

Today, I am filing a resolution calling for the Department of Justice to appoint an independent counsel to investigate whether the President or his staff directed, or knowingly allowed, Customs and Border Protection to violate court orders designed to freeze the implementation of the January 27 Muslim travel ban executive order.

I strongly disagree with the contents of the executive order in question. It targets people based on their religion, and it instilled fear across the country. It violates our Nation's values and the idea that, in America, people aren't judged by the color of their skin or by the religion they practice but, instead, by their character. This plays right into the hands of terrorists who would use it as a recruiting tool around the world to inflame those who seek to do Americans harm at home and abroad.

Let me be clear, though. My disapproval of the President's unfair executive order did not motivate the introduction of this resolution. This resolution concerns only the President's adherence to a judicial order. The question is whether he knowingly allowed Customs and Border Patrol to violate that order.

I hope the investigation will find that the President and his administration fully complied with court orders concerning his executive order. However, if President Trump overstepped and purposely violated the judiciary, the Congress should censure him. If, after censure, the President again disregards our Nation's systems of checks and balances and separation of powers, the Congress should take steps to remove him from office.

During his campaign and in the time since his election, President Trump has promised to be a law-and-order President. Well, the court system is central to upholding the law and ensuring order in our Nation. It represents the way that we, as Americans, peacefully and civilly resolve disputes. Respect for the judiciary isn't just a constitutional requirement for the President, it is a requirement for all of us.

President Trump is no stranger to our judicial system. He spent his career using the courts to sue his foes and settle his broken promises. Now it is time for him to keep the promise he made to the American people when he took the oath of office last month. He must follow the law and abide by our Constitution.

Defending our democracy requires vigilance and stern action. Our Founders wisely designed our government so that no court, no Congress, and no President could gain a dangerous amount of power. If we in Congress cede our responsibility to keep the executive in check, we risk being complicit in creating a constitutional crisis.

My resolution seeks to defend our Republic and our precious founding documents. Each of us in Congress swore to support the Constitution.

I urge all Members of this body to put country before party and vote in favor of this measure.

The SPEAKER pro tempore. The Chair will remind Members to refrain from improper references to the President.

COMPETING VISIONS OF THE FUTURE

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

Mr. McCLINTOCK. Mr. Speaker, our Nation has come to a crossroads between two competing visions for the future that don't easily reconcile. At such times as these, emotions run very high.

The good news is that our institutions are the best ever designed to resolve such political disputes. And it comes down to this: In other countries, the government is the sovereign and rights flow from it to the people; here in America, the people are sovereign.

In America, the sovereign does not govern; it hires help to govern during an election. In between elections, the sovereign people debate how the hired help is doing. That is the real debate, the one that goes on every day over backyard fences and family dinner tables wherever Americans gather. After that family discussion, we decide whether to fire the hired help or keep it for another cycle. As long as we are with each other and not shouting at each other, our system works very well.

Once in our history, we stopped talking with each other. That was the election of 1860. That election was marked not by reconciliation, but by rioting in those regions where the opposition dominated. The opposition party refused to accept the legitimacy of the election itself. Political leaders pledged resistance to the new administration by any means necessary. They asserted the doctrine of nullification, the notion that any dissenting State or city that opposed Federal laws could simply refuse to obey them. Finally came the secession movement, the ultimate rejection of our Constitution and our rule of law.

Have we not started down that road once again?

Even before the election, we saw violent mobs carrying foreign flags physically attack Americans for the sole reason that they wanted to attend a political rally for the candidate of their choice. The violence in Berkeley last week warns us that this behavior is rising.

Some prominent elected officials are again asserting the doctrine of nullification by declaring that their jurisdictions are sanctuaries where Federal immigration laws will simply be ignored. In California, the formal secession movement is supported by nearly a third of the population of my own suffering State.

Now, I held more than a hundred townhall meetings in my district throughout the last 8 years, spanning the entire life of the Tea Party and the Occupy Wall Street movements. Through all of these heated debates, the police have never had to intervene, until this weekend in Roseville, when the Roseville Police Department determined that the size and temper of the crowd required a police escort to protect me as I left the venue.

□ 1030

Now, the vast majority of the people attempting to attend this meeting were peaceful, decent, law-abiding folks who sincerely opposed Donald Trump, and they wanted to make their views known to their elected representative. But, there was also a well-organized element that came to disrupt, and disrupt they did.

Now, in the last four elections, our country has turned dramatically away from the left. The Democrats have lost 67 House seats, 12 Senate seats, 10 Governors, more than 900 State legislative seats, and now the Presidency. That happened, in large part, because those who opposed their policies talked with their neighbors about the future of our country.

Instead of pursuing that successful example, the radical left seeks not to persuade their fellow citizens by reason but rather to impose its views by bullying, insulting, intimidating, and, as in Berkeley, by physically attacking their fellow citizens. This is not a tactic likely to change minds, but, if it persists, it could tear down the very institutions of democracy that have served us so well for so long.

I would ask the many sincere citizens who have been caught up with this disruptive element: Do you object because the President is breaking his promises, or do you object because he is keeping them?

If your objection is because the President is keeping the promises he made to the American people, is that not because the sovereign people, your neighbors and fellow countrymen, directed these changes over the last four elections?

If you love our country, and that love for our country is greater than your hatred of our President, I implore you to engage in a civil discussion with your fellow citizens. That is what true democracy looks like.

OUR CONSTITUTIONAL SYSTEM OF CHECKS AND BALANCES

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

Mr. DESANTIS. Mr. Speaker, the Founding Fathers believed that our constitutional system of checks and balances and separation of powers were the people's primary protection for their liberty, and they saw the usurpation of authority by a single branch to be dangerous to the constitutional system.

Now, there has been a focus this weekend on Presidential tweets regarding the courts, and I think this deserves attention. My view is that the President's broadsides against the courts will likely hurt the government's case on appeal, and were, therefore, counterproductive. I would advise to focus on substance rather than on general broadsides.

But I think it is also important to point out and to criticize the substance of the decision that was made by the Federal court in Seattle because that decision represented a departure from the judicial role. The judge in that case exercised his political will, not his legal judgment, which is the antithesis of how Alexander Hamilton described the proper role of the courts in the Federalist Papers.

The judge there—if you read the opinion, it is a cursory opinion—didn't even attempt to wrestle with the law at issue in the President's executive actions on immigration. The reason why that is important is because the law is very, very clear.

This Congress has enacted a statute, section 1182(f) of the immigration laws that says that the President has the authority to suspend entry of foreign nationals when the President finds that entry would be detrimental to the interests of the U.S. And so that is what was cited. That provision of the law has not been questioned in over 60 years.

The court in Seattle, though, questioned effectively the wisdom of the executive order, not really the legality. And there was a part of the oral argument before the judge issued his temporary retraining order where he said that there hasn't been any terrorism from any foreign national from any of the seven countries that were enumerated from the visa suspension. It is Iran, Iraq, Syria, Somalia, Libya, Sudan. And he said confidently that that had not happened.

Well, that is not true. If you look at just recently, you had the attacker in St. Cloud, Minnesota, September 2016, who was a Somali refugee. You have the Ohio State attacker. That was just 2½ months ago. He was running people over on campus and wielding a butcher knife going after people. He was a refugee from Somalia.

You had the two Iraqi refugees arrested in Bowling Green, Kentucky. They came as refugees, even though they had been active in fighting and in killing American soldiers and Marines in Iraq.

You also have the case, the Federal case in Houston last year with the conviction of Omar Faraj Saeed Al Hardan. He came as a refugee from Iraq and did get a green card, but he was convicted of material support to ISIS for trying to bomb the shopping malls in Houston, Texas.

So you have this judge who is ignoring the law, ignoring what Congress has enacted, ignoring the President's authority, substituting his own policy

judgment, and he is not even right on the facts; doesn't even really know what he is talking about.

Here's the thing, also. Whether there have been attacks or arrests from these countries really is not even relevant to the law at stake. I mean, Bush could have suspended immigration from Saudi Arabia and Egypt in January 2001. People would have been like: Why are you doing that? What's going on?

Well, eventually, obviously you had foreign nationals from that country commit the 9/11 attacks.

The key is, debate the wisdom of the President's policies. That is totally fine, and people are going to have their views on it. But we should not sit here and act like it is normal for a judge to exercise authority to overrule the Congress and the President, when the law is clear, and when you are dealing with an area, in terms of the entry of foreign nationals, that really centers on the national security interests that both the Congress and the President possess.

So our constitutional system requires that the branches exercise the authority properly delegated to them. When the branch, any branch—Congress, the President, or the courts—departs from their proper roles, that is something that we should acknowledge, and that is something that we should be concerned with.

I have no confidence that the Ninth Circuit is going to reverse it, but I do think that this judge overstepped the judicial role and was, effectively, legislating from the bench. That, ultimately, is not good for the constitutional system and, by extension, the people's liberties.

LET OUR STUDENTS AND TEACHERS SUCCEED

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to speak about some significant changes for our education system that will help reestablish local control for our States, for our educators, and, above all else, for our students.

The Every Student Succeeds Act, or the ESSA, was passed in December of 2015, with overwhelming bipartisan support in the House and the Senate. This bill took unilateral power over the public school system away from the Secretary of Education in Washington and gave it back to the States and the local education agencies. This change allowed States to develop their own accountability systems with which to measure the success of their schools and educators.

However, the final guidance on this law issued by the Obama administration, in November of 2016, contained a number of provisions that significantly expanded the law's requirements and violated the statute's prohibition

against overreach by the Secretary. Essentially, this action ignored congressional intent by attempting to constrain State decisionmaking.

Mr. Speaker, the very intent of ESSA is to encourage flexibility and innovation in education, not stifle it. This landmark legislation is meant to prepare students for the 21st century economy, empower parents to get out of the bleachers and back into the classrooms, and to allow our dedicated educators to teach and inspire future generations.

ESSA moved the Federal Government out of the way and gave our educators flexibility to forget about the "teach to the test" environment that had become commonplace in our public schools. Teachers were, again, allowed to truly teach and not merely focus on meeting the demands of the Federal Government. Education should serve the needs of our youth, our children, not the needs of government.

This happened by taking unprecedented steps to rein in the unilateral power of the United States Secretary of Education and give it back to the States and local education agencies. It prohibited the Secretary from adding new requirements to State education plans, being involved in the peer-review process, and exceeding his or her statutory authority. It also allows school districts to gradually disentangle themselves from Common Core without penalty.

Mr. Speaker, what we know is that one-size-fits-all options do not work. ESSA was passed with the promise that the Education Department's role would be limited, and that States would be back in control of education decisions. It is critically important that Congress keep this promise, and that over-regulation will not continue to negatively impact our Nation's teachers and our students.

That is why I support the Congressional Review Act resolution in the House today that disapproves of the Obama administration's requirements that significantly expanded the Department of Education's purview regarding accountability and State plans under the Every Student Succeeds Act.

This Congress must ensure ESSA is enacted as it was intended and be stripped of any provisions that expand the reach of the Secretary of Education.

Now, I am looking forward to going back to the original intent of this bipartisan bill that was approved in both Chambers, and I want all of our children to love learning from passionate teachers who don't teach to a test, but they teach to the students. Our kids deserve no less.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.