

they reach out to their congressional Representative—who has done an outstanding job, I might add. Congresswoman WALTERS immediately did that which is necessary to protect an American citizen. She contacted the necessary authorities, contacted the Secretary of State, contacted the Ambassador, wanted to know what his condition was, and wanted to know if he was in good health. She found out that he is okay, but has not been charged.

Mr. Speaker, we, in this country, understand that when one of us is being detained unjustly, every one of us has a responsibility to do what we can to get that person released. Any American being held is something that every American is concerned about.

Every Member of this House will take the position, I am confident, that an American being detained unjustly should be released immediately.

So I rise tonight, Mr. Speaker, on a mission of mercy asking the Government of Vietnam to release this American citizen. He has not been charged. He has no lawyer. He has friends and family who are waiting for his return.

He was there as a visitor seeing friends. This is something that he has done on previous occasions. I ask that he be released so that he may be returned to his family.

In this country, we protect our own. He is one of us, and we want him back. And we want him back right away.

I commend all of my colleagues for what they have said tonight, and we will shine additional light on this issue. We will not rest until he comes home where he belongs.

Mrs. MIMI WALTERS of California. Mr. Speaker, when I told Michael's family I would be hosting this Special Order, I asked if there was any message they wanted me to share on their behalf. I would now like to read a personal statement from the family.

□ 2100

Michael Phuong Nguyen has been unlawfully detained for over 60 days. He longs for the comfort of his family profoundly and deserves immediate attention to return to the United States.

Michael's wife and four children urgently and desperately appeal to all Members of Congress, right now, to take actions to bring Michael Nguyen back home to his family where he belongs. All four girls are experiencing heartfelt anxiety, affecting their school and emotional well-being. He plays a crucial role in his four daughter's livelihood and needs to be where his heart belongs, with his family.

Our prayers are with Michael Nguyen's family, and we want them to know we will do everything in our power to bring him home.

Again, I thank my colleagues for joining me this evening to support my constituent Michael Nguyen. We will not stop working until Michael is released and returned safely to his family.

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

ISSUES OF THE DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Mr. Speaker, I thank my friend and colleague, Congresswoman MIMI WALTERS, for her special order. It is a reminder again that Vietnam has not lived up to the agreement they made in Paris to end the Vietnam war.

They promised they would turn over remains. They promised they would give lists of our POWs and MIAs. They lied. They didn't do that. They still have that information.

In fact, there was one year I agreed with the national Chamber of Commerce's position on most everything, but I disagreed on a trade agreement with Vietnam because I could not vote to give some special deal to people who will not honor their agreements that lie about Americans dead and who were prisoners of war and missing in action and remains of which they know and have never disclosed.

This is one more reminder that one thing we can do in this House is show courage and say we are not dealing with countries, no special deals at all, with countries that harm Americans. We need to protect our own.

I am so glad that my colleagues on both sides of the aisle are calling attention to that fact, led by Congresswoman WALTERS. It is important to remember.

I hope and pray that we will do the right thing here in the House. I know the President has a heart for getting Americans back when they have been improperly detained, or, in some cases, when they have been properly detained, but especially if they are being mistreated. Vietnam needs to wake up. And this House, the Senate, and the President need to make abundantly clear to Vietnam that, economically, we are going to come after you. You better let our people go.

I also want to address a matter tonight. Having been a former judge, when I hear courageous judges stand up for the Constitution, or I read opinions wherein courageous, intelligent judges have taken a stand for the Constitution, it warms my heart. It inspires and encourages me.

I have heard many friends in the media who have given accolades to a Virginia Federal judge named T.S. Ellis—not T.S. Eliot, but T.S. Ellis—who is the judge who is handling the case involving Paul Manafort.

This is from a May 4 article by Jeff Mordock. It says: "A Virginia Federal judge Friday blasted prosecutors from the Office of Special Counsel Robert Mueller, demanding to know how decade-old bank and tax fraud allegations against former Trump campaign chairman Paul Manafort"—I think he was chair for about 100 days—"could relate to Russian election interference," which, of course, is 2016.

"'You don't really care about Mr. Manafort's bank fraud,' District Judge T.S. Ellis said during a morning hearing. Judge Ellis said prosecutors were interested in pressuring Mr. Manafort because he could provide information that would lead to President Donald Trump's 'prosecution or impeachment.'"

"At times, Judge Ellis appeared frustrated and even lost his temper with attorneys from Mr. Mueller's team. He grilled them on how allegations against Mr. Manafort for activities"—the copy I have ends there, but it says: "How does bank fraud in 2005 or 2006 have anything to do with coordination with the Russian Government?" Judge Ellis said. "What is really going on, it seems to me, is that this indictment is to put pressure on Mr. Manafort, but in and of itself has nothing to do with your appointment."

"Judge Ellis appeared to agree with the defense, but did not issue an immediate decision. He repeatedly barraged prosecutors about their authority to pursue decade-old charges against Mr. Manafort. At one point, Judge Ellis asked how the Manafort case differed from the FBI raid on President Trump's attorney Michael Cohen. The Cohen matter was referred by Mueller's team to prosecutors with the Southern District of New York for investigation and possible prosecution. In contrast, the Manafort case is being handled directly by Mr. Mueller's officer.

"He then appeared to guess the prosecutor's answer, saying the Cohen investigation did not 'further our core effort to get Trump.'"

"Later, Judge Ellis summarized prosecutor Michael Dreeben's argument as, 'We said what this investigation was about, but we are not bound by it, and we were lying.' He then looked at Mr. Dreeben and said, 'C'mon man,' referencing a catchphrase from ESPN's NFL pregame show."

Further down: "At issue in the memo is the definition of 'arise.' The order gives the special counsel the authority to investigate any matters that 'may arise directly from the investigation.' But prosecutors admitted Friday that the Manafort probe had been ongoing by the Department of Justice before Mr. Mueller was appointed special counsel. Mr. Dreeben said the charges against Mr. Manafort came because they had to 'follow the money' to discover Mr. Manafort's financial records and ties to Russia through his lobbying work in the Ukraine. The comments provoked a sharp rebuke from Judge Ellis. 'It didn't lead to that,' he said of the Manafort charges and Russia probe. 'It was given to you by the Department of Justice.'"

Well, that sounds like a courageous judge, Judge T.S. Ellis. It sounds like a judge who calls them as he sees them. But, as the saying goes, where the rubber meets the road, his courage, his constitutional conviction, took a back seat to convenience.

So he got accolades for calling out the Mueller investigation for exactly

what it is. It is unconstitutional. Mueller has taken an investigation. He was not appointed by the President. He was not appointed by the Attorney General. He was picked by the same guy who was involved in the Russia investigation of Russia's effort to get uranium. He hired another lawyer named Weissmann who was involved in that investigation. They have all kinds of ties together. They have all kinds of reasons to cover for each other.

But the fact that Rosenstein is Deputy Attorney General, the fact that he wrote a memo saying fire Comey and the President acts on that memo and fires Comey based on Rosenstein's recommendation, or with his recommendation, and then Rosenstein uses the President's action in accordance with Rosenstein's memo to say that probably was obstructing justice, we need a special counsel. Are you kidding me?

There has been a failure of justice and of the justice system. Federal District Judge T.S. Ellis saw that, and he commented on it. When he had the chance to use the Constitution and say enough already, justice has run amok, and Paul Manafort, probably guilty of some of the things charged here, if not all of them, but you are not the one authorized to prosecute.

The DOJ already had this investigation. It did not arise because of the special counsel. But the special counsel took it over, showing, again, his lack of integrity, as well as that of Mr. Weissmann. They had limitless, basically, authority given to them, which is unconstitutional.

And Judge Ellis, in his opinion, where he ran away from his courageous words in May, said, in part, in his opinion, "The intended purpose"—and he does a good account of the 1978 law creating special counsels.

He said, "The intended purpose of the 1978 act was to create a mechanism for the investigation and prosecution of high-ranking government officials.

"In 1988, the Supreme Court upheld the constitutionality of the 1978 act despite substantial separation of powers challenges," which, by the way, just because one Supreme Court says one thing, they are not 100 percent right all the time. That is why they reverse themselves frequently.

But, as he pointed out, "Congress reauthorized the 1978 act for the final time in 1994. It is important to note that despite the fact that Morrison"—the case that took this up—"was decided 7-1, Justice Scalia's dissent presented a compelling and powerful argument against the constitutionality of the 1978 act. Beginning with an eloquent description of the Founders' motivations in enshrining separation of powers principles in the Constitution, Justice Scalia's dissent went on to describe the ways in which the 1978 act infringed upon executive power."

And this is from that dissent from Justice Scalia, a great man, a funny guy, a great sense of humor, but bril-

liant intellect, and I miss him very much. Justice Scalia said the independent counsel's investigation was commenced, not necessarily because the President or his authorized subordinates believe it is in the interest of the United States, in the sense that it warrants the diversion of resources from other efforts and is worth the cost in money and in possible damage to other governmental interests, and not even, leaving aside those normally considered factors, because the President or his authorized subordinates necessarily believe that an investigation is likely to unearth a violation worth prosecuting, but only because the Attorney General cannot affirm, as Congress demands, that there are no reasonable grounds to believe that further investigation is warranted.

□ 2115

The decisions regarding the scope of that further investigation, its duration, and, finally, whether or not prosecution should ensue are, likewise, beyond the control of the President and his subordinates.

But he goes on, quoting Justice Scalia: "If to describe this case is not to decide it, the concept of a government of separate and coordinate powers no longer has meaning" because "it is ultimately irrelevant how much the statute reduces Presidential control."

Of course, any impingement on Presidential control over the executive branch was unconstitutional. Justice Scalia also noted significant appointments clause problems with the '78 act, arguing the independent counsel was not an inferior officer because neither the President nor the Attorney General could remove the independent counsel.

Ultimately, however, Chief Justice Rehnquist and the other Justices involved in the case were not of the same mind as Justice Scalia. The Court ruled seven to one that the '78 act passed constitutional muster, even though I would submit, parenthetically, it really didn't, but including the appointments clause.

In 1999, through a bipartisan consensus, Congress agreed to allow the '94 Reauthorization Act to expire. Lawmakers at that time concluded the '94 Reauthorization was seriously flawed in several important respects, as experience had shown.

Both Republicans and Democrats had come to the conclusion that, in practice, the 1994 Reauthorization Act and its predecessors had become more often a political weapon to be unleashed in the ongoing—indeed, escalating—culture wars, than a tool for ferreting out and prosecuting crimes ostensibly committed by high-ranking government officials.

Later, in '99, the DOJ, acting pursuant to distinct statutory authority, promulgated regulations "to replace the procedures set out in the Independent Counsel Reauthorization Act of 1994."

Thus, to provide a special counsel with a large budget and tell him or her

to find crimes allows a special counsel to pursue his or her targets without the usual time and budget constraints facing ordinary prosecutors, encouraging substantial elements of the public to conclude that the special counsel is being deployed as a political weapon.

Furthermore, although the regulations required the Attorney General to provide a special counsel with a factual statement of the matters to be investigated, notably missing from the regulation is any requirement the Attorney General specify any particular crime or statutes that are believed to have been violated.

He goes on in his opinion, I think, 31 pages, but he also comments, given the investigation's focus—he is talking about Mueller's—on President Trump's campaign, even a blind person can see that the true target of the special counsel investigation was President Trump, not the defendant.

Further, he says the wisdom of allowing all links between individuals associated with President Trump's campaign and the Russian Government to be subject to investigation, irrespective of how stale those connections might be, is seriously in doubt.

Nevertheless, he says that the grant of investigatory authority is written broadly and does capture the connections at issue in this case, which Judge Ellison already talked about. It was too broad.

When you look at the people Mueller has hired, not content to have hired what, 17 lawyers—two of them left recently, as I understand it—he went looking for somebody else who hated Trump as much as he did and Weissmann did and was successful. Apparently, the two who left didn't hate the President as much as Mueller wanted them to, which is one of the flaws in having someone so unaccountable—unaccountable because they answer to a man who is in—well, it is an old word where I come from—caboots with Mueller, Weissmann, and the original Russia investigation that let Russia end up with 20-plus percent of our uranium, knowing they were acquiring it illegally.

The Obama council on foreign investments in the U.S. voted to let them go, well, sure, because Mueller, Rosenstein, and Weissmann made sure that their guy behind the scenes wasn't talking. They kept the information quiet about Russia's illegal actions, and, gee, that ended up leading to \$145 million in contributions to the Clinton Foundation. A lot of money changed hands. Pay to play, some people call it.

We know for certain that Hillary Clinton's private server was hacked, and the fact that the current FBI Director, Director Wray, would allow a statement to go out last week fraudulently deceptive says the FBI has not cleaned itself up yet. Yes, there have been some people fired, some people demoted, and some people moved over, but it is still fraudulently deceptive and dishonoring the hard, honest work

of thousands and thousands of FBI agents across this country.

The intel community Inspector General and his investigators learned that Hillary Clinton's private server was, in fact, 100 percent certainty, hacked. It was reported by Richard Pollock.

I know who hacked, I know where the information went, and I can't dispute what Richard Pollock wrote last week. He said that Chinese intel were getting every one of Hillary Clinton's messages, including some of our most sensitive classified information.

Now, I didn't remember the story from November 6 of 2016, but I saw it recently, and it pointed out that Hillary Clinton was not only exposing our Nation's secrets and those who worked secretly for our Federal Government around the world; she was exposing people to extreme danger and potential loss of life through her unsecured, illegal, and, it turns out, criminal use of that server, not to mention the obstruction of justice when she got a subpoena and had the information sought destroyed.

But the good thing for her was that her friends controlled the Justice Department. They hated Donald Trump, and they were going to do everything they could to help her get elected. That is why I knew Peter Strzok was lying when I asked him about the investigator of the intel community, IG Frank Rucker, coming to him and Dean Chapelle and telling them: We now know for certain China has hacked all of Hillary Clinton's emails coming in and going out and gave them specifics.

We know Peter Strzok. We know from his texts from all he was doing, he was doing everything he could to protect Hillary Clinton from criminal prosecution and to help her defeat whoever the Republican would be, and especially Donald Trump. So it was certainly a lie when he says: Yeah, I remember Frank Rucker coming over and briefing; I don't remember what he briefed about.

He does remember what he briefed about because, when he heard those searing words that Hillary Clinton's server has been, for certain, hacked, he knew there was a problem, and he covered it up.

It takes courage to clean up a dirty justice system, especially when the dirt is at the very top. I was broken-hearted to read the words in Judge Ellis' opinion, a man who is clearly very intelligent, stays on top of the law, saw wrongdoing, saw impropriety, and I would compare him—I am tempted to compare him, but I won't compare him to Pontius Pilate because then some liberal would say: That means Gohmert is saying Manafort is Jesus, and I certainly am never going to say that.

I know Jesus. Jesus is a friend of mine. He is my savior, and I can promise you, Paul Manafort is no Jesus.

But the action of a judge saying "I see a problem with your prosecution

here" and then refusing to use the power within his control to right the wrongdoing of a justice system, and in this case the unconstitutionality, defies the judge's own words when he says:

Let us hope the people in charge of this prosecution, including the special counsel and the Assistant Attorney General, are such people.

Because just before, he had said:

The case is a reminder, ultimately, that our system of checks and balances and limitations on each branch's powers, although exquisitely designed, ultimately works only if people of virtue, sensitivity, courage, not affected by the winds of public opinion, choose to work within the confines of the law.

Then he says:

Let us hope the people in charge of the prosecution, including the special counsel and the Assistant Attorney General, are such people.

I can tell you, Mr. Speaker, they are not.

The judge says:

Although this case shall continue.

That is heartbreaking. The former judge and Chief Justice, you want people who are in judicial positions to have the courage to do the right thing. These people in charge of a runaway prosecution are attempting to commit a coup d'etat. They are engaged in a civil war to take down a President, the origins of which operation were fraudulent and were paid for by Hillary Clinton and the Democratic Party.

What has happened to the Department of Justice at the top and the FBI at the top is heartbreaking to people who have spent their lives dedicated to truth, justice, and our American constitution.

It turns out Judge Ellis—brilliant, knowing—intentionally walked away from his responsibility and did not show himself to be a person of virtue, sensitivity, and courage not affected by the winds of public opinion. That is a tragedy.

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

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 29 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, September 5, 2018, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6094. A letter from the Director, Office of Management and Budget, Executive Office of The President, transmitting the Office's Sequestration Update Report to the President and Congress for Fiscal Year 2019, pursuant to 2 U.S.C. 904(e); Public Law 99-177, Sec.

254(e) (as amended Public Law 112-25, Sec. 103); (125 Stat. 246); to the Committee on Appropriations.

6095. A letter from the Counsel, Legal Division, Bureau of Consumer Financial Protection, transmitting the Bureau's final rule — Amendment to the Annual Privacy Notice Requirement Under the Gramm-Leach-Bliley Act (Regulation P) [Docket No.: CFPB-2016-0032] (RIN: 3170-AA60) received August 30, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

6096. A letter from the Assistant Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Disclosure Update and Simplification [Release No.: 33-10532; 34-83875; IC-33203; File No.: S7-15-16] (RIN: 3235-AL82) received August 23, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

6097. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Amendments to Municipal Securities Disclosure [Release No.: 34-83885; File No.: S7-01-17] (RIN: 3235-AL97) received August 23, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

6098. A letter from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting the FY 2017 Report on the Preventive Medicine and Public Health Training Grant Program, pursuant to 42 U.S.C. 295c(d); July 1, 1944, ch. 373, title VII, Sec. 768(d) (as amended by Public Law 111-148, Sec. 10501(m)); (124 Stat. 1002); to the Committee on Energy and Commerce.

6099. A letter from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting the Report on the Tenth Review of the Backlog of Post-marketing Requirements and Commitments, pursuant to 21 U.S.C. 355(k)(5)(B); June 25, 1938, ch. 675, Sec. 505(k)(5)(B) (as added by Public Law 110-85, Sec. 921); (121 Stat. 962); to the Committee on Energy and Commerce.

6100. A letter from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting the FY 2017 Report to Congress on the Nurse Education, Practice, Quality and Retention Programs, pursuant to 42 U.S.C. 296p-1(e); July 1, 1944, ch. 373, title VIII, Sec. 831A(e) (as amended by Public Law 111-148, Sec. 5309(b)); (124 Stat. 630); to the Committee on Energy and Commerce.

6101. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — LPTV, TV Translator, and FM Broadcast Station Reimbursement [MB Docket No.: 18-214]; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions [GN Docket No.: 12-268] received August 27, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6102. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001, pursuant to 50 U.S.C. 1641(c); Public Law 94-412, Sec. 401(c); (90 Stat. 1257) and 50 U.S.C. 1703(c); Public Law 95-223, Sec. 204(c); (91 Stat. 1627); to the Committee on Foreign Affairs.

6103. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Libya that was declared in Executive Order 13566 of February 25, 2011, pursuant to 50 U.S.C. 1641(c); Public