

That was the time to talk about what we needed to do.

The time to talk was before a man, driven by hate and animosity, on June 17, entered Mother Emanuel AME Church in Charleston, South Carolina, to carry out a vicious plan to start a race war—because we have seen these signs of danger growing for the disregard for life.

That would have been a time to talk and heal, before that man, crazed with hate, walked into Mother Emanuel Church; but, Mr. Speaker, after nine innocent, God-loving, God-fearing Americans were taken from their families, from their church where they were praying, from their country, the time to just talk is over.

It is time for us to step up. It is time for us to stand up because that is why we get elected, to do what the people expect us, on their behalf, to do.

320 million Americans cannot get up and say, It is time to remove the Confederate battle flag from any grounds where we reflect the governance of a democracy. They encharge us to do that, and the time to talk has ended.

When we see on the floor of the House, last night, an opportunity for the Congress to register itself and say, We hear you, America, you want us to act, and you want us to take down that Confederate battle flag in whatever symbolic way we can, including selling that symbol here in the Capitol, we had an opportunity.

In fact, we had an opportunity that was golden because it seemed like we had a bipartisan vote to do exactly that; but, in the dead of night, something happened. Some people decided to hide behind the dark cloud and change what we had just done.

When we take to the floor here, we may only be talking, but as my colleague from New Jersey said, we are going to do much more because the time to talk has just ended. It is time to act. It is time to step up.

We all have an opportunity. We all have an obligation to stand up.

Tomorrow morning, at 10, the Confederate battle flag will finally come down from above the South Carolina Capitol once and for all. Mr. Speaker, the Confederate battle flag has no place but a museum in the 21st century.

Let us all together, those of us privileged to be in this Chamber, along with our fellow Americans, forge a path forward as a Nation that celebrates our bright future, not our dark past. It is time to take the Confederate battle flag down. It is time for us to step up.

It is not a time to hide behind procedural motions, behind votes in the dead of night, and it certainly is not time for us to assemble a bipartisan group of Members to talk about what we need to do about the Confederate battle flag.

It is time to do the work of the people, and they want us to act. There should be no doubt about it. The American people are speaking very forcefully. Don't just talk; act.

Mr. Speaker, I say with great pride, having served in this Chamber for many years, I believe the people's Representatives in the people's House are getting ready to act; and no act during the dead of night, no effort to derail this effort will succeed because the people have spoken and spoken in the words of the nine people who are no longer with us.

We do it with grace, but we will do it with power because we understand this is not a time to just talk; it is a time to act—and we will act.

I thank the gentlewoman for yielding.

Mrs. WATSON COLEMAN. Representative BECERRA, thank you so much for taking your time and being here with us today, and thank you so much for your eloquent words.

Mr. Speaker, I yield to the gentlewoman from California (Ms. HAHN).

Ms. HAHN. Mr. Speaker, I would like to also thank the gentlewoman from New Jersey for allowing me to add my voice to this discussion.

Certainly, all Americans were devastated by the brutal murder of nine people, including Senator Pinckney, while they were attending Wednesday night Bible study at Mother Emanuel AME Church in Charleston. Their killer was motivated by racism, bigotry, and even had pictures of himself displaying Confederate memorabilia.

The people of South Carolina and their political representatives have engaged in serious conversations about race, about healing, and how to deal with their State's history.

South Carolina's Governor signed a bill a few hours ago to take down that Confederate battle flag from the grounds of the State capitol where it has flown for 50 years, and as South Carolina was moving to take down that flag, some right here were moving in the opposite direction.

Earlier today, I took to this House floor to express my outrage that my friends on the other side of the aisle had offered a surprise amendment last night to allow the Confederate battle flag to be displayed in our national parks and at Federal cemeteries, just a couple of days after this body voted to remove that Confederate battle flag from our national parks.

Many of my colleagues, including those participating in this Special Order tonight, joined in speaking out; and as a result, I think we succeeded in stopping them from bringing that amendment to a vote.

We are here now because we recognize that it is not enough to keep the Confederate flag from being displayed or sold at national parks. Right now, here on the grounds of the United States Capitol, where we and our staffs work and visitors from all over come to visit, the Confederate battle flag and other images of the Confederacy are still visible; and that, we believe now, is unacceptable.

I am proud to serve in the United States House of Representatives, which

is known as the people's House; yet here in the hallways of our office buildings and elsewhere in the House of Representatives, including this side of the Capitol Building, there are State flags on display which include imagery of the Confederacy.

Many of the residents of the wonderfully diverse district which I represent in California and many other Americans from all across our country find these images offensive, insulting, painful, even threatening.

If we are to truly be representative of the people and if we want the people, all of the people of this great Nation, to feel welcome and comfortable here in the people's House, then we cannot continue to have divisive symbols associated with hatred, with bigotry and oppression on public display.

Therefore, let me add my voice to those of my colleagues in calling for the removal from the House of Representatives of any flag containing any portion of that Confederate battle flag.

Mrs. WATSON COLEMAN. I thank the gentlewoman from California for sharing her wisdom with us and her encouragement.

Mr. Speaker, I really am touched by what we experienced in Charleston, South Carolina, the kind of grace and mercy that the families of those who were felled by this domestic terrorist on the church in Charleston, South Carolina.

I know that, even in this Chamber, there are friends that I have across the aisle who would gladly vote with me and vote with my colleagues to remove that flag and that imagery and that symbolism from any of our government properties if they would simply be given the chance.

In honor and respect of the loss of life and the grace and mercy and the healing and forgiveness that was demonstrated by the families of those who lost their lives in Charleston, South Carolina, and in recognition of the courageous steps that the South Carolinians did in voting to take down that flag and for the Governor to sign that and to watch, tomorrow, when history is being made, to take down that flag, I pray that our House is given the opportunity to vote our conscience because I know that I have colleagues on the other side of the aisle that feel the same way that I do, that believe in the greatness of this country and that believe in justice and liberty for all and believe that those symbols that remind us of the mistakes that we have made belong in the annals of history, to be remembered, but never to be repeated.

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

□ 1930

CONFEDERATE BATTLE FLAG

The SPEAKER pro tempore (Mr. BABIN). Under the Speaker's announced policy of January 6, 2015, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the majority leader.

Mr. KING of Iowa. Mr. Speaker, it is my privilege to be recognized by you and address you here on the floor of the United States House of Representatives, this great deliberative body.

GENERAL LEAVE

Mr. KING of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. KING of Iowa. Mr. Speaker, I come to the floor tonight to take up a topic that I think is going to be of interest to all Americans, but I can't dive into that topic immediately without first referencing my reaction to these long days of debate that have taken place here in Congress about opening up a subject that had been put away by this country since about 1865.

I grew up as a Yankee well north of the Mason-Dixon line. I saw the Confederate flag in multiple applications. It always was a symbol of southern pride and regional patriotism and a symbol that said to them that the South was proud to be the South, but I never saw it as a racist symbol.

But it had drifted into a symbol of an artifact of history until such time now as it has been seized upon by those who are using it to divide America again.

I regret that they have gone through these days of this ritual of excoriating the Confederate flag. I regret that that has been brought up. And one would think that, if it was that offensive, that they would just let it drift back into history as a relic of history rather than try to resurrect it as a symbol of something that they can't seem to let go of.

But, for us, we are a country that every component of our history has not been as noble as we would like. Every country in the world has had difficulties along the way. We have risen above our difficulties, Mr. Speaker, and we have adjusted to them and have put them behind us.

But we cannot be eradicating or erasing the history of our country. It is important that we do keep it in front of us so that we can evaluate the lessons learned and move forward and make progress. That was the reconstruction era. That goes clear back to right after 1865, and I regret that those old wounds have been peeled open again.

It is ironic that the gentleman would talk about President Lincoln's second Inaugural Address and binding up this Nation's wounds. They have been bound up. They have been healed up. And now they are open again, regrettably, Mr. Speaker. So I will package up that component of my response.

THE SUPREME COURT

Mr. KING of Iowa. I will now shift over to the topic that I came to the floor to address, and that is the topic of the Supreme Court from the mar-

riage decision, the decisions that actually came down from the Supreme Court—I believe it was a week ago last Thursday and Friday.

On Thursday, there was a decision from the Supreme Court on *ObamaCare*, the *King v. Burwell* case, where the majority decision of the Supreme Court concluded that the law, as passed by the United States Congress, doesn't mean what it says.

It means instead, according to the majority of the Supreme Court, what they think the President would have liked to have had it said if he had actually been dictating the language there.

But we have to vote, Mr. Speaker, on the language that is in the bill, not the language that should have been in the head of the President and the Speaker of the House at the time.

That is why we have had a Supreme Court who, over the last generation, has been textualist. This has emerged from the Rehnquist court and should have survived and been enhanced under the Roberts court, that the law means what it says and the Constitution means what it says and, furthermore, it needs to mean what it was understood to mean at the time of ratification.

We do have a language that moves and changes and morphs along the way. And the language that is written into the Constitution, into the various amendments that are there and written into our laws, we can't simply say that because we have a different way we utilize language today, that somehow the people who ratified it had a meaning that conformed to the morphed language of the modern world. And I would have thought that Chief Justice Roberts would have been one of those who would have adhered to that.

I can think of times when the Court has said to this Congress: You may have intended one thing, but the language in the bill that you passed and was signed into law actually means something different. So you can either live with the decision of the Court or you can set about changing the language so that the language actually does what you intended it to do. It is a simple understanding of simple construction under the law in the Constitution.

An example, Mr. Speaker, would be the ban on partial birth abortion that passed here in this Congress in the nineties. It went before three Federal courts and then was appealed to the Supreme Court.

And the Supreme Court concluded that the ban on partial birth abortion that Congress had first passed was vague in its description of the act itself and that Congress didn't have findings that partial birth abortion was not necessary to save the life of the mother.

So it was struck down by the Supreme Court, and that means they sent it back to us. They said: Congress, fix that. And I got involved in that.

I want to tip my hat to Congressmen STEVE CHABOT of Ohio, who was the

chairman of the Constitution Subcommittee at the time, and JIM SENBRENNER, the chair of the full Judiciary Committee. We held hearing after hearing. We rewrote the definition of "partial birth abortion" so that it was precise and clear and understandable, and we complied with the Court's directive.

In those hearings, we brought witnesses that put into the CONGRESSIONAL RECORD a mass of evidence that concluded that a partial birth abortion was never necessary to save the life of the mother. We did those things to conform to the directive of the Supreme Court because they read the text of the law.

But today we have a Supreme Court that concludes that—well, the text may say one thing, but we think the President would have preferred it to say something else. And so did most of the people, maybe, that voted to pass *ObamaCare*, that very partisan piece of legislation. Maybe they intended for it to say something else, too, but it didn't.

So the Supreme Court inserted the words "or Federal Government" into the statute that said an exchange established by the State. The Supreme Court essentially wrote into that "by State or Federal Government," alleging that the language was vague.

That is appalling to me, Mr. Speaker, to think that in the United States of America, a country ruled by the rule of law, that we could have a Supreme Court who—no one has a higher charge to read the language, to understand it, to call the balls and strikes, as the Chief Justice has said.

I think he forgot to say that you are supposed to also call whether it is fair or foul. Well, I think it is foul. It is a foul ball for the Supreme Court to think that they can change the language of the law.

If they sent it back here, Congress then had an obligation to adjust the policy to our intent from now, maybe not the intent at the time that it was passed, because those years have moved.

Then subsequent to that, the very next day, Friday—a week ago last Friday, as I recall—the Supreme Court came with a decision, a decision on same sex marriage. I have some experience with this, Mr. Speaker, and it falls along this line.

In 2009, the Iowa Supreme Court, in reading the mirror of our 14th Amendment, which is in our United States Constitution—and the mirror of it is written into the Iowa State Constitution—they concluded that same-sex marriage was the law of the land in Iowa. And their conclusion was that it fell underneath the equal protection and due process clauses of the 14th Amendment—the mirrored component of the 14th Amendment that was in our Iowa constitution.

There are 63 pages in the *Varnum v. Brien* decision in the Iowa case. I read that decision. I read all 63 pages. But

not only that, I poked through it. I read it. I looked at the ceiling. I contemplated. I looked back down at the words. I tried to absorb the kind of legal rationale that would get you to the point where you could conclude that under equal protection or due process, that marriage really was between one adult and another entity, whatever sex or gender that entity might be. And they wrote that under the protection of the 14th Amendment, the Equal Protection Clause and due process, that, quote, homosexuals have a right to public affirmation, closed quote.

Mr. Speaker, I know of no place in law, I know of no place in society, I know of no place in history where there is an individual, let alone a group of people, a self-labeled group of people that have any claim to public affirmation, public approval conferred by the court. But that was the key to understanding this litigation that has moved forward since 2009.

It brings us into 2015. And we have a decision in the Supreme Court that commands all States, if they are going to recognize any marriage, to recognize same sex marriage and for all States to also provide the reciprocity of recognizing marriages that take place in other States, as those individuals may come through or move into their States. That is that right of reciprocity. It is in the Constitution, reciprocity.

But, Mr. Speaker, for the Supreme Court to essentially create a new right, a right to same sex marriage manufactured out of the 14th Amendment of the Constitution of the United States, that was ratified in 1868—and, by the way, it ties into this dialogue about the Confederate flag and all the rhetoric that we have had in this Congress all week long. It ties into it in this way:

The 13th and 14th Amendments to the Constitution were ratified in the aftermath of the Civil War. They were established, first, the 13th Amendment, to free the slaves because the people in the legislature at the time didn't believe that a clear statute that freed the slaves was going to actually have the impact that a constitutional amendment would. So they passed the 13th Amendment to establish that there will be no slavery in the United States anywhere, ever.

The second was the 14th Amendment, the Equal Protection Clause and the Due Process Clause and the clause says that all persons born in the United States and subject to the jurisdiction thereof shall be American citizens. All of that to ensure not only that the freed slaves would be free and they would have equal access to all their rights of citizenship but that their children would also be citizens and that they would have equal protection under the law. That was the essence of the 14th Amendment.

We are asked to believe that somehow those who wrote and ratified the

14th Amendment in 1868 had secretly put some subtle language into it that they somehow knew we would discover in 2015 that says, there shall be same sex marriage in all of America, and the Supreme Court will find it, and they will impose it upon the rest of the country because they are the enlightened five of nine in black robes.

Well, the Supreme Court has had a terrible record, a terrible record on dealing with large domestic issues. In 1857, Dred Scott, they thought they could resolve the slavery issue. The Supreme Court was stacked in favor of the South. Five from the South and one from Pennsylvania that was sympathetic to slavery. They had a 6-3 operation going on. And they essentially declared that blacks could not be citizens, and they could not be free. They could not be citizens, and they could not be freed by States. And that if a slave owner owned a slave, they owned that slave in any State that that individual might go. That was the decision of Dred Scott.

They thought they had put the issue away. It came back to haunt this country over and over again. And it was part of the conflict that began in the next decade, within 1862, and that brought about the death of 600,000 Americans and split this country apart and it has taken years to put us back together. The Dred Scott decision.

Fast forward 100 years. They took prayer out of the public schools. We honored that decision. We stopped praying at least openly in our public schools. Now the question is: Can a football team without the coach kneel on the grass and pray before a ball game?

We are a First Amendment country. Freedom of religion. And we are dealing with this kind of assault on free religion because the Supreme Court in *Murray v. Curlett* in 1963 dumped that on us; 1973, *Roe v. Wade* and *Doe v. Bolton*. Then you have the *Lawrence v. Texas* decision.

□ 1945

And it goes on and on and on, Mr. Speaker. Up to this point, the domestic life of America has been dramatically transformed by order of the Supreme Court, the people least connected to the will of the people. When they separate themselves from the text of the statute and the text in the understanding of the Constitution, we are in a place where the Supreme Court then has put themselves above the law, above the Constitution, and above the will of the people.

One of the people that understands that as well as anybody in this United States Congress is my friend from Texas, Mr. LOUIE GOHMERT, who speaks to us often in these Chambers. I know about his marriage, and I know about his conviction to the rule of law and the Constitution.

I yield to the gentleman from Texas, LOUIE GOHMERT.

Mr. GOHMERT. I am very grateful for my very dear friend—not just

friend, but dear friend—from Iowa, and I am pleased that he would take the time to talk about this. He is making some great points.

The Dred Scott decision, if you really look at it, was decided by a majority who had great aspirations that the media was going to love what they did. Instead of looking at the words of the Constitution and applying those words, they were playing to the elite media, and the elite media was completely wrong. Slavery was the worst abomination and blot on this Nation's history, and it is tragic that the Supreme Court played an active role in that.

It is tragic that in the seventies, as you pointed out, from the sixties, the seventies, the *Roe v. Wade*, the Supreme Court has contributed to tens of millions of murders—tragic. But I guess as a former judge and a former chief justice, nothing infuriates me more than for a judge or justice to believe that they are completely above the law. I know what it is to recuse myself. I know what it is for judges who are friends of mine who had strong feelings about a case, but they knew that they would not be fair and impartial and so they had to recuse or disqualify themselves.

With regard to marriage, we had one Justice, Sonia Sotomayor, who has made comments indicating a massive question over her impartiality. But if you take two Justices about which there is no question, they were totally disqualified. They were very partial, and they were opinionated. Going into this opinion, they had long since made up their minds.

In fact, one columnist reported on the last marriage, a same-sex marriage, that Justice Ginsburg performed. She emphasized the word "Constitution" when she said, "I now pronounce these two men married by the powers vested in me by the Constitution of the United States." That is a Justice who was completely disqualified.

Do you wonder, well, what actually disqualifies a judge? The law is very clear about that, and Congress does have the authority to dictate the terms by which a judge may sit on the Supreme Court or may sit on a particular case. This law, 28 U.S.C. 455 (a) part—(b) gets into a number of different options—in (a) there is no option. This is an emphatic requirement for a Justice.

We know that Justice Kagan had performed a same-sex marriage before this opinion. So we had two Justices who, under the laws of the United States as allowed by the United States Constitution's clear reading, were disqualified. They were lawbreakers in order to dictate legislation on a social issue over which they have no authority by virtue of the Constitution and the 10th Amendment. Yet they violated the law, they violated the Constitution, and they violated their oath.

It is dishonorable to be a justice in any court and violate your oath, violate the law, and violate the Constitution. But the law is wanting to assure

the American people that we are going to be so far above question that not only do you have to disqualify yourself if you are partial, you are biased, you are prejudiced in a case, but “if your impartiality might reasonably be questioned” is the language, then you have to. It is a “shall.” You shall disqualify yourself.

Mr. Speaker, two Justices violated the law, violated the Constitution, violated their oath, were dishonorable, and dictated law they have no business dictating.

There is just one final point I would like to make, and I brought this up on C-SPAN yesterday, but I have been giving it some thought. What would be a good way to really get a grip on what nature would indicate? And my friend knows I was there in Iowa with him after that ridiculous decision by the Iowa Supreme Court and the three judges that were up for retention that year were eliminated, as they should have been. But having read that Iowa decision back then, I was amazed that the Iowa Supreme Court said this is a no evidence matter.

We have different standards: substantial evidence, beyond a reasonable doubt, and preponderance of the evidence.

They said this is a no evidence issue. There is no evidence of any kind from any source to indicate a preference for marriage between a man and a woman as opposed to marriage between two men or two women.

I think it is a very important point to say, well, I would be willing to put up everything I will make for the rest of my life, that it would go in to a bet, because I have that much faith in what Moses said and what Jesus said.

Moses said that this is from God, that a marriage is when a man shall leave his father and mother and a woman leave her home and the two will become one flesh. That is a marriage. Jesus repeated: You know the law. Moses give you the law. Here is the law.

And He repeated the very words of Moses, and then He added a line and said: What God has joined together, let no man pull apart.

So I have such faith in the words of Moses and Jesus, I would be willing to stake anything I make the rest of my life that my kids would otherwise get that we could take four couples of man and woman as Moses and Jesus said and find a place that we could place them where they are isolated but they have everything they need to live and have a good, full life, and then take another place, an island or such, and put four couples of men, all men that love each other, and put them in such an isolated island situation where they have everything they need to be comfortable and live, and then have an island where we have four couples of women that love each other, they are going to stay together. And then let's come back however many years you want to wait to come back, at least 25,

and you could go 200 years, and let's go back and see what nature has to say about which couple it prefers to sustain a civilization. Which couple is preferred by nature? You and I believe nature is God, as the Founders did. Which one is preferred? And I am willing to bet everything that I make the rest of my life that in those situations where just nature has to take its course, the couples of man and woman will be the one that proliferates and continues to exist and live on to produce further generations.

Mr. Speaker, I think that is what the people of Iowa found so offensive that they had judges that were so completely ignorant of nature and nature's God that they could say that there is no evidence in nature or anywhere else to indicate a preference for a couple between a man and a woman.

I know people have raised issues, but you need to be able to see someone you love in the hospital, you bet. We ought to make sure State legislatures fix that problem. If you love somebody, they are your partner, you care about them and they care about you, you don't want to just stalk anybody you want, but if there is a mutual love, admiration, and respect, you ought to be able to see them in a hospital. You ought to be able to transfer property and leave property. We ought to be able to address those things in the law.

But when it comes to the building block for future generations and future civilizations, I can promise you that if it is not built on couples that are man and woman, as Moses and Jesus said, then that civilization will not endure. It is just the law of nature.

I love the people of Iowa. I love the fact that they came out and let it be known that these judges who were educated far beyond their intellectual capability needed to step down because the people of Iowa could figure out that there was evidence to support marriage being between a man and a woman.

So I appreciate the time the gentleman has yielded to me. Thank you for continuing to stand for what is right, even when we have Supreme Court Justices that violate the law, the Constitution, and their oath.

Mr. KING of Iowa. Mr. Speaker, reclaiming my time, I thank the gentleman from Texas. I appreciate his presentation here tonight and the many times and many hours that he has spent on the floor. I also would say for the record that the gentleman from Texas, Judge LOUIE GOHMERT, who had the temptation to legislate as a judge and understood constitutionally how to go about that, resigned his seat as a judge and ran for the United States Congress because he is, at heart, a legislator with a deep respect and appreciation for the rule of law, the statutory construction, and the Constitution itself.

Congressman GOHMERT did come to Iowa and rode the judge bus. We traveled around from town to town and gave speech after speech. There were

some folks to greet us there that weren't very happy with our presence. I don't think their mothers were very proud of them, Mr. Speaker, but I think Louie's mother can be very proud of him.

I look across the Midwest, in the heart of the heartland, and you can't think about the heart of the heartland without thinking of Kansas. I know the gentleman that represents the vast reaches of the western at least two-thirds of Kansas, if not more, has arrived here tonight, and he has demonstrated his faith and his commitment to family in a lot of ways. I have been able to see that.

Mr. Speaker, I am happy to yield to the gentleman from Kansas (Mr. HUELSKAMP).

Mr. HUELSKAMP. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I appreciate the opportunity to visit tonight about a very radical decision. I appreciate the discussion of my colleagues from Texas and Iowa outlining some of the background.

I was born in 1968, and what this Court would have us believe is that 100 years before I was born, somehow secretly written into this constitutional Amendment was language that invalidated laws in every State of the Union at that time. They want us to believe the authors of this constitutional Amendment, the 14th Amendment, violated their own State laws at the time and just didn't know it. That is silly. That is utter nonsense. And only if you lived in Washington, D.C., in some bubble and spent your weekends or your summers vacationing in Western Europe, not in western Kansas where I am from, could you dream up somehow the Constitution dictated that you would overrule, override, undo—this is five unelected black robe attorneys that are going to dictate to 50 million Americans that you are wrong on the definition of marriage. You are wrong. 2,000 years of human history is wrong. The authors of the 14th Amendment were wrong, and 31 States are wrong. Let me go through that. We are talking about dozens and dozens of States that adopted by a vote of the people.

Again, let's roll back 2 years ago in the Winter decision. This same Court, the exact same Court, said: Do you know what? It is up to the States to decide.

They actually declared themselves wrong 2 years previous to that and set to deny the vote, the right to vote to short-circuit the democratic process. Now recognize, folks have strong opinions.

□ 2000

Even the President of the United States—President Obama and I both agree on this point; there are strong opinions on both sides, but what is happening here is the folks that can't win in the State of Kansas, can't win in 30 other States, have decided that they are going to try to find five people, five people to overrule 50 million.

Let me give you an example. My home State of Kansas, when we passed our Kansas marriage amendment, which I was proud to be the author of, 417,675 men and women voted to declare that marriage is only between a man and a woman. Five lawyers across the street said, You are all wrong—every one of them.

You go to the State of California, in 2008, 7,001,084 Californians were declared to be wrong by five people across the street, five people who have already fled town. They have left town. They won't even stay here; they don't even show up in public. They go behind closed doors, make up their mind, come out, and rule.

This is exactly what our Founders were afraid of with judicial tyranny of folks trying to dictate, to mandate, take their personal biases, and mandate them on California, mandate them—let me pick a State at random—the State of Maine, 300,848 folks in Maine. How about in Alaska? 152,965 people that these 5 people said were wrong.

Total across the entire Nation, there were 51,483,777 people that this court, these 5 people, not the entire court, 5 people decided you 51,483,777 people, you are wrong. Those five were wrong 2 years ago—or at least one of them was wrong. They changed their mind 2 years ago.

If you look at the Holy Father's latest encyclical that has been much discussed, it talks about the rule of law and how if you start violating laws that becomes a pattern—and here, we have a pattern of this Court deciding to ignore the clear Constitution and decide to impose their biases.

As I understand, the dissent was frightening. This is not only imposing their biases against traditional marriage; these five people don't like marriage as 51 million Americans understand that.

In the dissent, it talked about not only that, they have opened the door to plural unions; and it is coming. They referenced a Court case. This is where this Court is headed, and it is totally out of step, not only with 51 million Americans, but with their own Court decision 2 years ago, but also with the whole idea of our Constitution, that somehow it is living and breathing and then five people.

I mean, this is the same margin by which we have had atrocious decisions throughout history of this country. You go not far from this—and my colleague from Iowa knows this—you go not far from here, you go down, I think it is a floor down, where you had a decision by the same U.S. Supreme Court, just a few different folks, decided certain people didn't have rights and made a decision, an atrocious decision. They were wrong. I think the Court is wrong today.

Again, the idea that somehow they know better is the elitism that I think is driving folks crazy, and it is not just on this issue. My colleague from Iowa

has pointed out, again and again, it is concerns about immigration, it is concerns about education, it is concerns about spending, about overregulation where you have folks inside a bubble in Washington, D.C., they read every week.

Every day, I guess, they read the New York Times and think they are doing a great job; they read The Washington Post, but they don't read and listen to real Americans. Again, they travel and vacation in western Europe.

Many times, we see them using Court decisions in the arguments that have no basis not only in our jurisprudence, but in our history and are using that which is outside—I have never served in the U.S. Senate; I probably never will, and I have no desire to do that, but I have got to wonder, when each of these five that decided to overrule 51 million, did anybody ask them: Do you think you are smarter than the rest of America? Did anybody ask them?

Actually, when they did ask them, they said: We can't tell you how we are going to rule.

There is no doubt that at least four, perhaps five, of these judges, these attorneys, these lawyers made up their mind before they got the case and said: This is the decision. Here is what we want to reach. Here is the outcome. Let's make something up so we can at least claim there is an argument.

There is no logical argument; there is no legal argument. All there is, is the utter power, the claim that we get to dictate what the rest of America will accept.

As a pro-life American as well, we have to go 42 years ago. A court tried to do the same thing. And at that time, in '73, and I am guessing January 24, 1973, I was a little tyke. Thank goodness I was born before the Roe v. Wade generation. I saw some of those folks run around today, claiming they were part of that generation.

Part of that generation, one-third of those are gone. At that time, the Court said they were going to impose abortion on all of America through all 9 months. Do you know what, they walked away and said: We got it all done.

What they found out is the American people are resilient. When they see outrageous decisions like this, it might take them weeks, it might take them months, it might take them a year, it might take them decades, but they will be pushing back. They will be pushing back and demanding that, when you put your thumb into the eye of 51 million Americans, you put your thumb in the eye of 2,000 years of history, you put your thumb in the eye of millions of millions of children that deserve a dad and a mom, a married dad and a mom, and say: Do you know what, you don't count; you don't count.

That is what this Court is saying. We spend billions of dollars every year trying to replace a mom and a dad. Here we are today because of five people across the street—again, five people de-

ciding for the rest of us. This was not interpretation of the Constitution; this was just utter legal nonsense.

There are two ways to respond to this. One is a Federal marriage amendment. I have introduced that a couple sessions in a row. That is the way you amend the Constitution. The way the left amends the Constitution is they get five votes.

Folks have been worried about a constitutional convention; and I always joke that, well, they have one every time they issue a ruling. This one was a constitutional convention, utter legal fiction and nonsense. They know it; they all know this.

They are probably drinking cocktails tonight, laughing about our comments on the floor saying: Well, yeah, everybody knows that.

So we are just under some fiction. We are trying to figure out, okay, here is the decision we want; here is how we get there. A Federal marriage amendment is one option, but that is difficult.

A second one that we have to worry about—and it was noted in the oral arguments, it was noted in the opinion of the majority and the minority, because of this decision, mark my words, mark the words of the dissenters—is they will use this decision to attack religious liberties of Americans who still believe, 51 million and plenty of others, that marriage is between a man and a woman.

They are not going to stop. Ten years ago, they said they would stop at civil unions. That was all they wanted; then, well, maybe want something else. Now, it is not only do they want marriage, the next one will be to say, if you disagree with me, you not only have to bake a cake, you have to participate in other ceremonies in other ways. It goes on and on.

That is why I have introduced, along with others, the First Amendment Defense Act, which I call upon those who believe in marriage, and even if you don't believe in marriage but believe in the supremacy of the American people rather than five attorneys, we bring that to the floor and defend the rights and liberties of Americans and the thousands, perhaps tens of thousands, perhaps millions of churches that say, Do you know what, we don't agree with that, and we will not have the Federal Government imposing their way—these five people.

Now, I am just one. We got 435 in this body, 100 in the other body, and the Court just said: Do you know what, that doesn't matter.

That is the definition of tyranny, and from tyranny, good things do not come. Our Founders understood that.

When you consolidate power—and as my colleague said: What difference does Congress make anymore?

The decision the day before suggested they get to rewrite the law, and the marriage decision was they get to rewrite the Constitution. This is a fundamental decision on the history of our

country, the history of our Constitution, where the future goes, and the history for and the future for our children.

I appreciate my colleague from Iowa, his efforts for many years. I will not apologize on behalf of 417,675 Kansans who voted for marriage. If those five Justices are asking them to apologize, they will not. They will continue to defend God's lawful marriage, and they will do that proudly and will continue to defend the State, and our U.S. Congress should do the same.

I appreciate my colleague from Iowa's leadership. These are one of these things that it is not easy.

Congressman, I appreciate your leadership on this and not giving up for the right thing.

Mr. KING of Iowa. I thank the gentleman from Kansas, but I would ask if he will yield to a question before he retires.

You mention your constitutional amendment to preserve marriage between a man and a woman. I would ask if you would be prepared to, if you can, from memory, quote that into the RECORD here tonight.

Mr. HUELSKAMP. I am not prepared to quote it. I know what the vote was.

Mr. KING of Iowa. The essence of it, if you could?

Mr. HUELSKAMP. The essence is marriage is reserved between one man and one woman. It is a very simple definition, a very historical definition, and it was adopted by 417,675.

Do you know what was interesting? I never once told the State of Kansas that, if five people wanted it, that was the rule of law in Kansas—no. We had to go through an open process, have the debate, have the campaign, get it through the legislature.

We tried 2 years in a row; it didn't happen. Finally, in 2005, it got on the ballot. It went up. Everybody had their up and down American experiment of democracy and decided.

I will tell you at the time—and Steve understands this, my Congressman—that people said: We don't need to do that. The Court would never overrule that. There is nowhere that is in the Constitution.

It is very clear; marriage is between a man and a woman. That is the thing, marriage predates government. No matter what these five unelected lawyers appointed for life—with full benefits, I might add, and health care—outside of ObamaCare, that is another issue—no matter what they say, they are not changing what a marriage is.

Mr. KING of Iowa. I would like to reiterate this point that as you debated this in Kansas, I am one of the authors of the Iowa's Defense of Marriage Act. Ours says differently than I think all the other States.

All the other States say marriage is between one man and one woman. I insisted that the language say between one male and one female because I didn't want to be in a debate about what a man was and what a woman was.

I didn't know that, within the last couple of months, we would be having that debate nationally, but I think our debate is more specific—however, overruled by the Supreme Court of the State of Iowa.

I didn't get around to mentioning that we voted three of those justices off the bench, swept them off. There were only three up for retention ballot in 2010. We voted them all off of the bench.

I still ask this question, which is, as precise as our language is, I could not divine any right to same-sex marriage in the Constitution, not in the 14th Amendment, not in the Iowa Constitution that is mirrored to the 14th Amendment; but the Supreme Court found it anyway.

Is it beyond the realm of possibility that, if your amendment becomes incorporated into our Constitution that a more liberal court, or this Court itself, might find a way to rationalize their way around no matter how we write it?

Mr. HUELSKAMP. That is absolutely true. I mean, where can they end up?

Again, when it becomes an issue of bias, and our colleague from Texas talked about that, two justices that clearly demonstrated bias in the State of Kansas, that would be a basis for not ruling on the case and perhaps not even being on a court.

I mean, those are illegal. I am not an attorney, but we recognize that would be highly unethical in the State of Kansas, but apparently, that is the way you get things done nationally, to impose your will.

One thing that, again, I mention in passing that we can't forget is what this does for our children, what this does for our children by attempting to fundamentally destroy and redefine marriage.

I have been asked: Well, how does it affect your marriage?

When you make marriage anything, you devalue what really is marriage. The last thing we need to be doing in this society is devaluing families, devaluing marriage, and attacking the basis of our society. Our Founders understood that.

I don't know what these Justices, what their history was growing up, what led them to change their mind and impose that on the rest of America; but that is why our Founders said: Here is the Constitution. You can interpret it, but you shall go no further.

Mr. KING of Iowa. They understand that in Kansas, they understand that in Iowa, and I suspect they understand that in Florida.

As I look over, I see the gentleman from Florida—I am looking at two doctors here—the gentleman from Florida (Mr. YOHO).

I thank the gentleman from Kansas for coming down tonight, as well as the gentlemen from Florida and Texas, and the other folks that might show up.

Mr. Chairman, I am happy to yield to the gentleman from Florida (Mr. YOHO).

Mr. YOHO. Mr. Speaker, I thank my colleague from Iowa, Kansas, and Texas for coming down here to share your thoughts on this important item.

Mr. HUELSKAMP, you brought up about diluting the institution of marriage, and if we keep going down this path, it will be worth nothing.

If we keep diluting the value of our money, it is worth nothing; and if we keep diluting the value of the things that have made our society great, the nucleus family, if we keep doing that, it becomes more washed out.

□ 2015

Roughly 2 weeks ago the Supreme Court's 5-4 decision on *Obergefell v. Hodges* demonstrated yet again the highest court in the land legislating from the bench.

The ruling was disappointing not only for the fact that the court had not four States to redefine marriage, but even more so because it removes millions of American from the democratic process of choosing for themselves who and what defines marriage.

I personally and millions—you brought up 51 million—hold a traditional view of marriage between one man and one woman. And I am proud to say that I have been married to my wife Carolyn for over 40 years. God bless her because we know that is a tough job.

However, the Constitution grants people, the voters, the ability to decide whether or not to recognize same-sex marriage.

Chief Justice Roberts in his dissent made a valid point, which I am sure is shared by many Americans. He said those who founded our country would not recognize the majority's conception of the judicial role.

And then he continued: They certainly would not have been satisfied by a system empowering judges to override policies, judgments, so long as they do so after a quiet extensive discussion.

With this type of legislation from the bench, what is the point of the States' rights. I think that is what this gets down to because 30 States wanted to define and have the right, according to the 10th Amendment, that it is a State's rights issue.

If you live in that State and they decide what marriage is and you don't like it, you have the freedom to move or challenge us through the State system.

I think it is a sad day in America when we have to, as a country, redefine who we are as a Nation, we have to redefine what marriage is, an institution that has been around and ordained by God for over thousands of years, 2,000-years plus, to come down to this point in our society.

We have got a book that we have lived by, and I am going to hold this up for the viewers. This is, in total, the Declaration of Independence and the Constitution. And you can see it is a very thin book. It is not epic in volume, but, yet, it is an epic in ideology

of what a nation stands for, a nation of laws.

We have the three branches of government. I have been up here for 2½ years, and what I hear over and over again is we are in a constitutional crisis.

And being in Congress for the last 2½ years, I see a lot of dysfunctionality. And if we don't do our job, you get other branches of government fulfilling that job and overstepping their boundaries.

I agree with Justice Antonin Scalia when he stated in his dissent: A system of government that makes the people subordinate to a committee of non-elected lawyers does not deserve to be called a democracy.

Wow. Those are powerful words. A system of government that makes the people subordinate to a committee of nine unelected lawyers does not deserve to be called a democracy.

We cannot allow our Constitution to be eroded, and I will continue to fight for the States' rights and stop this continued Federal power grab.

I look at Justice Roberts, some of the dissension in his ruling, and Roberts forcibly criticized the majority: Sidestepping the democratic process and declaring that same-sex couples have the right to marry when, in his view, such a right has no basis in the Constitution. The court's decision, he complained, orders the transformation of a social institution that has formed the basis of human societies for millennia.

We are redefining that.

And then he goes on to the Kalahari bushmen and to the Han Chinese, the Carthaginians, and the Aztecs. Just who, Roberts laments, do we think we are?

The other three justices echoed Roberts' sentiment, sometimes in even more strident terms.

Justice Scalia characterized the decision as a judicial putsch and suggested that, before he signed on to an opinion like the majority, I would hide my head in a bag. This is from our Supreme Court justices.

I think it is a sad state of affairs that, in the three branches of government, that we are out of balance.

We, as Member of Congress, are the most powerful branch. It is the way our Founders set our country up. It is the longest living democracy and constitutional free republic in the world. The reason for that is the checks and balances.

I would like, Mr. Speaker, to say to you and to my colleagues that our three branches of government are seriously out of balance.

And at times during human history, when the government oversteps its boundaries, whether in total or in the different branches, and they overstep the boundaries of the Constitution, it is not only our duty, but it is our responsibility as Americans and as the people's House in the United States of Congress to stand up and rein in gov-

ernment and hold those other branches accountable.

I look forward to working with my colleagues on the House floor to make sure that we are the ones that stand up and say: Enough is enough. We have had enough.

Mr. KING of IOWA. Mr. Speaker, I thank the fine gentleman from Florida for his presentation, his understanding of this, and his conviction on constitutional issue after constitutional issue, including reminding us this is a constitutional republic that we live in.

I would like to now recognize the husband of Roxanne Babin, the gentleman from Texas whom I get to count as a good friend here in this Congress, who has stood up on principle time and again.

Mr. Speaker, I recognize that we have 8 minutes left in our time. So we will try to judge it accordingly.

I yield to the gentleman from Texas (Mr. BABIN).

Mr. BABIN. Mr. Speaker, I really appreciate the gentleman from Iowa and good friend. I appreciate recognizing my wife in the gallery as well.

I thank the gentleman for yielding time, and I thank him for his leadership on this very important issue.

Mr. Speaker, I stand here today deeply and bitterly disappointed and saddened by the recent actions of five unelected U.S. Supreme Court justices and their decision to defy the will of the American people and disregard the rule of law.

As a strong defender of traditional marriage and State sovereignty, I believe it is absolutely wrong that five unelected members of the U.S. Supreme Court overruled tens of millions of Americans, including many in my home State, the State of Texas, who voted to enact State statutes and State constitutional amendments to define marriage as between one man and one woman.

Under this ruling, five members of the Supreme Court invalidated the votes of over 50 million Americans. That is deeply disturbing and alarming. And the dissenting justices raised this very concern.

Traditional marriage has been under assault as courts and some state legislatures have sought to both redefine marriage as something other than between a man and a woman.

Most seriously, they are now taking action to penalize and discriminate against those who have religious and conscience convictions against the redefinition of marriage.

Over 30 States and tens of millions of Americans acted through the legislative and election process to keep marriage between one man and one woman within their respective States.

Unfortunately, various courts took it upon themselves to sidestep the democratic process and to silence those voices with their reprehensible activist decisions.

By circumventing the votes of American citizens, the Supreme Court's

sweeping decision now sets the Government on a collision course with religious freedoms guaranteed in the First Amendment of the United States Constitution.

Americans with religious conviction will now be forced into a position of great uncertainty. If their religious beliefs conflict with same-sex marriage, they may lose their business license and they could be subjected to prosecution or even litigation.

Some are even calling for ending tax exemption status for any church or religious organization that opposes same-sex marriage. This is alarming and it demands action.

We have seen the attacks led by IRS bureaucrats like Lois Lerner on conservative groups in the past, and we can expect the same under these discussions. As elected leaders, we cannot and must not back down.

We have an obligation to fight for the religious protection of our constituencies against such judicial activism and the consequences that will come from it. I have met with local pastors in Texas over the past few weeks, and they are very, very concerned about this ruling.

Congress wants to take immediate action to restore each States' ability to determine their own marriage laws and to protect individuals and institutions with deeply held religious convictions regarding traditional marriage to ensure that they do not face discrimination because of these convictions.

As an unwavering advocate for protecting the traditional marriage, I strongly support and have cosponsored a constitutional amendment to define marriage as between one man and one woman.

We should also pass the First Amendment Defense Act to protect churches, Christian schools and colleges and business owners from being coerced by the government to act against their religious convictions in regards to acceptance of same-sex marriage.

In the 36th Congressional District of Texas, where I have spent my entire life, people are very distressed over the Supreme Court's redefinition of marriage and its impact on their ability to freely practice their faith. They realize, as do I, that, under the Supreme Court's decision, things are going to get worse as this collision course is set in motion.

We will see more lawsuits spring up that challenge the faith of average American families who hold their beliefs dearly, as well as their churches, schools, and charities.

Under such uncertainty, I stand in strong solidarity with my constituents, our local and State leaders, and the like-minded colleagues that I have had the great privilege of listening to tonight and having your time yielded to me. I serve with you folks in Congress that we will never back down on this issue.

I will work tirelessly on all fronts to defend traditional marriage and the

protection of religious liberties granted under our U.S. Constitution.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Texas, and I appreciate very much his commitment to many causes, especially this cause.

I recognize the gentleman from California that has arrived, and I point out that we are down to 3 minutes.

I yield to the gentleman from California (Mr. LAMALFA) to hear what he might have to say about this topic.

Mr. LAMALFA. Mr. Speaker, I appreciate my colleague from Iowa. Thank you for a little bit of time on this.

It is indeed something I know a lot of people are grieving over with the Supreme Court decision, first on the morality issue.

Those of us that believe in the Bible, that believe in God, feel that the Bible is pretty clear on this subject of homosexuality and the application of marriage.

But even more so, beyond that, it is a choice. People can choose to follow that path of biblical values or they can choose not. They will make that decision, and they will be held accountable for that decision one way or the other.

So what I am looking at is that the court, in this ruling, has usurped the process of the American people in the legislative process and replaced it with the opinions of five court members.

Where that ruling was on Friday, the following Monday, the court upheld that the people would draw their own lines in Arizona and, by extension, California.

So the people's voice is heard on district lines as seen by the court, but the people's voice is ignored when California passed two different initiatives to uphold marriage.

So there is not even consistency on the court on what the Constitution is supposed to mean on the people's voice, and that is very troublesome.

It indicates to me that we are not far from a constitutional crisis with the way this court usurps the people's voice and the legislative process.

So I appreciate the time from the gentleman here tonight. Thank you for your leadership on this important issue.

Mr. KING of Iowa. Mr. Speaker, we have heard from a list of solid constitutionalists here this evening that are not only committed to their oath to support and defend the Constitution, but, also, each committed to their own marriage throughout these years that, if we added them up, it is well over a century of us together. Marilyn and I are 43 years.

I am steeped in the Constitution and the rule of law. I have great respect for the Supreme Court of United States, but I have greater respect for the supreme law of the land, which is the Constitution of the United States.

If the law doesn't mean what it says and if the Constitution can have divined within it certain rights that are imagined only by this court and not imagined by the people that rati-

fied the very language that they are ruling upon, then what have we come to?

I believe that this decision, this *Obergefell v. Hodges* decision on marriage, right behind the decision of *King v. Burwell*—that, if the court continues down this path, Mr. Speaker, they will render our Constitution an artifact of history and this country will not respect a court that doesn't respect the language and the text of the Constitution.

□ 2030

We are here to reject and criticize the decision of the Supreme Court that imposes same-sex marriage on all of America and requires each of the States to recognize with reciprocity those marriages. That is a decision this Congress couldn't make for the American people, and it is a decision that should be left up to the States.

Mr. Speaker, I will submit that I am one who is prepared to support the simple elimination of civil marriage because this government has gotten into it so far that holy matrimony will not be protected from the further litigation in this Court unless we separate it from civil marriage itself.

The next litigation that comes will be that that sues our priests and our pastors to command them to conduct same-sex marriages at their altars, and that is where the First Amendment freedom of religion comes into conflict with the distorted view of the 14th Amendment which is part of this *Obergefell*, and that, Mr. Speaker, will be a constitutional crisis.

I yield back the balance of my time.

A MATTER OF HISTORY

The SPEAKER pro tempore (Mr. RUSSELL). Under the Speaker's announced policy of January 6, 2015, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Mr. Speaker, I heard earlier discussions from my friends—and I literally mean that, friends; I am not being sarcastic, they are friends—talking about the shootings. It sounds like they were certainly racist shootings in South Carolina when an evil man shot brothers and sisters of mine as fellow Christians.

Now there is this big race to go after the Confederate flag. So, Mr. Speaker, I saw this article by Daniel Greenfield and felt like this was worth noting, historically, information that Mr. GREENFIELD has published this month. Just touching on parts of the article—I started to say “he,” but it says “Daniel.” Maybe it is a man, maybe it isn't. I don't want to be biased based on a name.

But anyway, in his article he says, talking about President Obama: “When Obama condemned Christianity for the Crusades, only a thousand years too late, in attendance was the Foreign Minister of Sudan, a country that practices slavery and genocide. President

Obama could have taken time out from his rigorous denunciation of the Middle Ages to speak truth to the emissary of a Muslim Brotherhood regime whose leader is wanted by the International Criminal Court for crimes against humanity, but our moral liberals spend too much time romanticizing actual slaver cultures.

“It's a lot easier for our President to get in his million-dollar Cadillac with 5-inch thick bulletproof windows, a ride Boss Hogg could only envy”—Boss Hogg being a reference to the name of the show “*Dukes of Hazzard*”—“and chase down a couple of good ole boys than it is to condemn a culture that committed genocide in our own time, not in 1099, and that keeps slaves today, not in 1815.

“Even while the Duke boys”—again, references to “*Dukes of Hazzard*”—“the Duke boys were chased through Georgia, President Obama appeared at an Iftar dinner, an event at which Muslims emulate Mohammed, who had more slaves than Robert E. Lee. There are no slaves in Arlington House today, but in the heartlands of Islam, from Saudi mansions to ISIS dungeons, there are still slaves, laboring, beaten, bought, sold, raped, and disposed of in Mohammed's name.

“Slavery does not exist under the Confederate flag eagerly being pulled down. It does exist under the black and green flags of Islam rising over mosques in Iraq, Saudi Arabia, and America today.

“In our incredibly tolerant culture, it has become politically incorrect to watch the General Lee”—talking about a car—“jump a fence or a barn, but paying tribute to the culture that sent the slaves here and that still practices slavery is the culturally sensitive thing to do. In 2015, slavery is no longer freedom, but it certainly is tolerance.”

The article goes on: “Slavery was an indigenous African and Middle Eastern practice, not to mention an indigenous practice in America among indigenous cultures.”

The author here is talking about, for those who don't understand indigenous cultures, he is talking about Native Americans. There were Native Americans that had slaves, just like in Africa and Middle Eastern practices.

The article goes on: “If justice demands that we pull down the Confederate flag everywhere, even from the top of the orange car sailing through the air in the freeze frame of an old television show, then what possible justification is there for all the faux Aztec knickknacks? Even the worst Southern plantation owners didn't tear out the hearts of their slaves on top of pyramids.”

This is a reference that obviously in history we understand Aztecs did pull out hearts of slaves that they sacrificed on top of pyramids.

Anyway, the article says: “The romanticization of Aztec brutality plays a crucial role in the mythology of Mexican nationalist groups like La