I ask unanimous consent the Senate proceed to a period of morning business until 7:30 p.m. tonight with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

## IMMIGRATION REFORM

Mr. GRASSLEY. Mr. President, at 2:24 a.m. this morning, the Group of 8 finally unveiled their immigration reform bill. Since they began their meetings about 4 months ago, I have complimented them on their commitment to reforming our broken immigration system. I have sought their cooperation to ensure the bill goes through the committee process, and I have argued the bill must be open to amendment during consideration in committee and on the Senate floor. Every Member of the Senate must have an opportunity to read, analyze, and improve the bill.

The bill we received is just under 900 pages, and it tackles some very important issues, including measures on border security, E-Verify and the entry-exit system. It includes the legalization program for people here unlawfully, including DREAM Act eligible

students and undocumented workers in the agricultural sector. It attempts to move our system to a merit-based and point system. It revises asylum procedures and the court structure governing immigration appeals. It includes reforms to the highly skilled visa program and seasonal worker guest worker program. It changes the way we implement the visa waiver program, and it includes a brandnew, low-skilled temporary worker program that allows willing workers to enter the country without being sponsored by an employer.

So you can see there is a lot covered in this bill. There are some new concepts. Yet the majority seems to want us to push this bill through the committee process and are intent on getting it to the floor by June. The sponsor of the bill, the senior Senator from New York, said he hopes the bill will be done in 8 weeks.

On Friday, Secretary Napolitano is scheduled to appear before the Judiciary Committee. It is my intent to dig into the details of the bill with her to understand the mechanics and how the bureaucracy will handle these changes. The Secretary had better have answers, especially since this may be the only time we hear about how the administration will implement the major overhaul.

The committee will then have a hearing on Monday to discuss the bill. However, the topics will be broad and all encompassing. I have been told. We have experts who need to be heard on this bill. Most importantly, because cost is a big factor around here, we need to hear from the Congressional Budget Office. Knowing how much this bill costs taxpayers and whether it will actually be budget neutral is a critically important matter.

Let me reiterate my desire to work on this bill. I think we need changes to our immigration system and to approve legal avenues for people to enter and remain in the United States, but this is not something to be rushed. We have to get this right; otherwise, the goal of the bipartisan group to solve the problem once and for all will not end. We have a long road ahead of us in order to pass this legislation to reform our immigration system. We cannot tolerate anything less than a transparent and deliberative process to improve the bill.

So let me get back to the point I made just a few seconds ago. This is something that cannot be rushed. We have to get it right. Let me say why I emphasize that.

There are only a few of us in the Senate who voted on the 1986 immigration bill. We thought we did it right. We thought by making it illegal, for the first time, for employers to hire undocumented workers—and have a \$10,000 fine if they did—would take away the magnet that would bring people across the border so readily. Obviously, they come for a better life for themselves, and who can find fault

with people who have good spiritual values, good family values, and good work ethics wanting to improve themselves. That is what America is all about. But entering the country illegally is not something a country based upon the rule of law can tolerate.

Anyway, we made it illegal in 1986, and then added that fine. We didn't anticipate a whole industry of fraudulent documents, so that if someone goes to an employer and says they are here lawfully and shows them a passport that looks like it is the real thing, the employer cannot then be fined \$10,000 for hiring them. So we thought we took away that magnet at the time and that we might as well legalize the 3 million people who were here. We did that based on the proposition we were fixing this thing once and for all. But we know what happens when we make it legitimate to violate the rule of law. Instead of 3 million people, there are now 12 million people here in the country undocumented.

So when I read the preamble of the document put out by the Group of 8—and I am not finding fault with this—they make it very clear: We intend to—and I am paraphrasing it—fix this system once and for all so it never has to be revisited.

That is exactly what we thought in 1986. Well, we were wrong. So that is why I come to the floor tonight to plead, as I did, about a 900-page bill that just came out at 2:24 this morning, and presumably the Secretary of Homeland Security is coming before our committee in less than 48 hours to answer our questions. I wonder if she can fully understand it so she can answer our questions.

I think it is a legitimate question when the Group of 8 comes up with a proposition that we are going to fix this thing once and for all. Well, I hope they have a pattern to do that, and I hope they don't make the same mistake we did. But rushing this along has a tendency to be an environment for a screw-up like we had in 1986. We spent weeks and weeks on legislation to get it right, and we didn't get it right.

I yield the floor.

## REMEMBERING ANTHONY LEWIS

Mr. LEAHY. Mr. President, Today I would like to pay tribute to Anthony Lewis who passed away on March 25. As a reporter covering the Supreme Court and through his books, including "Gideon's Trumpet," Mr. Lewis shaped the way millions of Americans understand the role of the judiciary in safeguarding our democracy. He was truly an iconic figure in American journalism and he will be greatly missed.

Reading Anthony Lewis changed the way so many of us thought about justice in this country. He brought legal decisions to life and made clear the impact the law has on our lives. He made us aware of the humanity behind the technical legal arguments. Nowhere did he do this better than in "Gideon's

Trumpet," his 1964 book about the Supreme Court decision in *Gideon v. Wainwright*. That landmark case affirmed a fundamental principle of our democratic society: that no person, regardless of economic status, should face prosecution without the assistance of a lawyer.

I have spoken countless times over the years about the importance of that decision. And each time, whether it was here on the floor of the Senate, in the Judiciary Committee questioning nominees to the Supreme Court, or in conversations with young law students, I have thought about "Gideon's Trumpet" and the powerful impact that book had on me.

In fact, on the 50th anniversary of the *Gideon* decision, which was just days before Mr. Lewis's death, I introduced the *Gideon's Promise Act*, a bill intended to breathe new life into that seminal case and ensure the fairness of our criminal justice system for all participants. Much of what I said about the anniversary of *Gideon*, and the work that remains, finds its roots in my days as a young attorney when I read "Gideon's Trumpet" and was moved both by the unfairness it revealed of a system that allowed poor people to be jailed without a lawyer, and the powerful equalizing impact a courageous Supreme Court can have when it is willing to stand up for those who are marginalized.

When I was a young law student, my wife and I had an opportunity to have lunch with Justice Hugo Black shortly after he wrote the majority decision in that case. It was a powerful experience. He recognized that the Sixth Amendment's guarantee to counsel in a criminal case was fundamental to a fair trial. He called it an obvious truth. And I know from my days as a prosecutor how right he was.

Now, as we pause to remember Anthony Lewis and his contributions to our understanding of the right to counsel and so many other fundamental principles of American democracy, it is also fitting that we acknowledge that the promise made in *Gideon* remains unfulfilled. In too many courtrooms it is better to be rich and guilty than poor and innocent. The rich will have competent counsel, but those who have little often find their lives placed in the hands of woefully overburdened public defenders or underpaid court-appointed lawyers who are inexperienced, overworked, inept, uninterested, or worse.

And now our Federal public defender system, long held out as the gold standard of indigent defense, is being hobbled by sequestration. In New York, the Federal Defenders Office is being forced to furlough each of its 30 lawyers for 5½ weeks by the end of September, resulting in delays in even the most significant terrorism cases. Chief Judge Loretta Preska of the Southern District of New York called these cuts "devastating." The head of the Federal Defenders Office stated: "On a good

day, we're stretched thin. . . . Sequestration takes us well beyond the breaking point. You simply can't sequester the Sixth Amendment." He is right.

I am hardly alone in my concern over this fundamental American right. Last month, four leading advocates for fairness in the criminal justice system, including former Vice President Walter Mondale, sent a letter to President Obama urging him to create a bipartisan commission on the fair administration of justice for the indigent accused. I applaud their efforts and I believe Anthony Lewis would have too.

Through his reporting on the Supreme Court and our Nation's civil rights challenges, Anthony Lewis opened the eyes of millions of Americans to the power of law and judges to change lives. He helped shape my thinking as a young lawyer, and I hope his work will continue to be an inspiration for the generations to come. Our democracy will be stronger for it.

I ask that a copy of an article dated April 8 be printed in the RECORD at the conclusion of my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 8, 2013]

CITING CUTS, LAWYERS SEEK RELIEF IN  
TERRORISM CASE

(By Benjamin Weiser)

Federal public defenders who are representing a son-in-law of Osama bin Laden on terrorism charges urged a judge on Monday not to hold an early trial because automatic government budget cuts were requiring furloughs of lawyers in their office.

The request, which seemed to take the judge, Lewis A. Kaplan, by surprise, follows requests that five or six federal judges in Manhattan have received from public defenders to be relieved from cases in the wake of the automatic cuts, known as sequestration, said Loretta A. Preska, the chief judge of the Federal District Court in Manhattan.

"It's devastating," Judge Preska said late Monday. She praised the work of the federal defenders and said their replacement in cases with publicly paid court-appointed lawyers would probably lead to delays and higher costs.

Judge Kaplan said in court on Monday that he was considering holding the trial of bin Laden's son-in-law, Sulaiman Abu Ghaith—a onetime Al Qaeda spokesman charged with conspiring to kill Americans—in September. After the defense requested a later date, he said: "It's extremely troublesome to contemplate the possibility of a case of this nature being delayed because of sequestration. Let me say only that—stunning."

The judge did not set a trial date, saying he would consider the request, but the exchange shows how the forced budget cuts are beginning to have an effect on the administration of justice in federal courts in New York.

About 30 trial lawyers with the federal defenders office handle around 2,000 criminal cases a year in federal courts in Manhattan, Brooklyn and other locations, according to David E. Patton, who heads the office.

The forced cuts, he said, will mean each lawyer in the office will be furloughed for five and a half weeks through the end of September, when the fiscal year ends.

"On a good day, we're stretched thin," Mr. Patton said. "Sequestration takes us well beyond the breaking point. You simply can't sequester the Sixth Amendment."

"Investigations have to be conducted," Mr. Patton added. "Evidence must be reviewed. Law must be researched. Those things don't just happen by themselves."

In seeking the delay, lawyers for Mr. Abu Ghaith, who was arraigned in March, cited the need for overseas investigation, the translation of voluminous materials and other issues. "We would urge the court to find a later date," one lawyer, Martin Cohen, said.

Judge Preska said that lawyers had been allowed to leave one of the cases in which the furlough problem had been cited; the issue is pending in the others.

Newly appointed lawyers would have to "get up to speed" on their cases, and because they are paid by the hour (federal defenders are salaried), the public would probably end up paying more, Judge Preska said. "There's no resolution," she said. "Time is of the essence, and we're very, very concerned."

NATIONAL COALITION FOR THE  
HOMELESS 30TH ANNIVERSARY

Mr. CARDIN. Mr. President, I would like to recognize the National Coalition for the Homeless, an outstanding organization of activists, advocates, and community and faith-based service providers working to end homelessness in America. This year, the coalition celebrates its 30th anniversary, marking three decades of triumphs and challenges in defense of our Nation's most vulnerable individuals and families.

During the 1970s and 1980s, homelessness was thrust into the national spotlight as a growing problem. Structural changes in the economy, exacerbated by some tough economic downturns, thrust thousands of men, women, and children onto the streets, living without shelter. Out of concern for the rights of this vulnerable population, a group of State and local homeless coalitions gathered together and established the National Coalition for the Homeless in 1982. In these last 30 years, the National Coalition for the Homeless has been at the forefront of the fight against homelessness. The coalition's advocacy and passion have helped define housing policy for the disenfranchised in America.

Through creative initiatives and outspoken advocacy, the coalition played an instrumental role in passage of the McKinney-Vento Homeless Assistance Act, the first comprehensive legislation to address the issue of homelessness in our country. Most recently, the coalition has spearheaded advocacy for the Hate Crimes Against the Homeless Statistics Act, a bill that would include crimes against the homeless in the crime data the Department of Justice collects. I was a member of the Senate Judiciary Committee during the 111th Congress and I was a proud sponsor of this bill. Homeless people are particularly vulnerable targets for acts of humiliation and violence. I believe more needs to be done to protect those who can't protect themselves. I am proud to report Maryland was a pioneer in extending hate crime protections to homeless people.

I have been concerned about homelessness for a long time. I believe having adequate shelter is a human right.