

And, as I talk to female constituents, it is amazing to me what comes up over and over: How are we going to be certain that we are safe in our homes, in our communities? How do I know that my children are going to be safe at school? How do I know that we are going to be safe when we are out at events in the community or driving in the car or going to church?

These are questions of concern to so many moms who, like me, worry about their children and their grandchildren.

□ 1045

Mr. Speaker, this is one of the issues that brings me to the floor today. I have legislation that I first filed in 2007. It is called the CLEAR Act. It is H.R. 2964.

The CLEAR Act addresses the issues with the criminal illegal aliens that are in our country and the policies that have arisen around sanctuary cities. These sanctuary city policies and the executive amnesty really have turned every State into a border State and every town into a border town in this country.

Here is why: There are lax, permissive, and liberal policies that have really created an open border society here in our country—and do you know what, it makes Americans less safe every single day.

Now, the CLEAR Act isn't a big bill; it is 20 pages, but let me tell you what it does specifically. It withholds funding from section 241(i) of the Immigration and Nationality Act to sanctuary States and cities.

That is important to do because, as I said, those lax, liberal, and permissive policies have now allowed over the last 7 or 8 years to create a total of nearly 300 sanctuary cities in this country. This should disturb us because we are becoming a sanctuary country.

I would ask my colleagues: Will you support that provision of the CLEAR Act?

The second thing the CLEAR Act does, Mr. Speaker, is when a State or local law enforcement agency arrests an alien and requests that DHS, Homeland Security, take custody of that alien, the CLEAR Act requires DHS to do two things: take the alien into Federal custody and incarcerate him or her within 48 hours or request that the State or municipality temporarily incarcerate the alien or transport them to Federal custody.

The CLEAR Act requires the DHS to train State and local police in enforcing immigration laws and to repay them for the money that they have spent.

Now, sanctuary cities first started to happen in the United States in 1979. Los Angeles was the first sanctuary city. That means these cities choose—choose—to stand in violation of Federal law and to not comply with Federal immigration law.

Mr. Speaker, I think it is so instructive that the Department of Justice has never taken one of these cities to

court, but if you let a State like Arizona try to strengthen their immigration laws, then the Department of Justice takes them to court. There is something wrong with that.

Another thing that has happened is the illegal alien crime rate which has continued to grow. Do you know what the illegal alien crime rate should be? It is zero—zero.

There should not be tolerance for this. We see it all across our country. Certainly, we saw it on a San Francisco pier. In Tennessee, a Tennessee Highway Patrol officer made a traffic stop on I-40 that led to the arrest of a man with an order of deportation and the recovery of a 19-year-old who may have been a victim of human sex trafficking.

Mr. Speaker, it is time to address this issue, and I encourage support for the CLEAR Act.

MOURNING THE LOSS OF JUDGE D'ARMY BAILEY

The SPEAKER pro tempore (Mr. FLEISCHMANN). The Chair recognizes the gentleman from Tennessee (Mr. COHEN) for 5 minutes.

Mr. COHEN. Mr. Speaker, the city of Memphis lost one of its most outstanding citizens on Sunday evening. D'Army Bailey, who had served as a judge in circuit court for nearly two decades, was a national figure, recognized for such in The New York Times yesterday with a very large and meaningful obituary.

D'Army Bailey was singularly responsible for the creation of the National Civil Rights Museum in Memphis, Tennessee. There was a time when the Lorraine Motel, which is the site of the National Civil Rights Museum and the site of Dr. Martin Luther King's assassination, was going to be foreclosed and possibly demolished; but D'Army Bailey, then an attorney, saw that as wrong and knew that the National Civil Rights Museum should be built at the site of the assassination of Dr. King and that site should be preserved for generations for people to learn about civil rights and learn about Dr. King.

He got together, Mr. Speaker, and raised money from individuals and the city of Memphis and was able to save the Lorraine from foreclosure demolition.

He then put together the idea of the city, the county, and the State governments funding the beginnings of a national civil rights museum. There was private funding as well, but it was the initial work of D'Army Bailey coming to Nashville, where I was a State senator, and working to get Governor McWherter and the State legislature on board and then the city of Memphis and the county of Shelby.

Now, there is a phoenix, having risen from the ashes, a great civil rights museum in Memphis, Tennessee; and there is one man who had the idea and refused to see the site destroyed and

sought out the funding when people said it couldn't happen and made sure it happened. That was Judge D'Army Bailey—Judge D'Army Bailey.

He was recognized because he spoke truth to power, and he spoke truth to power in Baton Rouge during the civil rights movement; in Berkeley when Berkeley was an evolving center of thought and questioning of values and where he was the city councilman; and on Beale Street, where he brought students to Memphis to march with Dr. King.

Mr. Speaker, D'Army Bailey was a respected figure in the city of Memphis. He crossed all boundaries in the city, economic and racial, and all because of his gigantic intellect.

Many Members in the House have asked me about his passing. He had an effect on this country and an effect on our city. His was a life well lived, and he will be missed.

CRIMINAL JUSTICE REFORM

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

Mr. DUNCAN of Tennessee. Mr. Speaker, yesterday, I participated in a hearing on criminal justice reform before the Oversight and Government Reform Committee. A second hearing is being held today on this issue in the same committee. At both hearings, conservatives and liberals are joining together to urge that we stop or at least try to slow the growth of our Federal police state.

Conservative columnist George Will wrote a few months ago: "Overcriminalization has become a national plague."

Paul Larkin, senior legal research fellow at the Edwin Meese III Center for Legal and Judicial Studies, wrote in The Washington Times: "Today, there are perhaps 4,500 Federal offenses—and more than 300,000 relevant regulations—on the books. No one knows exactly how many. The Justice Department and the American Bar Association each tried to identify every crime and failed."

Mr. Larkin continued: "No reasonable person, not even a judge or lawyer, could possibly know all of these legal prohibitions, although criminal penalties are attached to each."

John Baker, a retired Louisiana State University law professor said: "There is no one in the United States over the age of 18 who cannot be indicted for some Federal crime."

He added: "That is not an exaggeration."

Mr. Speaker, I have special interests in this because, for 7½ years before coming to Congress, I was a criminal court judge in Tennessee trying the felony criminal cases. I believe in being tough on crime, and I have been a very strong supporter of local law enforcement, the people on the front lines who are fighting the real crime, the violent crime that everyone is so concerned about.

I remember in 1993 reading an article in *Forbes* magazine, one of the Nation's most conservative magazines. This article said that we had quadrupled the Justice Department just between 1980 and 1993 and that Federal prosecutors were falling all over themselves trying to find cases to prosecute. We have kept on expanding the Justice Department since then and have had explosive growth in the number of Federal crimes.

We have had far too many cases where overzealous prosecutors have prosecuted high-profile defendants just so that a prosecutor could make a name for himself. I remember the totally unjustified case against Secretary of Labor, Ray Donovan, in which, after he was acquitted, made the famous statement: "Where do I go to get my reputation back?"

Our Federal Government has become far too big, and it is far too powerful. We all have heard how particularly the IRS is running roughshod over individual citizens. *Newsweek* magazine a few years had on its cover: "Inside The IRS—Lawless, Abusive, and Out of Control."

Unfortunately, while there are many good Federal prosecutors, there are far too many of them and, unfortunately, some who, like the IRS, are lawless, abusive, and out of control.

Mr. Speaker, there are now so many laws, rules, and regulations on the books today that people are being prosecuted for violating laws they didn't even know were in existence.

Paul Larkin, whom I quoted earlier, said that we need a "mistake of law" defense. An innocent mistake is not supposed to be criminal, but a zealous prosecutor can make even an innocent mistake look criminal, and there is an old saying that a prosecutor could indict a ham sandwich if he wanted to.

Almost everyone has violated some tax law—they are so convoluted and confusing—and almost every person in any type of business has unknowingly violated some law, rule, or regulation for which they could be prosecuted.

That is why, yesterday, we had at our hearing a conservative Republican like Senator JOHN CORNYN, a former justice of the Texas Supreme Court; and Senator CORY BOOKER, a liberal Democrat; and a conservative like Representative SENSENBRENNER; and a liberal like Representative BOBBY SCOTT—all joining together to urge reform.

Lastly, let me mention one other aspect of our Nation's crime problem. In my years as a judge, I handled over 10,000 cases because probably 97 or 98 percent of the defendants enter some type of guilty plea and then apply for probation.

Every day, for 7½ years, I would read several 8- or 10-page reports into a defendant's background, and I would read, "Defendant's father left home when defendant was 2 and never returned," or "Defendant's father left home to get a pack of cigarettes and never came back."

Mr. Speaker, over 90 percent of the defendants in felony cases in my court came from father-absent households. Drugs and/or alcohol are involved in most cases, but they are secondary to the absent father problem.

Years ago, I read a report that said 57 percent of marriages break up in arguments, disputes, or disagreements about money. As government has grown so much at all levels, Federal, State, and local over the past 40 or 50 years, it has become a major factor in the breakup of the American family by taking so much money and making it so much more difficult for families to stay together.

This, Mr. Speaker, has had a major impact on our Nation's crime problem.

FREEDOM OF SPEECH

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. JODY B. HICE) for 5 minutes.

Mr. JODY B. HICE of Georgia. Mr. Speaker, I rise today in order to stand in strong support of a foundational American law and principle that I feel has been woefully neglected recently. I rise in defense of the First Amendment, which in part states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

Due to the recent Supreme Court decision on marriage, I feel that the First Amendment is at risk of being horribly violated in the name of judicial activism. I am deeply concerned for the First Amendment rights of all American citizens and feel strongly that the Court did not act within its limited constitutional constraints.

Due to this decision, Mr. Speaker, there now exists a direct conflict between the law of man and the law of God, and we have tens of millions of Americans who are now facing a dilemma to choose between their faith and their religious convictions and the government. As Christians, we must obey the law of God.

This decision by the Supreme Court is devastating, and it directly ignored the will of the people and the will of most States. It was a direct rejection of previously held decisions; it rejected dozens of State laws and Constitutions, and, yes, it rejected God's law.

In effect, this decision took the people's prerogative and the States' prerogative and threw it out the window in favor of incorrectly defining and interpreting that which is detrimental to our First Amendment, the First Amendment which guarantees not only the freedom of speech, but also the freedom of religious expression without fear of harassment or penalty from our government.

Now, Mr. Speaker, we must find different avenues where citizens and lawmakers can get involved to address this egregious offense to our First Amendment. In my home State of Georgia, local legislatures are considering the

Pastor Protection Act which would endeavor to ensure that no pastor or minister or house of faith would be forced to perform a wedding that they believe violates their religious beliefs. That is good, but we must do more. It is a good first step.

Frankly, it is my hope that other States would raise the mantle of our Constitution and protect it and protect not just pastors and ministers, but all citizens, including businessmen and -women.

In addition to State action, Congress also must be heavily involved at this time. As an initial step, I am personally proud to have cosponsored H.R. 2802, the First Amendment Defense Act, offered by my good friend and colleague Representative RAÚL LABRADOR from Idaho.

□ 1100

This bill includes many provisions that would both reaffirm and safeguard our First Amendment rights. It would ensure that the Federal Government could not penalize institutions, churches, and individuals for simply exercising their First Amendment right.

Furthermore, it prohibits the Federal Government from blocking access due to deeply held religious convictions from those who are seeking grants or licenses or contracts or accreditation or tax-exempt status. I believe this bill would help greatly to deal with the uncertainty that currently is held by millions.

In closing, Mr. Speaker, it is my sincere hope and desire that we can all come together to defend our First Amendment. I think DANIEL WEBSTER said it best when he said:

If we abide by the principles taught in the Bible, our country will go on to prosper, but if we and our posterity neglect its instructions and authority, no man can tell how sudden a catastrophe may overwhelm us and bury all our glory in profound obscurity.

I, for one, Mr. Speaker, will continue fighting for our First Amendment.

HIGHWAY TRUST FUND

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

Mr. RIBBLE. Mr. Speaker, this afternoon, this body is going to come together and in bipartisan fashion—I think that is normally a good thing, in bipartisan fashion—be able to applaud themselves for fixing the highway trust fund. Like the proverbial magician that takes the shiny object in one hand to distract you, they will, with sleight of hand, with the other hand borrow \$8.1 billion when the American people aren't watching.

I want to refer you to the chart on my left. You will see three lines. I want to talk about the bottom two first.

The very bottom line is the revenue line. That is the amount of money we receive from excise taxes and gasoline taxes to pay for roads and bridges and infrastructure. The red line above it is