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2 MARKUP OF H.R. 660, THE "COURT SECURITY
3 IMPROVEMENT ACT OF 2007"; H.R. 923, THE
4 "EMMETT TILL UNSOLVED CIVIL RIGHTS CRIME
5 ACT"; H.R. 2286, THE "BAIL BOND FAIRNESS
6 ACT OF 2007"; AND RATIFICATION OF
7 IMMIGRATION RULES OF PROCEDURE AND
8 STATEMENT OF POLICY FOR PRIVATE
9 IMMIGRATION BILLS AND RULES OF PROCEDURE
10 FOR PRIVATE CLAIMS BILLS
11 Wednesday, June 13, 2007
12 House of Representatives,
13 Committee on the Judiciary,
14 Washington, D.C.

15 The committee met, pursuant to call, at 11:39 a.m., in Room

16 2141, Rayburn House Office Building, Hon. John Conyers

17 [chairman of the committee] presiding.

18 Present: Representatives Conyers, Berman, Nadler,
19 Scott, Watt, Lofgren, Jackson Lee, Waters, Delahunt, Wexler,
20 Sanchez, Cohen, Johnson, Sherman, Schiff, Davis, Wasserman
21 Schultz, Ellison, Baldwin, Smith, Coble, Gallegly, Goodlatte,
22 Chabot, Lungren, Keller, Issa, Pence, Forbes, King, Feeney,
23 Franks, Gohmert, and Jordan.

24 Staff present: Perry Apelbaum, Staff Director and Chief
25 Counsel; Joseph Gibson, Minority General Counsel; George
26 Slover, Parliamentarian; and Anita Johnson, Clerk.

27 Chairman Conyers. [Presiding.] Good morning. The
28 committee will come to order.

29 The House adjourned last night at 2:00 a.m. on June
30 13th, and here we are at 11:40 a.m. on June 13th, back at it.
31 So we will expect everyone to be wide-eyed and alert.

32 Without objection, the chair is authorized to declare a
33 recess of the committee.

34 Ladies and gentlemen, we begin with H.R. 923, the
35 "Emmett Till Unsolved Civil Rights Crime Act." I call it up
36 and ask the clerk to report the bill.

37 Sorry, I didn't tell you we were changing the order.

38 The Clerk. "H.R. 923. This Act may be cited as the
39 'Emmett Till Unsolved Civil Rights Act of 2007.' Section
40 two—"

41 [The bill follows:]

42 ***** INSERT *****

43 Chairman Conyers. Without objection, the bill will be
44 considered as read and open to amendment at any point.

45 May I begin by saying that for those of us who lived
46 during the civil rights era, it was one of the most
47 turbulent, exciting, tragic, beautiful moments in the history
48 of our nation. Race has always been a very significant issue
49 in the formation of our country, going back to the 18th
50 century.

51 Yesterday's hearing on this subject, chaired by two
52 subcommittee chairmen, Chairman Nadler and Chairman Scott,
53 was an amazing experience for all of us. We reviewed the
54 fact that simply for acting on their ideals and on the tenets
55 found in the Constitution, many people, young and old, black
56 and white, were attacked and sometimes murdered during the
57 troubled times from which we have moved away from in the
58 course of making democracy and the several amendments work.

59 Now, state and local law enforcement officers were
60 frequently found to be in collusion with the perpetrators of
61 anti-civil rights violence. There was a great deal of
62 discussion.

63 I don't see the gentleman from Iowa here, Steve King.
64 He is here. He and I were jointly moved at different parts
65 about the incredible testimony that came from these two
66 subcommittees that have brought this bill forward today.

67 Attempts at justice were often unsuccessful, and jury

68 nullification or tampering by racist citizens councils
69 occurred with great frequency. For the families of the
70 victims, they suffered just like the victims themselves, and
71 their memories are still vivid about what we went through.
72 Just recently, yesterday marked the 44th anniversary of the
73 Medgar Evers assassination. His widow poignantly spoke of
74 her feelings and his accomplishments at the joint hearings
75 before the Constitution Subcommittee and the Crime
76 Subcommittee.

77 And so we have before us today, members of the full
78 committee, a bill that serves as not just a reminder of the
79 most infamous atrocities of this period, one of which was of
80 course Emmett Till, a 14-year-old boy from Chicago who went
81 to Mississippi and was later found murdered and tortured.
82 The accused killers were tried, but were acquitted, and
83 notably a recent attempt to obtain a federal indictment in
84 this case has also been unsuccessful.

85 So what this measure before us, H.R. 923, does is
86 respond to this painful history by providing critical tools
87 to help bring the murderers and others civil rights violators
88 to justice. It is an incredibly important piece of
89 legislation because it helps us bring to a conclusion many of
90 the cases that were unsolved. There are many that will never
91 be solved. Time has taken its toll on the efficacy of the
92 justice system, and I commend the members that are here

93 today.

94 I now turn to the ranking member of the House Judiciary
95 Committee, Lamar Smith, who was with us yesterday as well.

96 Mr. Smith. Thank you, Mr. Chairman.

97 In 1955, 14-year-old Emmett Till was kidnapped and
98 brutally murdered outside a small town in Mississippi simply
99 because he whistled at a white woman. His killers, who later
100 confessed to the murder, were acquitted of the crime just 4
101 weeks later. It is hard to imagine a greater travesty of
102 justice.

103 In 2004, the Justice Department announced a partnership
104 with state and local law enforcement officials to investigate
105 the Emmett Till murder. Although prosecutors were unable to
106 secure an indictment in the Till case, the department has
107 successfully prosecuted or assisted with the prosecutions of
108 several other unsolved civil rights-era murders.

109 These include the 2001 conviction of Thomas Blanton and
110 Bobby Frank Cherry for a 1963 church bombing in Birmingham,
111 Alabama; the 2003 conviction of Ernest Alvants for the 1966
112 murder of Ben Chester White; and the 2005 conviction of Edgar
113 Ray Killen for his role in the deaths of three civil rights
114 workers in Mississippi in 1964.

115 Mr. Chairman, as we consider this legislation today,
116 former Klansman James Ford Seale is on trial in Mississippi
117 for federal kidnapping and conspiracy charges stemming from

118 the 1964 murders to 19-year-old Charlie Eddie Moore and Henry
119 Hezekiah Dee. In 2006, the Federal Bureau of Investigation
120 launched a civil rights cold case initiative to identify
121 unsolved civil rights-era homicides and determine whether
122 federal or state prosecution is still possible.

123 The bureau identified roughly 100 cases and has now
124 joined with the NAACP, the Southern Poverty Law Center, and
125 the National Urban League to uncover other such cases,
126 identify witnesses, and gather evidence.

127 H.R. 923, the "Emmett Till Unsolved Civil Rights Crime
128 Act of 2007," provides much-needed resources to the
129 department and the FBI to prosecute these cases. Of course,
130 I urge my colleagues to join all of us in supporting this
131 bill.

132 Mr. Chairman, I yield back the balance of my time.

133 Chairman Conyers. I thank the gentleman.

134 The chair is going to recognize the two subcommittee
135 members to split their time and the two ranking subcommittee
136 members to split their time.

137 So we will begin with the Constitution Subcommittee
138 Chairman Jerry Nadler.

139 Mr. Nadler. I thank the chairman. I won't take up all
140 my time.

141 Suffice it to say that it was a disgrace for this
142 country that for decades these kinds of murders and lynchings

143 proceeded; that a whole population, the African-American
144 population of the South and some other places in this country
145 were subjugated through the use of what can only be called
146 systematic terrorism.

147 For decades, anti-lynching legislation foundered in the
148 United States Senate, and people got away with this.
149 Finally, strong legislation passed in the 1960s. This era
150 came to an end, but meanwhile there were many murders in
151 which all-white juries, in which police were in collaboration
152 with murderers and with judges in collaboration with
153 murderers, let murderers get away with this.

154 Many of these people, some of the people who committed
155 murders and other dastardly crimes have never been brought to
156 justice and some of them are still alive today. Now, some of
157 these cases have been reopened with successful prosecutions,
158 to the great credit of the people who brought those
159 prosecutions, but time is passing. These things happened in
160 the 1950s and 1960s, and in the most recent decades the time
161 for justice is rapidly passing.

162 This bill, by providing \$11.5 million and some other
163 ways for the federal government to assist state and local
164 governments in bringing these prosecutions for the next 10
165 years will begin to bring some healing, some closure and some
166 justice to an area where there was no justice. This is the
167 least we can do.

168 I want to express my appreciation to Mr. Lewis, not only
169 for all his heroic actions over the decades, but for bringing
170 this bill in particular, and to the chairman of the committee
171 and the members of the committee for reporting this bill, as
172 I hope the bill will be reported shortly.

173 I thank you, and I yield back.

174 Chairman Conyers. Thank you, Mr. Nadler.

175 Mr. Scott, chairman of the Crime Committee.

176 Mr. Scott. Thank you, Mr. Chairman, for holding today's
177 markup on this important bill.

178 We held a very successful hearing on the bill yesterday
179 when we heard from six excellent witnesses, including Myrlie
180 Evers-Williams and Rita Schwerner Bender. Members of the Ku
181 Klux Klan assassinated their husbands, Medgar Evers on June
182 12, 1963, and Michael Schwerner on June 21, 1964, because of
183 the important civil rights work they were doing in
184 Mississippi. In both cases, it took government authorities
185 decades before their killers were convicted of those brutal
186 crimes.

187 There are dozens of cases like these, some that have
188 never been acknowledged, investigated or prosecuted. Indeed,
189 we don't even know how many people were murdered during the
190 1950s and 1960s. Retaliation was so common that many
191 families didn't dare report their loved ones had been
192 murdered. The FBI has identified more than 100 cold cases

193 that should be investigated, and when possible, charges
194 should be brought against the accused killers.

195 The "Emmett Till Unsolved Civil Rights Act of 2007"
196 enjoys broad bipartisan and bicameral support. I support the
197 adoption of the bill because it will hold the Department of
198 Justice and FBI accountable for following through on these
199 investigations and prosecutions. The act requires the
200 attorney general to appoint one ranking employee in each
201 agency to be accountable for this work.

202 The bill also requires the Department of Justice to
203 report to Congress annually on the progress that has been
204 made to solving these cases. The first report is due 6
205 months after the bill becomes law. Lastly, the bill
206 authorizes funds to the Department of Justice and FBI, and
207 when appropriate state and local law enforcement agencies, to
208 investigate and prosecute these cases.

209 The FBI has already made a start investigating these
210 cases when it kicked off its cold cases campaign in February
211 2006. It expanded on this campaign in February of this year
212 when it solicited assistance from major civil rights
213 organizations. However, yesterday's hearing demonstrated
214 that there is still more work that needs to be done, and that
215 federal resources are necessary to do it.

216 This bill will provide those necessary resources, so I
217 urge my colleagues to support this important bill.

218 And I yield back the balance of my time.

219 Chairman Conyers. Thank you, Mr. Scott.

220 The ranking member of the Subcommittee on the
221 Constitution, Mr. Trent Franks of Arizona.

222 Mr. Franks. Thank you, Mr. Chairman. And thank you,
223 Mr. Chairman, just for making this happen here today. I also
224 want to thank Chairman Nadler and Chairman Scott for their
225 dedication to this important legislation.

226 Mr. Chairman, the Constitution and Crime Subcommittees
227 yesterday held a joint legislative hearing on H.R. 923, the
228 "Emmett Till Unsolved Civil Rights Crime Act of 2007." We
229 had the honor to hear from a panel of distinguished
230 witnesses, including Mrs. Myrlie Evers-Williams, the widow of
231 the slain civil rights leader Medgar Evers; and Ms. Rita
232 Schwerner Bender, widow of civil rights activist Michael
233 Schwerner.

234 It is fitting that the committee report this bill today,
235 since yesterday marked the 44th anniversary of Medgar Evers'
236 murder. Before his death, Medgar Evers was a primary, though
237 unofficial, investigator of the Emmett Till murder. Mrs.
238 Evers-Williams and Mrs. Bender were very credible advocates
239 for prosecuting unsolved civil rights-era murders, I believe,
240 in our committee yesterday.

241 They are also two of the fortunate few who finally
242 received justice. Byron De La Beckwith, suspected of

243 shooting Medgar Evers in his driveway as he returned from an
244 NAACP function, was twice tried in the state of Mississippi
245 and both times the trial ended with hung juries. But after a
246 third trial in 1994, Beckwith was convicted and sentenced to
247 life in prison, 31 years after Evers' murder.

248 H.R. 923 is critical for the families that have yet to
249 receive justice. Yesterday, the Constitution Subcommittee
250 adopted a bipartisan substitute amendment offered by Chairman
251 Nadler to provide additional funds for the investigation and
252 prosecution of these unsolved civil rights-era murders. I
253 believe this is a tremendous step forward.

254 The Department of Justice and the FBI are currently
255 working with state and local officials to investigate and
256 prosecute these crimes. To date, the FBI has identified
257 nearly 100 outstanding cases that still need to be assessed.
258 The additional resources authorized by this legislation, I
259 hope, will help the FBI complete this task. For this and
260 these cases, time is of the very essence, Mr. Chairman.

261 Mr. Chairman, many years ago, Hubert Humphrey said a
262 society is measured by how it treats those in the dawn of
263 life, those in the shadows of life and those in the twilight
264 of life. I believe that every generation seems to be faced
265 with a situation much like we are faced today. I am very
266 pleased that this committee has responded as it has, and I
267 hope that in the future we effect this in all areas of trying

268 to protect all of God's children.

269 With that, I yield back, Mr. Chairman.

270 Chairman Conyers. I thank you so much.

271 The chair recognizes the subcommittee ranking member of
272 Crime, Randy Forbes, the gentleman from Virginia.

273 Mr. Forbes. Thank you, Mr. Chairman.

274 Mr. Chairman, as Constitution Ranking Member Trent
275 Franks noted, it is important that Congress adopt this
276 legislation as quickly as possible, since 30 to 40 years have
277 passed since many of these murders were committed. Under
278 normal circumstances, trying a murder case is difficult and
279 costly. Add to that the loss or destruction of evidence,
280 witnesses who have died or are unavailable, and numerous
281 procedural hurdles, and it only increases the difficulty and
282 cost of prosecuting these crimes.

283 But law enforcement officers and prosecutors are
284 continuing to pursue these cases, and I applaud their
285 efforts. Most of these cases, if viable, will lack the
286 requisite federal nexus for prosecution by the Department of
287 Justice. Yet the department and the FBI are able to provide
288 valuable assistance to state prosecutors in their
289 investigation. The "Emmett Till Unsolved Civil Rights Crime
290 Act" provides additional resources to fully assess these
291 cases and bring the offenders to justice.

292 I urge my colleagues to support this bill.

293 Mr. Chairman, I yield back the balance of my time.

294 Chairman Conyers. I thank you very much.

295 The chair is going to recognize just a few people for 2
296 minutes, starting with Steve King of Iowa.

297 Mr. King. Thank you, Mr. Chairman. I can't express how
298 much I appreciate the hearing yesterday and this bill coming
299 before this committee.

300 In my time here in Congress, which is into my 5th year,
301 and including my time in the state legislature, I have never
302 heard a panel of witnesses that were so compelling as the
303 panel that was put together yesterday.

304 I watched the lights—

305 Chairman Conyers. If the gentleman will yield for a
306 second?

307 Mr. King. I will yield.

308 Chairman Conyers. I had said that this is the most
309 powerful hearing that I have ever heard of a collective
310 panel. We have had individually powerful witnesses down
311 through the years, but together those five people made the
312 same kind of impression on me that it made on you.

313 And I thank the gentleman for yielding.

314 Mr. King. I thank the chairman. And given your
315 seniority here in this Congress, that covers a broad swath of
316 witnesses. I appreciate that.

317 As I listened to this testimony, I am going to confess

318 that I came in here without a feel for what was going to come
319 before the hearing yesterday. As I read through the
320 testimony while the witnesses were testifying, I want to
321 especially thank all witnesses, but Rita Bender—very
322 compelling; Myrlie Evers-Williams, the widow of assassinated
323 Medgar Evers, was the most compelling.

324 She has a quiet strength and integrity in her that when
325 she spoke and the light would turn red, there was no one here
326 on this panel that looked over and wondered, "Are we going to
327 impose a 5-minute rule on Myrlie Evers-Williams," because
328 every word that came out of her mouth was moving, and it was
329 compelling, and it was important.

330 I think what it comes down to is this, that we had icons
331 of the civil rights movement before us here yesterday. I
332 believe that that era of America was actually, it turns out,
333 looking back on historically, however painful it was, it was
334 a glorious time that the people of America came together,
335 black and white, Republicans and Democrats, and rose up and
336 took the biggest step to correct a sin against this nation.

337 It will never be perfect. It is on an effort of
338 continuum, and that was part of the testimony here yesterday,
339 but we have taken a giant step together as a people.
340 Whenever we disagree on other policy, I think we need to
341 remember that as Americans we did something right and mostly
342 peacefully. There was a pain that was here with the

343 witnesses yesterday, and they will live with that their
344 lifetimes, but it has also given them the strength to provide
345 us inspiration.

346 I certainly support this bill, and again, I thank the
347 chairman for his attention to this and for bringing this bill
348 before this Congress.

349 I yield back.

350 Chairman Conyers. Thank you very much, Steve.

351 The chair recognizes one of our former U.S. attorneys
352 who knew and had worked with many of the witnesses, Artur
353 Davis of Alabama, for 2 minutes.

354 Mr. Davis. Thank you, Mr. Chairman. I know that you
355 want to move to a resolution on this bill as soon as
356 possible, so I will not take the full 2 minutes.

357 Let me just echo something that Mr. King said. A number
358 of us—the chair, Mr. King, Mr. Lungren and myself—were here
359 during most of the testimony that he alluded to that was so
360 powerful yesterday.

361 I hope the committee took one thing from that testimony,
362 that the region that I call home, the old Confederacy, the
363 old South, belongs to the history books. If we can figure
364 out a way to get the patterns and the thoughts and the
365 viewpoints of that era in the history books and not in
366 contemporary political life, we will be doing something.

367 So I thought yesterday's hearing was powerful because it

368 was consisting of simple, ordinary people who became
369 extraordinary because of the grace with which they bore a
370 tragedy in their lives. That was a profoundly inspiring
371 thing.

372 And the last thing I will say is this, is every now and
373 then a committee that can disagree and can have different
374 philosophical viewpoints. Yesterday was a time of consensus.
375 Yesterday was a time of emotional power because of what we
376 all feel about the transformative potential of this country.

377 So, Mr. Chairman, I thank you for conducting the hearing
378 and thank our colleagues on the other side of the aisle as
379 well.

380 Chairman Conyers. Thank you, Artur.

381 We have only one state chief law enforcement officer
382 from California, so that is Mr. Lungren.

383 Mr. Lungren. Thank you very much, Mr. Chairman.

384 One of the most powerful things about yesterday's
385 hearing was the affirmation of the fact that this is a very
386 different country today than it was 40 years ago. We have
387 our shortcomings, certainly. We have our scabs on our
388 national heritage, but if we don't sometimes pause to reflect
389 on the progress that has been made, it not only does a
390 disservice to those who suffered so much to make change, but
391 it doesn't give a lesson to those of the present that with
392 courage, with perseverance, with leadership, things can be

393 made better.

394 And yesterday, Medgar Evers' widow said this is a
395 different place than it was then, and she rejoiced in that,
396 even though she said we are not perfect. And when I asked
397 her how do we make this real to the young people of today,
398 she said we have to share our experiences. We have to
399 challenge the young people today to do better in the future
400 to make it a better place, but we also have to give them hope
401 that that can be done. All of those things came together in
402 yesterday's testimony.

403 Mr. Chairman, I have shared with you 13 years of service
404 on this committee. In our conversation yesterday, we both
405 remarked on how this was perhaps the most powerful, moving
406 testimony we had ever heard here as a panel. We have heard
407 powerful testimony from individuals, but as a collective
408 group, I am not sure we have ever heard such powerful
409 testimony to what can be done.

410 That courageous U.S. attorney actually took us through
411 the difficulties of prosecuting cases that are 30 and 40
412 years old, but gave us the reason to support this legislation
413 such that I came to the conclusion that this is now or never
414 legislation. If it not done now, the passage of time will
415 make it impossible to do it in the future.

416 We have lost some of the great leaders of the civil
417 rights revolution. Some of the people who should be

418 defendants before the bar of justice have gone on to another
419 bar of justice, but there are those who are still there. The
420 fact that they were able to advance into old age when they
421 cut short the lives of others ought not to be a reason that
422 they should not face the truth.

423 I thank you for bringing this bill up, but I thank you
424 particularly for the power of the testimony of the witness
425 group that you assembled yesterday. It was a privilege to be
426 here yesterday.

427 Thank you very much, Mr. Chairman.

428 Chairman Conyers. It was so moving.

429 From her days in the California Assembly up until the
430 present, Maxine Waters.

431 Ms. Waters. Thank you very much, Mr. Chairman.

432 It is not enough for me to simply say that I appreciate
433 you, as the chairman of this committee, and your long history
434 and your work in the civil rights movement. I am also very
435 appreciative for John Lewis, who has made his focus public
436 policy to help right some of the wrongs of the history of
437 this country based on his work in the civil rights movement.

438 Yesterday was extraordinary. I came in for a moment and
439 went back. I had to chair a committee in Financial Services.
440 I am the chair of the Subcommittee on Housing and Community
441 Opportunity. I did not have an opportunity to hear my friend
442 Myrlie Evers and her testimony.

443 She is indeed a friend. As you know, when she left the
444 South, she came to California, where we elected her chair one
445 year of the Democratic Party, and where she ran for office.
446 She was not successful, but she has been a woman who has
447 overcome the pain of the assassination of her husband in
448 remarkable ways, having raised her children, having gone on
449 to work in corporate America, and again, to participate in
450 party politics.

451 Let me just say, because I think I have never said it
452 before, I remember as vividly the announcement of what had
453 happened to Emmett Till as I can recall what happened to me
454 yesterday. As a teenager in St. Louis, Missouri, I will
455 never forget the kind of fear that was placed in all of the
456 young people in my neighborhood. Even today, I would never
457 drive through certain areas of this country, certainly not at
458 night, certainly not alone, and for the most part I would not
459 drive through. And that fear was placed in our hearts
460 perhaps never to be erased.

461 Sometimes people don't understand when you become very
462 passionate about certain issues. In this business that we
463 are in, you will get labeled. Sometimes people will think
464 that you are too aggressive about certain issues, or they
465 will claim that you are being divisive about certain issues.

466 But I think very few people, except those who are so
467 negatively impacted by some of the history of this country,

468 will never understand the scars that many people suffer
469 because of these incidents. Far beyond the families, far
470 beyond the friends, but children who witness and watch and
471 hear the stories of the elders about these incidents, never
472 forget it.

473 And so I am very pleased and proud that we have come to
474 a point in time in the history of this nation where we have
475 the growing diversity in legislative bodies that can produce
476 public policy to help heal some of the pain. Without
477 diversity in these legislative bodies, it would never happen.
478 It is so important for women and minorities to be involved so
479 that they can bring these experiences and share with their
480 colleagues in ways that will help to create laws and
481 regulations that would eliminate many of these kinds of
482 things forever.

483 So I am very appreciative and I am sitting here
484 examining some of that fear that I have maintained for years
485 about driving or going into certain areas, and perhaps, just
486 perhaps, because of the justice that I see unfolding, maybe I
487 will be able to overcome it someday.

488 I yield back the balance of my time.

489 Chairman Conyers. Thank you so much.

490 Finally, Steve Cohen of Tennessee.

491 Mr. Cohen. Thank you, Mr. Chairman.

492 The testimony yesterday was powerful, as was the

493 testimony we received about the incidents in Tulsa about a
494 month earlier. It is the history between Tulsa and the early
495 part of the previous century and what happened 40 or 50 years
496 ago are a continuum of what went on in this country during
497 the Jim Crow era, and people who were resistant to civil
498 rights and resistant to an America where all people were
499 included.

500 I think what Representative Waters said was important.
501 There are scars. There are problems with people and their
502 children and themselves, feelings that they have, that they
503 haven't gotten over. There are effects of Jim Crow and
504 slavery that are with us today. Our colleagues all
505 understand that and will witness to it. I hope they will
506 witness to their colleagues the effects and the scars that
507 exist today because of the institution of slavery and the Jim
508 Crow laws that followed it, and the effects they still have
509 on America.

510 All of these crimes were hate crimes. In the 1960s, a
511 lot of people felt that those should be prosecuted, and they
512 could only be prosecuted as state crimes. They weren't in
513 federal court. Many of the state officials were complicit
514 with the criminals, and that is why people weren't brought to
515 justice. It took federal intervention and continues to take
516 federal intervention to find the culprits and to bring about
517 justice.

518 These were hate crimes. I hope we will take what we
519 learned about the hate crimes of the 1960s and remember them
520 here in the 21st century where there are still hate crimes,
521 and understand the need for the federal government to be
522 involved.

523 Forty years from now, there will be members of this
524 committee who will look back upon this era and hate crimes
525 committed to people based not just on race, but also on
526 religious, also on sexual orientation and other hate crime
527 classifications, and they will say, yes, it was good the
528 federal government was involved; that was the only way to
529 bring about justice and make America come to the position it
530 needs to be as a place that is fair and open to all people.

531 Thank you, Mr. Chairman.

532 Chairman Conyers. I thank the members of this
533 committee. I have never been more proud of the collective
534 coming together to examine probably the most historic issue
535 that overhangs this country: the question of race. I think
536 it has been handled by the committee that is appropriately
537 set up to deal with these questions, constitutional and
538 otherwise.

539 Are there any amendments to H.R. 923?

540 Mr. Gohmert. Mr. Chairman?

541 Chairman Conyers. Yes? Who seeks recognition?

542 Yes, sir. Judge Gohmert is recognized.

543 Mr. Gohmert. Thank you, Mr. Chairman.

544 I move to strike the requisite number of words. I don't
545 have an amendment.

546 Chairman Conyers. The gentleman is recognized.

547 Mr. Gohmert. That I don't have an amendment—do you like
548 that part?

549 [Laughter.]

550 Chairman Conyers. Well, I was a little disappointed,
551 but—

552 [Laughter.]

553 Mr. Gohmert. The truth is, I am not into apologies by
554 future generations for past generations. I am not into
555 things like that, but in order to actually cure a hurt in a
556 society when there are crimes that have been left
557 uninvestigated, punishment has gone unfulfilled, and it
558 continues to leave a rift. So I am supporting this bill.

559 I think it is high time we committed the resources to
560 bring people to justice that committed these crimes. I think
561 it is a bad testimonial about our government and our society
562 that we have let them go on this long unpunished. So I do
563 appreciate the chairman's bill, and I do intend to vote for
564 it.

565 Thank you, Mr. Chairman. I yield back.

566 Chairman Conyers. Thank you so very much.

567 Mr. Cohen. Mr. Chairman, I move the committee rise.

568 Just a deja vu, that is all, a little joke, Mr. Chairman.

569 [Laughter.]

570 Mr. Gohmert. You got a rise out of me.

571 [Laughter.]

572 Chairman Conyers. The chair recognizes the gentleman
573 from North Carolina, Mel Watt.

574 Mr. Watt. Mr. Chairman, I move to strike the last word.

575 Chairman Conyers. The gentleman is recognized.

576 Mr. Watt. I will be brief. I was debating whether to
577 even say anything, but I think the convergence of what Judge
578 Gohmert said, what my good friend Artur Davis said, and what
579 my good friend and colleague Maxine Waters said, may provide
580 the context in which I could make a constructive statement
581 here.

582 First of all, in response to Judge Gohmert, we should be
583 clear that this is not about apologies. I am not much on
584 apologies either because I think it is a convenient way to
585 side-step responsibility. A number of these apologies that
586 have taken place, while I think they are sincere and
587 worthwhile, and I have supported them, I have never been in
588 the front of that movement as a means of redressing
589 historical wrongs that have occurred.

590 But it is true that this era had profound impacts on
591 people, as the story that was related to us by Maxine Waters
592 indicates. It is true that the old South is becoming a

593 different place. It is not there yet, as our nation is not
594 there yet. Dealing with these atrocities that took place
595 historically helps to move us forward to a place where we can
596 put this era in our history behind us.

597 So in that context, I will recall publicly, I think
598 probably for the first time, something that I recalled to
599 John Lewis privately, the only time that I ventured with John
600 Lewis on the reenactment of the civil rights pilgrimage. It
601 was the first time I had ever been to Alabama in my life. It
602 brought back a cascade of emotions for me that were
603 overpowering and I have not been back on the pilgrimage with
604 John Lewis since then because it was such an emotional
605 experience for me that I thought I didn't want to deal with
606 it anymore.

607 But the reason I had never been to Alabama before that
608 pilgrimage, despite the fact that I had gotten scholarship
609 offers to both Talladega and Tuskegee to attend college
610 there, was that in 1963 the last place on earth I would have
611 thought about going was to Alabama or Mississippi, even
612 though I was from North Carolina and North Carolina was not
613 substantially different. Alabama and Mississippi in those
614 days seemed like they were in another era, even from a place
615 like North Carolina.

616 And so there are scars like the ones that Maxine has
617 described. I couldn't even be a constructive part of the

618 hearing yesterday. I was in and out. The chairman probably
619 wondered why he is being so passive and inactive in the
620 situation. But there are scars that still remain with those
621 of us who lived through that era and experienced it in ways
622 that continue to have profound impacts on us.

623 So this is not about an apology. This is about putting
624 in place resources and an endorsement of the United States
625 Department of Justice taking affirmative steps to go back and
626 try to do some things that will be more difficult now than
627 they would have been had they been undertaken when these
628 things occurred, but would not have been undertaken, were not
629 undertaken by state officials who were part and parcel of the
630 problems that existed at that time.

631 So I am delighted that the whole committee is committed
632 to this proposition and that it is giving us the opportunity
633 to understand each other better. Most importantly, I think,
634 the resources will be available, can be available if we pass
635 this bill, to help us move into another time in our society,
636 the one that our colleague Artur Davis has described that he
637 aspires to and that he thinks his state is moving toward, and
638 that we hope our whole nation is moving toward.

639 With that, Mr. Chairman, I apologize for taking more
640 than the allotted amount of time. I am happy to yield back
641 at this point.

642 Mr. Jordan. Mr. Chairman?

643 Chairman Conyers. Yes. I thank you, Mel Watt.

644 Mr. Jordan. Mr. Chairman?

645 Chairman Conyers. Yes? Jim Jordan, you are recognized.

646 Mr. Jordan. Thank you, Mr. Chairman. I would like to
647 yield time to Judge Gohmert from Texas.

648 Mr. Gohmert. Thank you. I appreciate it, Mr. Jordan,
649 doing that so I could respond.

650 Just so I am clear, I know this is not about an apology.
651 That is what I am saying. I support this. I don't support
652 going back and apologizing for things that we had nothing to
653 do with. This is about justice, and those of us who believe
654 in justice, have dedicated our lives to it, we want to see
655 that happen.

656 So I would submit that the apology would need to occur
657 if we did not pursue justice in these matters. And that is
658 why I am for pursuing the justice. Thank you.

659 Mr. Watt. Will the gentleman yield to me just for a
660 minute?

661 Chairman Conyers. Mr. Jordan has the time, I think.

662 Mr. Watt. I appreciate the gentleman yielding.

663 I hope nothing I said would encourage the gentleman not
664 to support an apology, because I think that is part of the
665 movement forward too. I think there are some apology bills
666 out there. I think Mr. Cohen has one, and that is important.

667 I hope I didn't leave the impression that he should not

668 even think about the notion, because when you say those are
669 times that we didn't have anything to do with, I think the
670 testimonials that you have now heard from Maxine Waters and
671 myself indicate that they were times that we had something to
672 do with as members of this committee. We still have an
673 affirmative obligation to do whatever we can to move our
674 nation forward and to try to deal with those past sins in any
675 way that we can.

676 So I hope the gentleman won't close his mind to the
677 possibility of supporting an apology bill, too.

678 Chairman Conyers. Does Jim Jordan, the gentleman from
679 Ohio, care to have the last word?

680 All right. We are going to move on now.

681 An amendment in the nature of a substitute was adopted
682 in subcommittee yesterday. And now the question occurs first
683 on the adoption of that amendment.

684 All those in favor, indicate by saying, "Aye."

685 All those opposed, indicate by saying, "No."

686 The ayes have it unanimously.

687 A reporting quorum being present, the question is now on
688 reporting the bill as amended favorably to the House.

689 All those in favor will signify by saying, "Aye."

690 Those opposed by, "No."

691 Again, in the opinion of the chair, the ayes have it
692 unanimously.

693 The ayes have it, and the bill, H.R. 923, is ordered
694 reported favorably to the House.

695 Without objection, the bill will be reported favorably
696 to the House in the form of the single amendment in the
697 nature of a substitute, incorporating amendments adopted here
698 today.

699 Without objection, the staff is directed to make any
700 technical and conforming changes.

701 All members will be given 2 days to submit additional
702 views.

703 Pursuant to committee rule 2(j), the chair is authorized
704 to offer such motions as may be necessary in the House to go
705 to conference with the Senate on the bill.

706 Pursuant to notice, I now call up the rules of procedure
707 and statement of policy adopted in the Subcommittee on
708 Immigration, for consideration of private immigration bills
709 to consider for ratification.

710 I ask the clerk to report the bill.

711 Another surprise.

712 The Clerk. "The Subcommittee on Immigration,
713 Citizenship, Refugees, Border Security and International Law,
714 110th Congress, rules of procedure and statement of policy
715 for private immigration bills."

716 [The information follows:]

717 ***** INSERT *****

718 Chairman Conyers. Without objection, the rules and
719 statement of policy will be considered as read and open for
720 amendment at any point.

721 I recognize now the gentlelady from California, Zoe
722 Lofgren, chair of Immigration Subcommittee, for a statement
723 describing the rules and statement of policy.

724 Ms. Lofgren. Thank you, Mr. Chairman.

725 The rules under consideration provide the structure for
726 consideration of claims and private bills. They were
727 approved unanimously by the subcommittee, and they are the
728 same rules that were approved by the subcommittee last year
729 without objection, with only technical changes. The rules
730 have not changed in any substantive way from previous
731 congresses.

732 The Congressional Research Service has simply brought
733 citations referring to the Immigration and Naturalization
734 Service in other statutes into conformity with current law
735 and the U.S. Code.

736 On behalf of the subcommittee and its staff, I would
737 like to convey appreciation to the experts at the
738 Congressional Research Service for their attentiveness and
739 patience with this matter. They are a resource to Congress
740 and deserve our thanks.

741 The primary focus of most of these rules is to establish
742 standard requirements for the consideration of private bills.

743 Without these standards, the Congress could potentially be
744 inundated with requests for private immigration and private
745 claims bills, without any restrictions based on current laws
746 and regulations, or past precedence.

747 And I believe there is unanimous support in the
748 subcommittee and, I believe, full committee for adopting
749 these rules that have guided us well for the past numbers of
750 congresses.

751 I yield back.

752 Chairman Conyers. I thank the gentlelady and recognize
753 Lamar Smith, ranking member of the Judiciary Committee.

754 Mr. Smith. Thank you, Mr. Chairman.

755 Mr. Chairman, the Immigration Subcommittee rules and
756 policies we consider for ratification today are substantially
757 similar to those that the subcommittee operated under in
758 previous congresses. If you understand that any changes made
759 to this year's subcommittee rules are purely technical in
760 nature, which I understand they are, I support their
761 ratification.

762 Mr. Chairman, I yield the balance of my time to the
763 ranking member of the Immigration Subcommittee, Mr. King.

764 Mr. King. I thank the ranking member from Texas, Mr.
765 Smith, for yielding.

766 I reiterate the statements made by the chair of the
767 subcommittee, Ms. Lofgren, and by Ranking Member Smith of the

768 committee. These are the same rules, essentially, since the
769 102nd Congress, with the exception of technical changes. I
770 would remind the committee that the private bills are
771 essentially requests to circumvent current law for
772 individuals.

773 So I support these changes in the rules, and I will
774 continue as I have in the past to carefully examine each of
775 the applications for a private review bill, and I urge my
776 colleagues to support this rule change.

777 I yield back to the gentleman from Texas.

778 Mr. Smith. Mr. Chairman, I yield back the balance of my
779 time.

780 Chairman Conyers. Thank you. The gentleman yields
781 back.

782 Are there any amendments to the immigration private bill
783 rules?

784 If not, a reporting quorum being present, the question
785 is on the ratification of the rules for procedure and
786 statement of policy for considering private immigration
787 bills.

788 All those in favor will signify by saying, "Aye."

789 All those opposed, signify by saying, "No."

790 In the opinion of the chair, the ayes have it, and the
791 statement of policy is ratified.

792 Without objection, the staff is directed to make any

793 technical and conforming changes.

794 And now, pursuant to notice, I call up the rules of
795 procedure adopted in the Subcommittee on Immigration for
796 consideration of private claims bills to consider for
797 ratification.

798 The clerk will report.

799 The Clerk. "The Committee on the Judiciary,
800 Subcommittee on Immigration, Citizenship, Refugees, Border
801 Security and International Law, 110th Congress, rules of
802 procedure for private claims bills."

803 [The information follows:]

804 ***** INSERT *****

805 Chairman Conyers. Without objection, the rules will be
806 considered as read and open for amendment at any point.

807 I begin by recognizing once again the chair of the
808 Immigration Subcommittee, Zoe Lofgren of California.

809 Okay. I ask unanimous consent her statement be made a
810 part of the record.

811 [The statement of Ms. Lofgren follows:]

812 ***** COMMITTEE INSERT *****

813 Chairman Conyers. I recognize the ranking member of
814 Judiciary, Lamar Smith.

815 Mr. Smith. Thank you, Mr. Chairman.

816 I support these rules for procedure of the Immigration
817 Subcommittee.

818 I yield the balance of my time, if he wants the time, to
819 the gentleman from Iowa, Mr. King, the ranking member of the
820 Immigration Subcommittee.

821 Mr. King. I thank the gentleman from Texas.

822 I would just like to reiterate my previous statement in
823 my support of these rules changes and urge their adoption.

824 I yield back to the ranking member.

825 Mr. Smith. Mr. Chairman, I yield back as well.

826 Chairman Conyers. Thank you.

827 Members of the committee, are there any amendments?

828 If not, a reporting quorum being present, the question
829 is on the ratification of the rules of procedure for
830 considering private claim bills.

831 All those in favor will signify by saying, "Aye."

832 All those opposed, signify by saying, "No."

833 The ayes have it, and the rules are ratified.

834 Without objection, the staff is directed to make any
835 technical and conforming changes.

836 Pursuant to notice, I now call up H.R. 2286, the "Bail
837 Bond Fairness Act," for purposes of markup.

838 The clerk will report the bill, please.

839 The Clerk. "H.R. 2286. To amend Title 18, United
840 States Code, and the Federal Rules of Criminal Procedure with
841 respect to bail bond forfeitures. Be it enacted by the
842 Senate and—"

843 [The bill follows:]

844 ***** INSERT *****

845 Chairman Conyers. Without objection, the bill will be
846 considered as read and open to amendment at any point.

847 I begin by yielding to the chairman, Bobby Scott, of the
848 Crime Subcommittee, to describe the bill and any additional
849 statements he wishes to make.

850 Mr. Scott. Thank you, Mr. Chairman.

851 The Subcommittee on Crime, Terrorism and Homeland
852 Security reports favorably the bill H.R. 2286 and moves its
853 favorable recommendation to the full House.

854 I want to thank you, Mr. Chairman, for holding today's
855 markup on this very important bill.

856 The colleagues from Florida, Representatives Wexler and
857 Keller, introduced H.R. 2286, the "Bail Bond Fairness Act of
858 2007," on May 10th of this year. The legislation is based
859 largely upon other bipartisan bills introduced in three
860 previous congresses.

861 Historically, bail has been issued for the sole purpose
862 of ensuring a defendant's appearance in court as ordered. In
863 recent years, however, federal judges have ordered bail bonds
864 forfeited when the defendant has violated even collateral
865 conditions of pretrial release, although they did appear in
866 court.

867 Judges and opponents of H.R. 2286 cite several reasons
868 for supporting that practice. First, they maintain that the
869 potential for bail bond forfeiture has added an incentive for

870 defendants on pretrial release to comply with bail bond
871 conditions, particularly when the forfeiture would mean loss
872 of assets for family and friends. Without this added
873 incentive, opponents of the bill maintain that judges would
874 be less apt to grant pre-trial release and subsequently more
875 defendants might actually remain in pretrial detention.

876 They also find the actual forfeiture for violating
877 collateral pretrial release, that forfeiture is extremely
878 rare.

879 Third, some judges allow the defendants to deposit their
880 own funds as bond in amounts equal to the premium that they
881 would have paid for a commercial bond, making commercial bond
882 underwriters unnecessary, which is the actual reason for the
883 reported decline in commercial bond underwriting in the
884 federal system.

885 Finally, they would prefer that changes in federal rules
886 go by the normal process, and that is empowering the
887 judiciary to govern the federal rules of criminal procedure.

888 Nonetheless, Mr. Chairman, the practice of attaching
889 conditions to the issuance of bail has created a major
890 barrier to pretrial release because the risk of bond
891 forfeiture has forced commercial bond underwriters to totally
892 avoid the federal system. They find that the commercial bond
893 underwriters opt instead to offer their services to
894 defendants in the state system, where they do not have this

895 loss by forfeiture for conditions as a possibility.

896 They also maintain that family and friends of defendants
897 are also reluctant to post bond for the defendants because
898 they cannot risk their homes and life savings on a
899 defendant's behavior.

900 So H.R. 2286 would return the use of bail bonds to their
901 historic purpose by limiting the judge's authority to order
902 bail forfeiture to a defendant's failure to appear physically
903 in court. The bill does not restrict at all the power of the
904 judge to attach the conditions, nor does it affect the
905 judge's authority to revoke pretrial release and order
906 custody should the defendant violate any condition of
907 pretrial release.

908 It would, however, restrict the judge in that he could
909 not forfeit the bond for anything other than failure to
910 appear.

911 In closing, Mr. Chairman, I urge my colleagues to lend
912 their support to this bipartisan measure and to agree to the
913 bill.

914 I yield back the balance of my time.

915 Chairman Conyers. Thank you, Chairman Scott.

916 Lamar Smith?

917 Mr. Smith. Thank you, Mr. Chairman.

918 I support H.R. 2286, the "Bail Bond Fairness Act of
919 2007." This legislation amends the federal criminal code to

920 prohibit a judicial officer from forfeiting a bail bond when
921 a defendant violates a performance condition, other than
922 failing to appear in court.

923 Mr. Chairman, I will yield the balance of my time to the
924 ranking member of the Crime Subcommittee, Mr. Forbes of
925 Virginia.

926 Mr. Forbes. Thank you, Ranking Member Smith.

927 I support H.R. 2286, the "Bail Bond Fairness Act of
928 2007," as well.

929 I want to first acknowledge the commitment of my
930 colleagues, Congressmen Keller and Wexler, who have sponsored
931 this bill and have demonstrated leadership on this issue.

932 We all agree that holding bail bondsmen accountable for
933 court appearances is reasonable. At the subcommittee hearing
934 on this bill, no witness was able to adequately explain why
935 it is fair to hold bail bondsmen accountable for conduct such
936 as curfews, drug use and other conditions typically imposed
937 in criminal cases.

938 Bail bonds are rare in federal court, and this bill will
939 ensure that bail bondsmen and defendants are treated fairly.

940 I urge my colleagues to support this bill, and I yield
941 back the balance of my time.

942 Mr. Smith. Mr. Chairman, I yield back the balance of my
943 time.

944 Chairman Conyers. The gentleman yields back.

945 Judge Gohmert, don't you have an amendment?

946 Mr. Gohmert. Yes, Mr. Chairman, I do to this.

947 [Laughter.]

948 Chairman Conyers. I am surprised.

949 Mr. Gohmert. I was cleaning it up, but go ahead.

950 Chairman Conyers. The clerk will report the Gohmert
951 amendment.

952 The Clerk. "Amendment to H.R. 2286 offered by Mr.
953 Gohmert of Texas. At the end of Section 3, subsection
954 (a)(1), add the following: "unless the judicial officer
955 determines, at a hearing, by a preponderance of evidence that
956 the bail bondsman acted in reckless disregard of--"

957 [The amendment by Mr. Gohmert follows:]

958 ***** INSERT *****

959 Chairman Conyers. Without objection, the bill will be
960 considered as read.

961 I yield to the gentleman from Texas in support of his
962 amendment.

963 Mr. Gohmert. Thank you, Mr. Chairman.

964 Actually, the one being handed out is just a hair
965 different from what my actual amendment is, and that is what
966 the writing was that was taking place.

967 The difference is in the last sentence, the way it reads
968 here and the one people received, it says, "Prior to the
969 hearing, the judicial officer should make reasonable efforts
970 to notify the bail bondsman."

971 I don't like that standard. It should be the judicial
972 officer should make "reasonable notice." That is different
973 from "reasonable efforts." "Reasonable efforts" say, "Well,
974 I tried and couldn't get him."

975 Chairman Conyers. Does the gentleman wish to make a
976 unanimous consent request to amend?

977 Mr. Gohmert. If I could have unanimous consent to
978 substitute the words "should provide reasonable notice" and
979 strike the words "make reasonable efforts to notify."

980 Chairman Conyers. Without objection.

981 Mr. Gohmert. Thank you. That way, he has to give
982 notice and give a reasonable length of time to prepare.

983 The effort here, Mr. Chairman and members of the

984 committee, was to bridge the gap between the Judicial
985 Conference and the current bill. We understand the desire to
986 have more people released on bond that are not a threat, but
987 the law is that in setting a bond and conditions, the judge
988 is supposed to consider the public safety in addition to the
989 desire to assure his appearance at court proceedings.

990 From personal experience, when I went on the state
991 bench, I found that we had gone for a number of years in our
992 county without bonds being forfeited. We immediately changed
993 that. I think conditions of bond are a great idea. If there
994 is somebody, say, for example, if they have incurable
995 tuberculosis, but they are making every reasonable effort not
996 to have any contact with anybody, then there is no reason to
997 fear them.

998 If someone has AIDS and there is no reason to fear that
999 they are going to give it to someone else, make someone else
1000 HIV-positive, then they are really not a threat. But if, as
1001 in one case I had where a defendant says he is going to give
1002 AIDS to as many people as he can, he is a threat. And so
1003 there needs to be conditions that help restrict those
1004 situations so you consider the public safety, you set
1005 conditions.

1006 If there is someone involved in a child-molesting
1007 situation, or perhaps an exposing situation, different things
1008 involving children, you have a condition that says they will

1009 not go within so many feet of a school, or they will not be
1010 around children unsupervised. If you have the right to
1011 forfeit a bondsman's bond, there is leverage there.

1012 I understand the fear where you don't want judges just
1013 forfeiting bonds when the bondsman had no reasonable
1014 opportunity to enforce the conditions. I understand that,
1015 and that is why there is a provision that says there has to
1016 be a hearing upon reasonable notice to the bondsman, and it
1017 has to be found from the evidence that the bondsman acted in
1018 reckless disregard for a known release condition.

1019 For example, someone had brought up earlier, well gee,
1020 what if there is a curfew and he violates curfew, and you
1021 bring the bondsman in and say, well gee, you should have
1022 known he wasn't in by 9 o'clock. Well, in those situations
1023 often you will have in on electronic monitoring, or they have
1024 to call from the phone that is hooked up. Well, in those
1025 cases, that is not the bondsman's problem. I have people
1026 that violated curfew. I revoked the bond, but I never would
1027 have forfeited one of those bonds. That is not the issue.

1028 But from what we heard from the Judicial Council, if we
1029 do not allow some ability for federal judges to make sure the
1030 bondsman helped them enforce the conditions of probation,
1031 because let's face it, the federal officers don't normally
1032 follow people around that are out on bond, nor do the state
1033 officers. But if they have leverage to get the bondsman to

1034 assist them in making sure that their defendant is not out
1035 there committing other times or alleged crimes, then they are
1036 not going to grant these bonds.

1037 Some would say, well, these are only being granted in 2
1038 percent of the cases anyway. But the federal system is
1039 different. Many judges, as I am sure people here know, are
1040 prosecutors. They won't have people arrested until the last
1041 minute because they see if they won't cooperate and work with
1042 them. So it is a little different set up from many state
1043 systems.

1044 But by having this amendment, it will allow the
1045 possibility of forfeiture and to increase the likelihood that
1046 a bondsman will be concerned about what the defendant is
1047 doing, and will be assisting because there is a lot of money
1048 being made in the bail bondsman business and it increases the
1049 chances that they will assist in making sure conditions are
1050 met, without putting them in undue risk for the bond being
1051 revoked.

1052 Thank you, Mr. Chairman.

1053 Ms. Waters. Mr. Chairman?

1054 Chairman Conyers. Thank you.

1055 Ms. Waters. Mr. Chairman?

1056 Chairman Conyers. The chair recognizes Ric Keller, the
1057 gentleman from Florida.

1058 Mr. Keller. Thank you, Mr. Chairman.

1059 I rise in opposition to the Gohmert amendment. I very
1060 much like and respect Judge Gohmert, but I have to
1061 unfortunately disagree with him on this particular amendment.
1062 The whole purpose is to get back to the traditional roots of
1063 saying that the purpose of the bail is to ensure the
1064 defendant's physical presence before a court.

1065 Let me just give you an example of why this is
1066 important. Let's say that you have a nonviolent guy who has
1067 been arrested. He is not a flight risk. The bail has been
1068 set at \$100,000. He is not a rich guy, so he has to get a
1069 bail bond. Well, and the judge says, I want to make sure you
1070 are here on July 1, and sure enough the bail bondsman brings
1071 him there before July 1, and everybody is pretty happy until
1072 he hears from the judge, well, you know what, I heard you
1073 were at a family barbecue and you had a beer there, and I
1074 told you not to have any alcohol. I forfeit the \$100,000
1075 bond.

1076 Or, I told you not to leave the county and I heard a
1077 rumor that you went to your favorite Arby's restaurant two
1078 miles outside of the county. I am going to have to forfeit
1079 the bond.

1080 Or, I told you to be home at 9 o'clock and gave you a
1081 curfew, but I heard you came home at 9:10. I am going to
1082 forfeit the bond.

1083 Now, what is the consequence of that? Only rich guys

1084 are ever going to get out of jail on bonds, because the bail
1085 bondsman is going to say it is such a risk for me to have to
1086 be your babysitter and make sure that you have good behavior,
1087 that I am only going to give you this \$100,000 bond if you
1088 have \$100,000 worth of collateral. So let me ask you
1089 something, Mr. Defendant: Do you own a Mercedes? Do you own
1090 a BMW? Do you have \$100,000 in your checking account? If
1091 you don't, I can't give you this bond.

1092 Now, Judge Gohmert says that judges need to have
1093 remedies. What if someone is a safety risk? I agree with
1094 him. If he is a safety risk, if you think he is a child
1095 predator, don't let him out on bail.

1096 Ms. Waters. That is right.

1097 Mr. Keller. Or if you have a condition that he didn't
1098 meet and you are mad at him for violating curfew, revoke the
1099 bond and put him in jail. You have all the remedies you
1100 need. We had a witness from the Judicial Conference here to
1101 try to explain why that is not enough and they couldn't
1102 explain why that is not enough.

1103 So I think this is a common-sense bill. I know Judge
1104 Gohmert would like to have these bail bonds folks out there
1105 kind of helping to monitor their good behavior. He has tried
1106 to make a reasonable standard, and somebody like Judge
1107 Gohmert may say, "You know what? I saw that you had a beer
1108 or I saw that you were 10 minutes late; I am not going to

1109 make you forfeit the bond, I am a reasonable guy." But other
1110 judges might not have that approach, so the underwriting
1111 won't take place.

1112 So I would like to keep the bill as it is.

1113 Chairman Conyers. Would the gentleman yield for a
1114 moment?

1115 Mr. Keller. I will.

1116 Chairman Conyers. What makes him so sure Judge Gohmert
1117 would do that?

1118 [Laughter.]

1119 Mr. Keller. He seems pretty reasonable.

1120 But I will yield back the balance of my time, and ask
1121 for a "no" vote.

1122 Chairman Conyers. The chair recognizes Bob Wexler of
1123 Florida.

1124 Mr. Wexler. Thank you, Mr. Chairman. I want to speak
1125 in opposition to the amendment as well. I want to associate
1126 myself with Mr. Keller's remarks, Mr. Forbes's remarks and
1127 Mr. Scott's remarks.

1128 Judge Gohmert gives the example, and Mr. Keller
1129 essentially answered it. It was a similar example that I
1130 thought incredulously the federal magistrate who testified
1131 before Mr. Scott's subcommittee gave. The federal magistrate
1132 gave an example of, well, what are we going to do if a guy I
1133 released starts waving guns after I release him? Well, it

1134 has nothing to do with the bond. Grab him and put him back
1135 in the prison, if that is what you think. If somebody is
1136 telling a judge, who is infected with the HIV virus, that he
1137 is going to get out and infect others, then the judge
1138 shouldn't release him in the first place.

1139 The whole point of this bill is that it doesn't affect a
1140 judge's ability in any way at all, or the judge's discretion,
1141 to determine who is appropriate or eligible for pretrial
1142 release. All it does is it says that the bail bond is for
1143 one purpose and one purpose only, and that is to ensure the
1144 appearance of the defendant in court. And the judge remains
1145 completely in charge of whether or not that defendant is
1146 released in the first place, and whether or not that judge
1147 revokes pretrial release at any point in time because
1148 conditions are violated.

1149 The argument that the judges put forth, which is again
1150 completely illogical, that unless something like Mr.
1151 Gohmert's amendment were to pass, or if we just kept it the
1152 way it is, that is the only way that the bond program will
1153 work in federal court. Well, that defies the facts because
1154 bonds are not used in federal court for pretrial release.
1155 The federal magistrate himself testified that in federal
1156 court in less than 2 percent of cases are they employed.

1157 So how could it be that by doing nothing we will
1158 increase the likelihood that judges will employ the use of

1159 bonds, when today they don't use them? And how could it be
1160 that in state courts where they are employed by a factor of
1161 15 in most states that employ them in terms of the likelihood
1162 of their use, where there are no conditions, can the federal
1163 judges maintain the position that they take?

1164 It is totally illogical, and as a result I respectfully
1165 suggest, as Mr. Keller has, in the most bipartisan of
1166 fashions, that we reject Mr. Gohmert's amendment.

1167 Chairman Conyers. Does the gentlelady from California
1168 seek recognition, Maxine Waters?

1169 Ms. Waters. Yes. I move to strike the last word.

1170 Chairman Conyers. The gentlelady is recognized.

1171 Ms. Waters. I think that it has all been said. I am so
1172 grateful that Mr. Keller made the point that the judge has
1173 the power to deny bail. For those situations or
1174 circumstances that he described, where people indicated that
1175 they were going to be a risk to society prior to getting
1176 bail, the judge has the opportunity not to release them.

1177 To place the responsibility on bail bondsmen to babysit
1178 those people that they have provided bail for is just highly
1179 unreasonable. I never knew that that could possibly even
1180 happen. I always thought that the bail bondsman was only
1181 responsible for assuring the appearance of the defendant in
1182 court.

1183 So with that, I would hope that we don't muck up the

1184 system requiring an additional hearing, ask for a
1185 preponderance of evidence, and do all of those things that
1186 will only make it more difficult for the system to operate
1187 and for people to get bail that should be released.

1188 I yield back the balance of my time.

1189 Mr. Franks. Mr. Chairman?

1190 Chairman Conyers. Mr. Franks?

1191 Mr. Franks. Mr. Chairman, thank you. Mr. Chairman, I
1192 move to strike the last word.

1193 Chairman Conyers. The gentleman is recognized.

1194 Mr. Franks. Mr. Chairman, I have no idea how I am going
1195 to vote on this amendment, but I would like to now yield my
1196 time to Mr. Gohmert.

1197 [Laughter.]

1198 Mr. Gohmert. Thank you.

1199 I appreciate the repeated comments that my arguments
1200 were completely illogical.

1201 [Laughter.]

1202 I am trying to logically assess those assessments of
1203 illogic.

1204 But the truth is, when you have, as we were told, 2
1205 percent of the cases in which bonds were being utilized, and
1206 you have the Judicial Conference come in and say, but if you
1207 pass this bill, that will go to zero. And the committee
1208 says, well, we don't care; we are going to show you that we

1209 can tell you what to do; we are going to let you reduce it to
1210 zero and see if you really mean what you said.

1211 Well, there are some people that might think that is
1212 illogical, that you want to help a situation so you are going
1213 to take it from 2 percent to zero, because that is what we
1214 have been told is going to happen.

1215 Now, as far as my friend from California saying she
1216 hated to see an additional hearing, if you look at this
1217 amendment, what this does, an additional hearing is a
1218 safeguard that a bondsman does not currently have. It helps
1219 the bondsman.

1220 I see you shaking your head there. You see, right now
1221 the judge can just say, I am not having a hearing; to heck
1222 with you; I am forfeiting the bond. That is the way it is
1223 right now. See, you give them what we call "due process,"
1224 give them reasonable notice, give them a hearing. Then
1225 normally we consider due process to be a help to the person
1226 who is getting the due process, other than what they get
1227 right now, which is just a cursory signature which can
1228 forfeit the bond. So it does help someone, I do believe and
1229 still believe, to give them due process before you forfeit a
1230 bond. I think it is a good idea.

1231 But with regard to the references to someone who has
1232 said there are risks. Let me tell you how that all came
1233 about. We had some bleeding-heart liberals back in Texas

1234 that decided that a guy that committed theft of a vehicle got
1235 automatic probation. This guy was going to have automatic
1236 probation. We didn't know initially about his threats that
1237 he was wanting to spread the HIV virus around. But when you
1238 have these bleeding-heart liberals, they are going to make
1239 you release somebody anyway, then it is a good idea to put
1240 conditions on people like that so that you can bring them
1241 back and revoke them as necessary.

1242 So that is why it is sometimes necessary to put
1243 conditions on folks so that we can have some control. But
1244 once again, bondsmen—I realize my colleagues are wanting to
1245 help the poor bail bondsman—but you are just not as familiar
1246 as I am with as many cases of abuses by bail bondsmen taking
1247 people's homes, taking their life savings, and really making
1248 some great money. This does afford some accountability by
1249 the bail bondsman where they don't just make the bond, and
1250 then turn around and have very little at risk.

1251 This is a good scenario. It is a good amendment, and I
1252 would urge my colleagues to at least consider this so we
1253 don't take the 2 percent to 0 percent.

1254 Ms. Jackson Lee. Mr. Chairman, may I respond?

1255 Chairman Conyers. Does Mr. Franks return his time?

1256 Mr. Franks. Mr. Chairman, I do. Thank you.

1257 Ms. Jackson Lee. Mr. Chairman?

1258 Chairman Conyers. We would like to proceed to a vote.

1259 Ms. Jackson Lee. May I quickly respond to the
1260 "bleeding-heart liberal"?

1261 [Laughter.]

1262 Chairman Conyers. I don't think there are any here in
1263 the committee, so I don't think a response is required for
1264 that.

1265 Ms. Jackson Lee. May I comment briefly, Mr. Chairman?
1266 Chairman Conyers. All right.

1267 Ms. Jackson Lee. I do think there is a strong component
1268 of bleeding-heart liberals in Texas, proudly so. We want
1269 people to know that we have diversity.

1270 But my good friend, Mr. Gohmert, as a judge, I respect.
1271 He has worked very hard, but I just want to just focus on the
1272 actions of a bail bondsperson is to ensure that an individual
1273 appears. You have now interjected medical determinations,
1274 which I don't believe any of the laws would suggest they have
1275 that responsibility.

1276 But I add another component. The bail bondsman is not
1277 acting alone. They are utilizing in many instances the
1278 impoverished individual's family assets. And if you put this
1279 added measure, added burden, if you will, other than to
1280 ensure the individual appears, and I assume at that point the
1281 judge, once appearing, whether the individual was late,
1282 delayed, or there was a problem, that they have appeared,
1283 then there is additional discretion as to whether or not they

1284 pose a health threat or some other threat.

1285 But to cause a forfeiture, which then impacts the
1286 individual's impoverished family members, is I think an
1287 extraordinary burden. I think this is a good bill. Having
1288 represented so many families who give their last measure
1289 almost for the loved one to be out, the loved one follows
1290 through and does appear, that is a commitment of the bail
1291 bondsperson, and should be the appropriate criterion which is
1292 utilized.

1293 I hope my colleagues will support the bill and not the
1294 present amendment.

1295 I yield back.

1296 Chairman Conyers. The question occurs on the Gohmert
1297 amendment.

1298 All those in favor will signify by saying, "Aye."

1299 All those opposed, signify by saying, "No."

1300 The noes appear to have it. The noes have it, and the
1301 amendment is not agreed to.

1302 Are there any other amendments?

1303 Ms. Waters. Don't ask Mr. Gohmert if there are any
1304 other amendments.

1305 Chairman Conyers. Thank you, Judge Gohmert.

1306 Mr. Gohmert. Mr. Chairman?

1307 Chairman Conyers. Yes?

1308 Mr. Gohmert. I have no other amendments.

1309 [Laughter.]

1310 Chairman Conyers. A reporting quorum being present, the
1311 question is on reporting the bill favorably to the House.

1312 All those in favor will signify by saying, "Aye."

1313 Those opposed by saying, "No."

1314 The ayes have it, and the bill, S. 1104, is ordered
1315 reported favorably to the House. That is the wrong bill
1316 number. Excuse me, H.R. 2286 is reported favorably to the
1317 House.

1318 Without objection, the staff is directed to make any
1319 technical and conforming changes.

1320 All members will have 2 days to provide additional
1321 views.

1322 Pursuant to committee rule 2(j), the chair is authorized
1323 to offer such motions as may be necessary in the House to go
1324 to conference with the Senate bill.

1325 Our last matter this afternoon is H.R. 660. Pursuant to
1326 notice, I call it up, the "Court Security Improvement Act of
1327 2007," and ask the clerk to report the bill.

1328 The Clerk. "H.R. 660, a bill to amend Title 18, United
1329 States Code, to protect judges, prosecutors, witnesses,
1330 victims and their family members, and for other purposes."

1331 [The bill follows:]

1332 ***** INSERT *****

1333 Chairman Conyers. Without objection, the bill will be
1334 considered as read and open for amendment at any point.

1335 Let me begin the discussion.

1336 Sadly, judges and their families have been targets of
1337 violence. We all know that. In 2005, family members of a
1338 federal judge in Chicago were murdered, and a state judge,
1339 court reporter and sheriff's deputy were killed in an Atlanta
1340 courthouse.

1341 These and other acts of violence against the judiciary
1342 underscore the need for this bill. I am pleased that my
1343 colleagues, Chairman Bobby Scott and Judge Louie Gohmert and
1344 others, have made this a bipartisan effort. The measure
1345 before us seeks to improve the security for court officers
1346 and safeguard judges and their families at home by making
1347 several key changes in existing law.

1348 One, extend the current redaction authority for
1349 sensitive information in federal judges' financial disclosure
1350 reports for an additional 4 years. Authorize an additional
1351 \$120 million for the U.S. Marshals Service over the next 6
1352 years. Prohibit publishing personal information about a
1353 judge, law officer or witness within intent to bring about
1354 intimidation or violence. And additionally, we authorize
1355 \$100 million over the next 5 fiscal years to expand witness
1356 protection programs.

1357 This legislation has been years in the making, I am

1358 sorry to say, and its passage is long overdue. I urge
1359 favorable consideration of the measure, and yield the balance
1360 of my time to Chairman Scott of the Crime Subcommittee.

1361 Mr. Scott. Thank you, Mr. Chairman. I want to thank
1362 you for holding today's markup of this very important bill.

1363 As you correctly pointed out, the bill is a bipartisan
1364 effort that the gentleman from Texas, Mr. Gohmert, and I have
1365 worked on, along with you and others, back into January of
1366 this year. The legislation is identical to the court
1367 security bill that was introduced in the Senate by Senator
1368 Leahy and recently passed by unanimous vote of that body.

1369 The importance of judicial security has been underscored
1370 by the recent murders of family members of a Chicago judge,
1371 and the killings less than 2 weeks later of a state court
1372 judge in Atlanta in 2005. Not surprisingly, these acts of
1373 violence have recently made their way even to our nation's
1374 highest court.

1375 So we have introduced this bill, which calls for an
1376 increase in consultation with the U.S. Marshals Service and
1377 the Judicial Conference to ensure that the Conference's views
1378 on court security are taken into account when determining
1379 staffing levels, priorities and so forth. It adds funds to
1380 the U.S. Marshals Service to accomplish this, and as you
1381 indicated, \$100 million to grants to state and local
1382 governments for witness protection and other things that can

1383 reduce the threats to judges.

1384 Mr. Chairman, I will have a substitute, hopefully making
1385 some changes in the bill, and I will discuss those when we
1386 get into the amendment process. With that, Mr. Chairman, I
1387 would hope we would adopt the bill.

1388 And I yield back the balance of my time.

1389 Chairman Conyers. Thank you, Chairman Scott.

1390 Ranking Member Lamar Smith?

1391 Mr. Smith. Thank you, Mr. Chairman.

1392 I support H.R. 660, the "Court Security Improvement Act
1393 of 2007." An increase in violence and threats of violence
1394 against judges, prosecutors, defense counsel, law enforcement
1395 officers and courthouse employees plagues our judicial
1396 system.

1397 According to the Administrative Office of the United
1398 States Courts, there are almost 700 threats a year made
1399 against federal judges. This problem undermines the very
1400 integrity of our judicial system.

1401 H.R. 660 is a bipartisan effort to improve the security
1402 of those who administer our justice system, as well as those
1403 that serve, such as witnesses, victims, and their families.

1404 I want to thank Chairman Conyers and Crime Subcommittee
1405 Chairman Scott, along with their staff members, for working
1406 with us on an amendment in the nature of a substitute that
1407 addresses other important issues that we felt were not

1408 addressed in the bill as originally introduced.

1409 I also want to thank Congressman Gohmert for his
1410 leadership on this issue as well.

1411 I urge my colleagues to support this bipartisan measure
1412 that is vital to protecting our judicial personnel.

1413 Mr. Chairman, I yield the balance of my time to Mr.
1414 Forbes, the ranking member of the Crime Subcommittee.

1415 Mr. Forbes. Thank you, Ranking Member Smith.

1416 I support H.R. 660, the "Court Security Improvement Act
1417 of 2007." In the last few years, we have seen unprecedented
1418 levels of violence involving judges, prosecutors, defense
1419 counsel, law enforcement officers, and courthouse employees,
1420 who all play a critical role in our judicial system.

1421 H.R. 660 is a bipartisan measure which includes measures
1422 to, one, improve coordination between the U.S. Marshals and
1423 the federal judiciary; two, provide grants to state and local
1424 courts to improve security services; three, prohibit public
1425 disclosure on the Internet and other public sources of
1426 personal information about judges, law enforcement, victims,
1427 and witnesses; four, protect federal judges and prosecutors
1428 from organized efforts to harass and intimidate them through
1429 false filings of liens and other encumbrances against
1430 personal property; and five, improve security measures for
1431 federal prosecutors handling dangerous trials against
1432 terrorists, drug organizations, and other organized crime

1433 figures.

1434 I also want to acknowledge the dedication of Chairman
1435 Conyers and Crime Subcommittee Chairman Scott, along with
1436 their staff members, to reaching an agreement to include
1437 other protections needed for judicial security. Under the
1438 agreement we have reached, the manager's amendment includes
1439 provisions to increase criminal penalties for assaults
1440 against federal law enforcement officers; make permanent the
1441 redaction authority for judges filing ethics disclosure
1442 forms; and authorize the presidential threat task forces.

1443 In addition, our agreement includes Chairman Conyers'
1444 and Crime Subcommittee Chairman Scott's agreement to move and
1445 pass on the suspension calendar the Law Enforcement Officer
1446 Safety Act of 2007, which I am introducing along with Ranking
1447 Member Smith and Congressmen Gohmert and Chabot. This bill
1448 will ensure that qualified retired and off-duty police
1449 officers are able to carry firearms in accordance with the
1450 2004 Law Enforcement Officer Safety Act.

1451 I urge my colleagues to support H.R. 660, and I yield
1452 back the balance of my time to Ranking Member Smith.

1453 Mr. Smith. Mr. Chairman, I yield back the balance of my
1454 time.

1455 Chairman Conyers. Thank you, Mr. Smith.

1456 Thank you, Mr. Forbes.

1457 The chair recognizes Bobby Scott.

1458 Mr. Scott. Mr. Chairman, I have an amendment at the
1459 desk.

1460 Chairman Conyers. Is it a substitute amendment?

1461 Mr. Scott. Yes.

1462 Chairman Conyers. The clerk will report.

1463 The Clerk. "Amendment in the nature of a substitute to
1464 H.R. 660, offered by Mr. Scott of Virginia and Mr. Gohmert of
1465 Texas. Strike all after the enacting clause and insert the
1466 following--"

1467 [The amendment by Mr. Scott and Mr. Gohmert follows:]

1468 ***** INSERT *****

1469 Mr. Scott. Mr. Chairman, I move that the reading be
1470 waived.

1471 Chairman Conyers. Without objection. And the gentleman
1472 is recognized.

1473 Mr. Scott. Thank you, Mr. Chairman.

1474 Mr. Chairman, my substitute amendment, as the ranking
1475 member of the subcommittee, Mr. Forbes, has indicated, makes
1476 several changes in the underlying bill, which will make a
1477 good bill even better.

1478 The amendment begins by expanding the scope of the
1479 bill's current prohibition against publishing restricted
1480 personal information of a judge to include in that category
1481 state and local law enforcement officials, as well as
1482 witnesses and paid informants.

1483 The latter categories of witnesses and paid informants
1484 has been added as a way of addressing the national so-called
1485 "stop snitching" campaigns, and is in response to the recent
1486 development of websites such as "whoisarat.com," which is
1487 entirely devoted to exposing the identities of witnesses who
1488 have agreed to cooperate with the government.

1489 Second, the substitute makes the current redaction
1490 authority of federal judges under section 105 of the Ethics
1491 in Government Act permanent. I am sure many members of the
1492 committee will remember that this was an issue widely
1493 discussed during our committee's prior consideration of H.R.

1494 1130, which has been signed into law. This would make that
1495 redaction authority permanent.

1496 In any event, by making the current redaction authority
1497 permanent, we can eliminate any possibility that sometime in
1498 the future an aggrieved litigant will be able to take
1499 advantage of our federal disclosure laws to the detriment of
1500 a sitting judge.

1501 The substitute also increase the current set of
1502 statutory maximum criminal penalties related to assaulting
1503 judges. Under the substitute, a simple assault would be
1504 punishable by up to 1 year in prison, while those that result
1505 in serious bodily injury would be punishable by up to 15
1506 years.

1507 Finally, Mr. Chairman, the substitute directs the
1508 attorney general to undertake a study concerning the public's
1509 general access to state and local records that may imperil
1510 the safety of a federal judge. There are a lot of local
1511 records that would reveal real estate records, for example;
1512 that could reveal a judge's home address and other
1513 information. We need to see what we might need to do, and it
1514 instructs the attorney general to report to our committee
1515 within 18 months.

1516 A study such as this is extremely necessary in light of
1517 recent published reports that some individuals have decided
1518 to use the general access to state and local property records

1519 to access home addresses and other information that can be
1520 used to intimidate or harass the judiciary.

1521 It is worth noting that all of these changes were the
1522 careful byproduct of a series of negotiations that occurred
1523 between members of both sides of the aisle, and in fact both
1524 ends of the Capitol.

1525 In closing, Mr. Chairman, I would like to thank you, Mr.
1526 Chairman, the Ranking Member Smith, and my counterpart on the
1527 subcommittee, my colleague from Virginia, Mr. Forbes, as well
1528 as Representatives Weiner and Gohmert, for their leadership
1529 and input on this important bill. I urge the committee to
1530 adopt the substitute and pass the bill.

1531 I yield back the balance of my time.

1532 Chairman Conyers. Thank you, Chairman Scott.

1533 Lamar Smith?

1534 Mr. Smith. Thank you again, Mr. Chairman.

1535 As I mentioned a minute ago, I support the amendment in
1536 the nature of a substitute because it includes provisions
1537 that important to protecting the integrity of our judicial
1538 system.

1539 Once again, I want to thank you, Mr. Chairman, and thank
1540 Mr. Scott for your cooperation and for your suggestions in
1541 this amendment in then nature of a substitute, which I think
1542 really improves the bill.

1543 I yield the balance of my time to the ranking member of

1544 the Crime Subcommittee, Mr. Forbes.

1545 Mr. Forbes. Thank you, Ranking Member Smith.

1546 I just would like to concur for the record our support
1547 of this substitute and to encourage members to support the
1548 overall bill.

1549 Chairman Conyers. If there is no further discussion—

1550 Mr. Gohmert. Mr. Chairman?

1551 Chairman Conyers. Yes, Judge Gohmert?

1552 Mr. Gohmert. I rise in support of this, obviously.

1553 Chairman Conyers. The gentleman is recognized.

1554 Mr. Gohmert. Thank you, Mr. Chairman.

1555 I would like to express my appreciation for the
1556 consideration that was added into the amendment in the nature
1557 of a substitute. I appreciate the chairman and his staff,
1558 Mr. Scott, and their consideration in getting this done.

1559 It does add additional security. We passed a court
1560 security bill out of the House last year. I liked it an
1561 awful lot. It didn't become law. I think this is a good
1562 bill, and I really do appreciate what was done to amend it.
1563 It makes it even better.

1564 I yield back the time, and I urge my colleagues to
1565 support it.

1566 Chairman Conyers. I want to thank the gentleman from
1567 Texas because he supported this measure in the 109th Congress
1568 and he is a lead cosponsor on it this time around. We

1569 appreciate that very much.

1570 Mr. Chabot. Mr. Chairman?

1571 Chairman Conyers. Yes, Mr. Chabot?

1572 Mr. Chabot. Mr. Chairman, at the appropriate time, I
1573 have an amendment to the substitute amendment.

1574 Chairman Conyers. All right. This is the appropriate
1575 time.

1576 Mr. Chabot. I would offer an amendment to the
1577 substitute amendment.

1578 Chairman Conyers. All right. The clerk will report the
1579 amendment.

1580 The Clerk. "Amendment to H.R. 660 offered by Mr. Chabot
1581 of Ohio."

1582 [The amendment by Mr. Chabot follows:]

1583 ***** INSERT *****

1584 Mr. Chabot. Mr. Chairman, I ask unanimous consent that
1585 the amendment be considered as read.

1586 Chairman Conyers. Without objection, so ordered. The
1587 gentleman is recognized.

1588 Mr. Scott. Mr. Chairman, I reserve a point of order.

1589 Chairman Conyers. A point of order is reserved by
1590 Chairman Scott.

1591 The gentleman from Ohio is recognized.

1592 Mr. Chabot. Thank you, Mr. Chairman.

1593 This amendment is similar to an amendment that I have
1594 offered, along with Mr. Delahunt, both last session and in
1595 previous sessions.

1596 Let me first thank my colleagues on this side and across
1597 the aisle for continuing to make this what it is, which is a
1598 bipartisan effort. Mr. Delahunt is once again the lead
1599 cosponsor of H.R. 2128, the "Sunshine in the Courtroom Act of
1600 2007," and of the amendment that we are offering today.

1601 Mr. Chairman, you have also supported this amendment in
1602 the past, I would just note. The amendment simply extends
1603 the policies of an accessible government to our third branch
1604 of government, the federal judiciary, but with certain
1605 safeguards to ensure that the rights of all citizens,
1606 including those individuals fulfilling their civic duty, are
1607 preserved.

1608 Hard-working, taxpaying citizens have the right to see

1609 their government at work, and this is something that I have
1610 been involved in for many years, because when I was on the
1611 Cincinnati City Council, I offered an amendment, a bill to
1612 actually make the city council open and we got them on
1613 television. When I went to the Hamilton County Commission,
1614 we did the same thing. Congress had already acted to put
1615 itself on C-SPAN by the time I got up here, but the federal
1616 judiciary had not, so that is why we have been trying to
1617 accomplish this for a number of years now.

1618 We don't have to look any further, as I mentioned, than
1619 the chambers of Congress and the deliberations taking place
1620 on the House and Senate floors to see the benefits that C-
1621 SPAN brings to the American public. While it is not feasible
1622 to televise the work of the executive branch, their actions
1623 too are open to citizens through the Freedom of Information
1624 Act.

1625 The amendment that we are offering today gives federal
1626 appellate and district court judges the discretion—and let me
1627 repeat that—the discretion to allow media coverage of
1628 courtroom proceedings. They don't have to. It gives them
1629 the discretion to do so.

1630 At the same time, this amendment incorporates the
1631 necessary safeguards to ensure that due process rights are
1632 preserved; that requests by non-party witnesses to disguise
1633 their features and voices are granted; and that the

1634 televising of any juror is prohibited.

1635 In addition, the discretion provided to federal judges
1636 under this amendment expires at the end of 3 years, allowing
1637 us to revisit and make any changes if necessary. So if any
1638 members have any particular reservations about this, it is
1639 not permanent. It sunsets after 3 years. We have to come
1640 back and look at this once again, and we can modify it then
1641 if any of the concerns that some members have had over the
1642 years come to fruition.

1643 The American taxpayer deserves greater access to the
1644 federal court system. Indeed, in *Craig v. Harney*, the
1645 Supreme Court held that, "A trial is a public event. What
1646 transpires in the courtroom is public property." The
1647 Judicial Conference guidelines currently prohibit cameras in
1648 the federal district courtrooms, despite the fact that
1649 virtually every state allows for cameras in the courtroom.

1650 I believe that it is good public policy for Congress to
1651 facilitate through media access to the courts the ability of
1652 citizens to exercise their freedom of speech, freedom of
1653 press, and the right to petition the government for redress
1654 of grievances—the rights acknowledged by the Supreme Court in
1655 *Harney*.

1656 Why should the judicial branch be any different than the
1657 legislative branch in this respect? Lifetime tenure for
1658 unelected officials conveys a tremendous amount of power, and

1659 that is what federal judges have. For example, when the
1660 Supreme Court is in session, you can walk by and see hundreds
1661 of people waiting for their opportunity to observe the
1662 judicial process. Why shouldn't our constituents be allowed
1663 to observe this process from their homes or from work? Why
1664 should citizens be forced to rely on the news media to
1665 interpret and filter the proceedings, when cameras would
1666 allow citizens to watch and interpret for themselves?

1667 Although the chief justice of the Supreme Court did not
1668 take a position on the issue during the confirmation hearing,
1669 Judge Roberts at the time did confess that, "Senator Thompson
1670 assured him that television cameras are nothing to be afraid
1671 of."

1672 Passage of this amendment would send the message to the
1673 Supreme Court and lower courts that as a coequal branch of
1674 government, the judiciary is not above the other two branches
1675 and that the citizens of this nation have a right to see how
1676 it conducts its business.

1677 I would urge my colleagues to support this amendment,
1678 and I would yield back the balance of my time.

1679 Chairman Conyers. Very good.

1680 Before I recognize Mr. Delahunt, I will recognize
1681 Chairman Scott.

1682 Mr. Scott. Thank you, Mr. Chairman.

1683 Mr. Chairman, I would hope that we would not adopt the

1684 amendment. This is a very controversial issue. It has been
1685 debated back and forth. I would hope that the very important
1686 court security legislation could pass without having to carry
1687 this along with it.

1688 Mr. Chairman, first of all, I withdraw my reservation of
1689 a point of order. I understand the germaneness has already
1690 been run by the parliamentarian.

1691 Chairman Conyers. The reservation will be withdrawn.

1692 Mr. Scott. But I would hope that we would not try to
1693 carry this heavy weight on the bill that needs to pass. We
1694 know that there are issues about how cameras might affect
1695 witnesses and other litigants. We have law enforcement
1696 officers who will become T.V. personalities that may not want
1697 to be T.V. personalities.

1698 There are privacy issues. Litigants, many of the
1699 witnesses, for example, are not there by choice. They are
1700 there by subpoena, having to respond to very personal
1701 information sometimes. They would just as soon just give the
1702 information and get out and not become part of a media
1703 circus, which the cameras in the courtroom would insist on.

1704 We might end up with the conclusion that on balance the
1705 camera should be in the courtroom, but I think that debate
1706 ought not be part of an afterthought amendment on a bill that
1707 needs to pass, but would be considered on its own merits. So
1708 I would hope that we would not pass the amendment, but

1709 consider the bill in regular order, and would consider these
1710 issues.

1711 I yield back.

1712 Chairman Conyers. Have we had a hearing on this bill?

1713 I don't think so.

1714 The gentleman from Massachusetts is recognized.

1715 Mr. Delahunt. I thank the chairman.

1716 I applaud the gentleman from Ohio for sponsoring this
1717 particular amendment and sponsoring this legislation. It
1718 makes sense. He is accurate when he says that every state in
1719 the union has provisions comparable to this particular
1720 provision. In fact, cameras in the courtroom have existed at
1721 the state level for decades.

1722 I find it interesting that those of us who oppose
1723 mandatory sentences, and I consider myself one and I think
1724 that my colleagues on the other side who serve on the Crime
1725 Subcommittee generally share that view, because we have
1726 confidence in the discretion of judges. We believe that they
1727 have the ability and the sound judgment to exercise
1728 discretion in something as serious as the deprivation of an
1729 individual's liberty.

1730 Yet when it comes to conferring discretion on judges to
1731 allow, again with appropriate safeguards, cameras in the
1732 courtroom so that we can achieve an informed citizenry, we
1733 find issues. So on the one hand, we trust judges. On the

1734 other hand, the exercise of their discretion is something
1735 that requires thoughtful consideration. Yet, there has been
1736 considerable experience in the American judicial system at
1737 the state level.

1738 In a former life, I was the district attorney, the
1739 state's attorney, in the metropolitan Boston area. And back
1740 in 1980, in my jurisdiction there was the first murder case
1741 that was televised. In the aftermath, both counsel for the
1742 defendant and other observers of the court system indicated
1743 that it was a positive experience. The experience of most
1744 states has been that it allows for an informed citizenry to
1745 learn and educate themselves about that branch of government
1746 that has such a significant impact in terms of the public.

1747 I would hope that we could support this. It is long
1748 overdue. I simply can't understand, we talk about issues.
1749 The bill provides for safeguards. Any party that does not
1750 want to be televised under the provisions of this proposal
1751 can inform the court and his or her wishes will be respected.

1752 I just can't understand why we don't have confidence in
1753 federal district court judges, and of course particularly at
1754 the appellate level, where there are only counsel and sitting
1755 judges. Why we can't trust the presiding judge in a court of
1756 appeals argument or in the United States Supreme Court to
1757 exercise discretion so that the public can first-hand hear
1758 the merits of what can be a particularly significant case

1759 that will impact the lives of millions of Americans.

1760 With that, I yield back the balance of my time.

1761 Mr. Lungren. Mr. Chairman?

1762 Chairman Conyers. Thank you very much, former District
1763 Attorney Delahunt.

1764 I now turn to former chief law enforcement officer of
1765 California, Mr. Lungren.

1766 Mr. Lungren. Thank you, Mr. Chairman. I appreciate
1767 that.

1768 I rise in support of this amendment. This is
1769 reminiscent a little bit of the debates we had years ago
1770 about whether or not we should televise the House of
1771 Representatives. Some may remember that there was some
1772 resistance to that, and the House of Representatives was
1773 televised before the Senate was televised, because the Senate
1774 said, well, we are this august body and we couldn't allow
1775 cameras to come into the Senate.

1776 The same arguments are being made. Now, I don't
1777 understand. Courtrooms are public places. The Supreme Court
1778 has said that trials are public events. The only thing that
1779 limits the accessibility of the public is the size of the
1780 courthouse. If we have ever been over to the Supreme Court,
1781 we see how limited that is.

1782 If in fact court trials and appellate court proceedings
1783 are public events, why ought we to deny that invention of the

1784 modern era which allows the public accessibility to things it
1785 never had before? One of the great things about C-SPAN is
1786 people, kids in California can actually see what goes on in
1787 the House of Representatives and the Senate, denied many of
1788 them just because of the geographic difference.

1789 What is the argument that there is such an essential
1790 difference between the judicial branch of government and this
1791 branch of government that would deny the use of technology to
1792 make the public actually capable of accessing that important
1793 part of their life experience?

1794 I am not a Mason. I have no idea what goes on in the
1795 secret ceremonies of the Masons, but I really don't care
1796 because I am not a Mason. I am an American citizen. We
1797 represent American citizens. They have an interest in what
1798 goes on in the courts, particularly the highest court of the
1799 land, the Supreme Court. And yet somehow we are so afraid to
1800 suggest that the public should be let in.

1801 What is the watch-word today? I don't know. We hear it
1802 on the floor of the House and the Senate often. It is called
1803 "transparency." If you get a dictionary, it basically means
1804 you can see it. It means that it is visible. And yet we are
1805 afraid of making this institution, which is so important to
1806 us, visible.

1807 I support the underlying bill. I do not want to see it
1808 weighted down or anchored unnecessarily. Yet this issue is

1809 extremely important for us to see. The gentleman from Ohio
1810 made the point that there is only one group of people that
1811 have lifetime tenure in our system of government. It is
1812 federal judges—federal judges. What do we say about the
1813 greatest disinfectant for corruption? It is light. It is
1814 letting the light in. That is all we are talking about here.
1815 We allow them the discretion to have this occur.

1816 Now, some may say, well, your state of California gave
1817 us an example of why we shouldn't have cameras. We had the
1818 O.J. Simpson case. And I will say that in some
1819 circumstances, the presence of cameras may affect
1820 unnecessarily or inappropriately what happens, but there are
1821 ways that the judges can write the rules that in an
1822 extraordinary circumstance where they believe that to be the
1823 case, the exception would be that cameras would be not
1824 allowed in the courtroom. But it seems to me the rule ought
1825 to be that they are allowed in.

1826 We are not saying for in-camera proceedings. We are not
1827 talking about where attorneys go to the sidebar. We are not
1828 talking about those kinds of things that are out of view of
1829 the public. All we are talking about is if the public has a
1830 right to it, why not make sure they do. It reminds me of
1831 when we had the argument of the Megan's Law. There have
1832 always been, as a matter of law, convictions on sexual
1833 offenses of a certain nature, the public record. The problem

1834 was the public could never get to the public record, and
1835 people said, we can't do this because you can't trust the
1836 public with public knowledge.

1837 I don't see this any differently. This is not "The
1838 Wizard of Oz," where the wizard is behind the shield. I have
1839 great respect for members of the Supreme Court and the
1840 appellate courts and the district courts, but they ought not
1841 to be behind that shield or behind that curtain. They ought
1842 to be out there along with everybody else with proper
1843 protection.

1844 So I hope we would adopt this amendment. I think it is
1845 finely crafted to make sure that extraneous information
1846 doesn't get out that; that inappropriate circumstances do not
1847 dominate, but rather the rule would be, or the discretion
1848 would be to allow the cameras in, where now they are not
1849 allowed in at all.

1850 I support this amendment.

1851 Chairman Conyers. Thank you, ex-chief law enforcement
1852 officer of California.

1853 The chair recognizes a former assistant U.S. attorney
1854 from California, Adam Schiff.

1855 Mr. Schiff. Thank you, Mr. Chairman. This must be
1856 former prosecutor day.

1857 I just want to speak briefly, and I won't take 5 minutes
1858 at all. This is an amendment I have supported in the past,

1859 and I think there is no reason why the federal courts should
1860 be immune from the greater scrutiny that comes with cameras
1861 in the courtroom. And also, I think it will help inform the
1862 public about the role of the judiciary in a way that it is
1863 hard to do otherwise.

1864 It is not completely without its problems, and I think
1865 we need to think through how it ought to be done and whether
1866 it ought to be done at every level of the court at the same
1867 time. But I am sensitive to what the chair of the
1868 subcommittee has said, and that is, you know, we have been
1869 trying to get this bill through for some time.

1870 I would like to see if it can move quickly or move on
1871 suspension. I think this is a sufficiently weighty issue
1872 that it would certainly merit its own hearing, its own
1873 oversight hearing, and its own markup, and then we would have
1874 a debate devoted to cameras in the courtroom. I don't think
1875 it is such a minor issue that it wouldn't benefit from that
1876 kind of scrutiny.

1877 So I support it in concept. If it is the inclination of
1878 the chair of the committee to handle this separately, that is
1879 certainly something I would support as well.

1880 I yield back the balance of my time.

1881 Ms. Jackson Lee. Would the gentleman yield?

1882 Mr. Schiff. I would be happy to yield.

1883 Ms. Jackson Lee. I thank the gentleman.

1884 I want to raise a concern. I thank the gentleman for
1885 his comments. I, too, believe that it is a weighty question.
1886 It seems as if I received a communication from judges that
1887 indicated that they had great concern, and therefore I
1888 express a sense of unreadiness. But more importantly, even
1889 though the gentleman from Ohio has been thoughtful in his
1890 legislation such that individuals can opt out, I have sort of
1891 views of Court-TV and vulnerable defendants or plaintiffs who
1892 are not privy to understanding the opt-out situation as
1893 quickly as you might want them to understand it.

1894 I would like to have a further hearing to hear from all
1895 elements, whether it be those who represent defendants or
1896 those who represent plaintiffs, defendants in a criminal
1897 setting. This needs vetting and frankly I believe that an
1898 oversight hearing is imperative before we move forward with
1899 this bill.

1900 I yield back to the gentleman.

1901 Chairman Conyers. Thank you very much.

1902 The chair recognizes non-ex-U.S. Attorney Randy Forbes
1903 from Virginia.

1904 [Laughter.]

1905 Mr. Forbes. Thank you, Mr. Chairman.

1906 Mr. Chairman, I just hope that we will pay a little bit
1907 of attention to the wisdom put forward by the chairman of the
1908 Crime Subcommittee. The issue before us today is not whether

1909 we should have cameras in the courtroom or not. It is
1910 whether or not we should vote on this today before we have a
1911 hearing.

1912 We have been pretty exacting in making sure that
1913 legislation, to my knowledge, that has come out of the Crime
1914 Subcommittee, has had a hearing on it before we have put it
1915 forward to the full committee and before we have voted on it.
1916 I hope that the judicial security bill is too important of a
1917 bill for us to attach anything to it that may jeopardize it.
1918 I hope we will pass this bill out of here today.

1919 I am confident that we will have an expeditious hearing
1920 on the issue of cameras in the courtroom. As the gentleman
1921 from Massachusetts mentioned, we have considerable experience
1922 with cameras in the courtroom. We need to have that
1923 experience come forward in a hearing so that we can make a
1924 full and fair decision about it.

1925 I hope that we will not pass this amendment today and we
1926 will pass the underlying bill out of here.

1927 Chairman Conyers. I thank the gentleman.

1928 Mr. Chabot. Would the gentleman yield?

1929 Mr. Forbes. I will be happy to yield.

1930 Mr. Chabot. Yes, I would just note—and I don't know the
1931 exact number, and Mr. Delahunt may have a better memory—in
1932 fact, this goes all the way back to when Chuck Schumer was on
1933 this committee and was the cosponsor of this amendment.

1934 We have passed this many times in this committee. So at
1935 this point, to say, "Oh, well, we need a hearing now and that
1936 is why we can't be supportive, even though we are really
1937 supportive of the amendment," I think I have to—

1938 Mr. Forbes. Mr. Chairman, reclaiming my time, I didn't
1939 tell him I was supportive of the amendment.

1940 [Laughter.]

1941 I just simply said that I didn't think this was the
1942 issue that we had to have right now.

1943 Mr. Delahunt. I appreciate the honesty of the
1944 gentleman.

1945 Chairman Conyers. Well, we all have different memories
1946 on this. Could I let you all know that we have Judge
1947 Gohmert, Mr. Ellison, Lamar Smith, but if I made an agreement
1948 to hold an immediate hearing before the July 4th recess,
1949 because I think we need to revisit this. I can still use the
1950 phrase "trust me" without fear of any contradiction. We
1951 would be willing, and I think it would be a great hearing.

1952 Mr. Chabot. Would the gentleman yield?

1953 Chairman Conyers. Yes, sir.

1954 Mr. Chabot. I thank the gentleman for yielding.

1955 I think the gentleman is showing the wisdom he generally
1956 shows in this committee on some issues.

1957 [Laughter.]

1958 And after conferring with my colleague, Mr. Delahunt,

1959 who we agree on at least one thing, assuming that the hearing
1960 would reasonably lead toward a markup on the bill so that we
1961 can actually bring this to a vote, I would defer to the
1962 chairman's wisdom.

1963 Chairman Conyers. I look forward to the hearing as
1964 quickly as possible. I thank the gentleman—

1965 Mr. Chabot. Excuse me—and leading toward an actual
1966 markup so we could vote on it.

1967 Chairman Conyers. Oh, absolutely.

1968 Mr. Chabot. Okay, thank you very much.

1969 Chairman Conyers. Absolutely.

1970 Without objection, then, the amendment is withdrawn.

1971 Are there other amendments? Steve King?

1972 Mr. King. Mr. Chairman, I have an amendment at the
1973 desk.

1974 Chairman Conyers. Yes. Okay. Let's report the
1975 amendment.

1976 The Clerk. "Amendment to the amendment in the nature of
1977 a substitute to H.R. 660, offered by Mr. King of Iowa. At
1978 the end of the amendment, add the following: Section to be
1979 determined—"

1980 [The amendment by Mr. King follows:]

1981 ***** INSERT *****

1982 Chairman Conyers. Without objection, the amendment is
1983 considered as read.

1984 Steve King is recognized in support of his amendment.

1985 Mr. King. Thank you, Mr. Chairman.

1986 I am going to try to compress and truncate this
1987 discussion because this markup has gone on longer than I
1988 believe you have intended, and get to the point of this
1989 amendment.

1990 This is an amendment that has passed this committee
1991 before, and that I have offered on the floor and it has
1992 passed on the floor. This is the amendment that grants the
1993 right of federal judges and those who represent the federal
1994 government in a court of law to carry a firearm.

1995 It fits in very consistently with this "Court Security
1996 Act" that we are talking about here today. It is something
1997 that I believe has been very well debated through this
1998 committee and on the floor of Congress. I offer this
1999 amendment today because it is consistent with some of the
2000 passages that we have had in the past, and consistent with my
2001 belief that you need to grant that right to the people whose
2002 lives are on the line.

2003 I could tell a lot of anecdotes, but I would just add
2004 this, and that is that if this amendment passes—and I think
2005 there is a significant consensus at least in this Congress—it
2006 will save the Rules Committee from some work and it will

2007 allow us to do our work here in this committee.

2008 And since we all understand the amendment, I would just
2009 simply yield back and hope we can expedite the process.

2010 Chairman Conyers. Would the gentleman yield?

2011 Mr. King. I would be happy just to yield to the
2012 chairman.

2013 Chairman Conyers. Is this for prosecutors and judges?

2014 Mr. King. Yes, prosecutors and judges, those who
2015 represent the federal government in a court.

2016 Chairman Conyers. And it is your understanding that, at
2017 the present moment, they cannot carry weapons?

2018 Mr. King. At the present moment, they don't have a
2019 statutory directive that grants them that right. The
2020 conditions are that the attorney general establishes those
2021 parameters, under consultation with the judicial—let's see, I
2022 will look at the last name—the Judicial Conference of the
2023 United States.

2024 Chairman Conyers. Okay.

2025 Mr. King. So we have the attorney general and the
2026 Judicial Conference of the United States would put together
2027 those conditions, which I presume mean that they will have to
2028 take the safety testing and perhaps prove out on a firearm,
2029 the same kind of standards I would expect that we have for
2030 federal officers.

2031 Chairman Conyers. Okay, last question, Steve. Would

2032 they be permitted to carry one weapon or two weapons?

2033 Mr. King. We don't address that subject, as to how many
2034 weapons it might be.

2035 Chairman Conyers. It is not covered. All right.

2036 Do you return your time?

2037 Mr. King. I yield back my time. Thank you, Mr.

2038 Chairman.

2039 Chairman Conyers. All right.

2040 I recognize Chairman Scott.

2041 Mr. Scott. Mr. Chairman, I rise in opposition to the
2042 amendment.

2043 It doesn't say, it is vague on what kind of regulations.
2044 One attorney general could come up with some regulations and
2045 another one some other regulations. It doesn't say where
2046 they can carry them. You know, if you are talking about
2047 court security, are you talking about allowing them in the
2048 courtroom itself? The last thing you want is a shoot-out in
2049 the courthouse.

2050 It is vague on what training. Mr. Chairman, if you are
2051 going to have this kind of legislation, I would hope we would
2052 have some deliberation and not have it sprung on us in the
2053 middle of a bill.

2054 Chairman Conyers. Would the gentleman yield?

2055 Mr. Scott. I yield.

2056 Chairman Conyers. Is this the subject for yet another

2057 hearing?

2058 Mr. Scott. I would hope so, Mr. Chairman.

2059 Chairman Conyers. I just raise that.

2060 Would you yield to Ms. Waters?

2061 Mr. Scott. I yield to Ms. Waters.

2062 Ms. Waters. Thank you very much.

2063 I would support that. We certainly don't want to use
2064 this bill to take up these big, big issues as amendments. I
2065 certainly think this would be the subject of another hearing
2066 so that we could clearly identify what the threat is and how
2067 it would be mitigated by way of carrying a gun or guns; how
2068 many guns would be in the courtroom; who all would be capable
2069 of carrying guns.

2070 And just like Mr. Gohmert is concerned about those
2071 bleeding-heart liberals, I am concerned about those right-
2072 wing, conservative, gun-toting folks who would pull that
2073 trigger really fast. So I would hope that we would be very
2074 cautious as we approach this.

2075 I yield back the balance of my time.

2076 Mr. Issa. Mr. Chairman, I move to strike the last word
2077 on the amendment.

2078 Chairman Conyers. The gentleman from California, Mr.
2079 Issa, is recognized.

2080 Mr. Issa. Mr. Chairman, I am generally supportive of
2081 this amendment, but I think it is something I don't know

2082 enough about. I am a strong believer in the right to keep
2083 and bear arms, but my understanding—and that is why I would
2084 like to know more before we revisit this amendment on any
2085 number of future bills, or perhaps at the House floor—is that
2086 this amendment I believe is unnecessary.

2087 I believe that we would find that any member of the
2088 bench, any key employee of a member of the bench,
2089 recognizable employee of a member of the bench, will get a
2090 firearm if they ask for it; that there is no denial. I know
2091 that in my home constituency in the San Diego area, the
2092 Southern District, we are completely covered on this issue.

2093 So not knowing the rest of the country, I can't speak
2094 for it, but I would appreciate it if the chairman would, if
2095 this is not accepted, work between now and the floor to find
2096 out whether there are some examples of an absence of ability
2097 by these individuals to have firearms if they choose, and if
2098 so, then we would work to do something at the floor.

2099 Chairman Conyers. Thank you, Mr. Issa.

2100 Ms. Wasserman Schultz. Mr. Chairman?

2101 Chairman Conyers. Yes?

2102 Ms. Wasserman Schultz. I move to strike the last word
2103 on the amendment.

2104 Chairman Conyers. The gentlelady from Florida is
2105 recognized.

2106 Ms. Wasserman Schultz. Thank you, Mr. Chairman.

2107 I am not likely to be a supporter of this amendment, but
2108 when and if we do have a hearing on this, the question that I
2109 would want to explore is, why would we be limiting it only to
2110 federal judges and prosecutors?

2111 There are public defenders in the courtroom as well.
2112 There perhaps could be victims that are angry at the public
2113 defender for defending the accused criminal and could bring a
2114 weapon into the courtroom and try to harm them. So why don't
2115 we just arm everybody in the room to the teeth and make sure
2116 that everybody has the ability to protect themselves?

2117 I yield back the balance of my time.

2118 Chairman Conyers. Steve Cohen, and then I am going to
2119 recognize Lamar Smith.

2120 Mr. Cohen. Thank you, Mr. Chairman.

2121 I also am kind of supportive of these things. I passed
2122 a right-to-carry bill in Tennessee. But I think it is a
2123 matter of states' rights, and I would implore my colleagues
2124 on the other side of the aisle to respect the 10th Amendment.

2125 This is really a state issue, and in the state of
2126 Tennessee and in most states, anybody who is not a criminal—
2127 and these people aren't—and can hit the side of a wall with
2128 their eyes open can get a gun. And these people qualify.

2129 And respect for the 10th Amendment and support of the 50
2130 states, I would have to oppose this amendment. This is the
2131 federalization of an area that doesn't need to be

2132 federalizing, and I would ask my colleagues to respect the
2133 states that they also come from.

2134 Chairman Conyers. Thank you, Steve Cohen.

2135 Lamar Smith?

2136 Mr. Smith. Thank you, Mr. Chairman.

2137 Mr. Chairman, I just was going to suggest that we might
2138 follow the precedent that you started a minute ago and
2139 perhaps have a hearing on this issue. That would enable us
2140 to address a lot of the questions that have already been
2141 raised. So would you take that under consideration?

2142 Chairman Conyers. I would agree to do that.

2143 Mr. Smith. Okay. I will yield to the gentleman from
2144 Iowa for a possible withdrawal of the amendment.

2145 Mr. King. Thank you, Mr. Ranking Member.

2146 Mr. Chairman, I am actually surprised. I thought the
2147 knowledge base was broader on this. Had I known this, I may
2148 not have brought this amendment up and simply informally
2149 requested a hearing. But I appreciate that offer.

2150 And I wonder if I could inquire, Mr. Chairman, if we
2151 could move forward on that, should I withdraw this amendment?

2152 Chairman Conyers. Yes, I first of all agree to a
2153 hearing; and secondly, we would thank you for your withdrawal
2154 of the amendment. I think there are some issues here that
2155 could not be explored adequately in the timeframe that we
2156 find ourselves in.

2157 Mr. King. I agree with the chairman. In the spirit of
2158 the Chabot agreement, and again in the spirit the chairman
2159 has laid out before this committee, I would ask unanimous
2160 consent to withdraw the amendment.

2161 Chairman Conyers. Without objection.

2162 Mr. Smith. Mr. Chairman, I yield back the balance of my
2163 time. Thank you.

2164 Chairman Conyers. All right.

2165 Are there any other amendments?

2166 The question then occurs on adopting the amendment in
2167 the nature of a substitute.

2168 Those who are in favor of this amendment in the nature
2169 of a substitute, indicate by saying, "Aye."

2170 Those who are opposed, indicate by saying, "No."

2171 In the opinion of the chair, the ayes have it. The ayes
2172 have it, and the amendment in the nature of a substitute is
2173 agreed to.

2174 A reporting quorum being present, the question is on
2175 reporting the bill as amended favorably to the House.

2176 All those in favor will signify by saying, "Aye."

2177 Those opposed, "No."

2178 The ayes have it, and the bill, H.R. 660, as amended, is
2179 ordered reported favorably to the House.

2180 Without objection, the bill will be reported favorably
2181 to the House in the form of a single amendment in the nature

2182 of a substitute, incorporating any amendments adopted here
2183 today.

2184 Without objection, the staff is directed to make any
2185 technical and conforming changes.

2186 All members will be given 2 days for additional views.
2187 Pursuant to committee rule 2(j), the chair is authorized to
2188 offer such motions as may be necessary to go to the House.

2189 The chair notices the presence of Mary Wilson, formerly
2190 of Motown, to be here with us. Would you stand up and be
2191 recognized?

2192 [Applause.]

2193 Thank you very much.

2194 Ms. Jackson Lee. Mr. Chairman?

2195 Chairman Conyers. Sheila Jackson Lee?

2196 Ms. Jackson Lee. May I take 1 minute to speak out of
2197 order? I ask unanimous consent. I was out of the room for
2198 H.R. 923, the "Emmett Till Unsolved Civil Rights Crimes Act
2199 of 2007," at another hearing.

2200 After the moving testimony of yesterday, may I add my
2201 enthusiastic voice vote to this powerful initiative, and
2202 would only offer that I would like to engage Mr. Nadler on
2203 some language dealing with families and the increase in the
2204 amount of money that deals with families, having heard from
2205 Myrlie Evers-Williams of how important families are in the
2206 prosecution of these cases.

2207 I ask that my voice vote—I don't know if it was a roll-
2208 call—be recorded as enthusiastically supporting H.R. 923.

2209 I yield back to the chairman.

2210 Chairman Conyers. I thank the gentlelady.

2211 I thank the members of the committee.

2212 The committee stands adjourned.

2213 [Whereupon, at 1:48 p.m., the committee was adjourned.]