

April 26 2005 - House Republicans:

House Republicans:

Arrogance Unchecked

The "Sensenbrenner Standard" is another Abuse of Power

Washington, DC - Rep. Louise M. Slaughter (D-NY-28), Ranking Member of the House Committee on Rules, delivered the attached statement on the House Floor this morning regarding the gross abuse of power by Chairman James Sensenbrenner and the Majority on the Judiciary Committee this week.

Chairman Sensenbrenner and his staff rewrote the captions of five Democratic Amendments to distort their meaning and intent in the Judiciary Committee Report on HR 748. The goal of the distortion was to clearly suggest that the amendments were written to protect the rights of sexual predators, which is absolutely false.

Rep. Slaughter stated during her floor speech, "...to falsely rewrite the intent of an amendment submitted by another member, to intentionally distort its description as being designed to protect sexual predators, is no different than accusing a fellow member of Congress as being apologists for sexual predators themselves. That is in effect what the Chairman of the Judiciary Committee has done here..."

The "Sensenbrenner Standard" is a Clear Abuse of Power

Chairman Sensenbrenner maintains that he was justified in changing the captions, because the language of the amendments did not expressly provide exceptions for grandmothers and grandfathers who also happen to be sexual predators. But the ridiculousness of this argument is easily apparent.

The amendments didn't have language that expressly included the possibility that the grandparents may be terrorists either, but that doesn't mean it is not still illegal to be a terrorist. In fact, there are an infinite number of possible exceptions that would have to be expressly addressed in every single amendment or bill offered if this new standard were properly utilized. This is called the "Sensenbrenner Standard."

For example, the tax cuts which passed this last Congress do not include specific exceptions for sexual predators. If the "Sensenbrenner standard were properly applied, it should be renamed the "Sexual Predator Tax Relief Act".

Likewise, the Small Business Bill of Rights, which the House is considering today, would be renamed the "Sexual Predator Bill of Rights," as there are, no doubt, sexual predators who own small businesses in America which are not specifically excluded in this legislation.

"For Republicans to deem it their right to falsify and distort the work of other Members of Congress is the height of arrogance and another abuse of power," states Congresswoman Slaughter. She added "The Sensenbrenner Standard is a dishonest and offensive Republican tactic that further damages the waning credibility of this government. Mr. Sensenbrenner and the Republican leadership of this body owe an apology to the Democratic Members of Congress whom they have maligned."

The following amendments were offered and voted down by recorded votes in the Judiciary Committee markup of H.R. 748-The Child Interstate Abortion Notification Act (CIANA):

The following chart demonstrates how Judiciary Committee Republicans blatantly mischaracterized these amendments

in their official committee report on the bill. This is in a public document containing the legislative history of this bill:

DESCRIPTION OF AMENDMENT

AMENDMENT DESCRIPTION

IN HOUSE REPORT 109-51

1) A Nadler amendment allows an adult who could be prosecuted under the bill to go to a Federal district court and seek a waiver to the state's parental notice laws if this remedy is not available in the state court. (no 11-16)

ROLL CALL NO. 1. Mr. Nadler offered an amendment that would have created an additional layer of Federal court review that could be used by sexual predators to escape conviction under the bill. By a roll call vote of 11 yeas to 16 nays, the amendment was defeated.

2) A Nadler amendment to exempt a grandparent or adult sibling from the criminal and civil provisions in the bill (no 12-19)

ROLL CALL NO. 2. Mr. Nadler offered an amendment that would have exempted sexual predators from prosecution under the bill if they were grandparents or adult siblings of a minor. By a roll call vote of 12 yeas to 19 nays, the amendment was defeated.

3) A Scott amendment to exempt cab drivers, bus drivers and others in the business transportation profession from the criminal provisions in the bill (no 13-17):

ROLL CALL NO. 3. Mr. Scott offered an amendment that would have exempted sexual predators from prosecution if they are taxicab drivers, bus drivers, or others in the business of professional transport. By a roll call vote of 13 yeas to 17 nays, the amendment was defeated.

4) A Scott amendment that would have limited criminal liability to the person committing the offense in the first degree (no 12-18)

ROLL CALL NO. 4. Mr. Scott offered an amendment that would have exempted from prosecution under the bill those who aid and abet criminals who could be prosecuted under the bill. By a roll call vote of 12 yeas to 18 nays, the amendment was defeated

5) A Jackson-Lee amendment to exempt clergy, godparents, aunts, uncles or first cousins from the penalties in the bill (no 13-20)

ROLL CALL NO. 5. Ms. Jackson-Lee offered an amendment that would have exempted sexual predators from prosecution under the bill if they were clergy, godparents, aunts, uncles, or first cousins of a minor, and would require a study by the Government Accounting Office. By a roll call vote of 13 yeas to 20 nays, the amendment was defeated.

Text of Rep. Slaughter's Floor Speech:

"...but I want to talk for a minute about another abuse which has occurred in this chamber, a personal affront to three of our colleagues I have never witnessed in my near twenty years serving in this House.

The Rules Committee discovered yesterday that the Judiciary Committee Report on this very bill, which was authored by the Majority Staff, contained amendment summaries which had been re-written by committee staff for the sole purpose of distorting the original intent of the authors.

This Committee Report took liberty to mischaracterize and even falsify the intent of several amendments offered in Committee by Democratic Members of this body.

At least five amendments to this bill, which were designed to protect the rights of family members and innocent bystanders from prosecution under this bill, were rewritten as amendments designed to protect sexual predators from prosecution and were then included in the committee report as if that was the original intent of the authors.

The thing is, sexual predators were not mentioned anywhere in any of these amendments.

These amendments were no more about sexual predators than they were about terrorists or arsonists or any other criminal class in our society. These amendments were about the rights of grandmothers and siblings and clergy and innocent bystanders.

I asked the Chairman of the Judiciary Committee about this deception yesterday afternoon at the Rules Committee hearing.

And instead of decrying what I certainly expected would be revealed as a mistake by an overzealous staffer...The Chairman stood by those altered amendment descriptions. He made very clear to the Rules Committee that the alterations to these members' amendments were deliberate.

When pressed as to why his committee staff took such an unprecedented action, the Chairman immediately offered up his own anger over the manner in which Democrats had chosen to debate and oppose this unfortunate piece of legislation we have before us today.

In fact...He said, and I quote..."You don't like what we wrote about your amendments, and we don't like what you said about our bill."

To falsely rewrite the intent of an amendment submitted by another member, to intentionally distort its description as being designed to protect sexual predators, is no different than accusing a fellow member of Congress as being an apologist for sexual predators themselves.

That is in effect what the Chairman of the Judiciary Committee has done here, with all deliberation.

And he has ensured that these amendment descriptions will be encapsulated in the record for all time by including those unfair and incorrect amendment summaries in the Committee report.

This is a new low for this chamber M. Speaker.

This is a clearly dishonest, unethical attack on the credibility and character of another member. And sadly, it is just the latest in a pattern of unethical and abusive tactics employed by this Majority.

How incredibly arrogant is this majority...that they believe they have the right to tamper with official congressional documents for their own political purposes?

How unbelievably arrogant is the leadership of this Congress...that they would force their own politicized interpretation of another members work upon this body, and upon the American people, in an official committee report?

The Majority's actions are not only an affront to all members of this house, but they are also an affront to the American people.

There is no question that we can debate and disagree over the impact a bill will have.

We can argue over how well it has been written or what language it should include to be more effective. But regardless of how that debate turns out, the caption on the top of that bill or amendment serves to instruct the American people as to what original intent of that legislation was.

It serves as an unbiased reading on what that amendment aims to accomplish.

To falsify and rewrite that description as a political attack, is not only unprecedented, it is fundamentally dishonest and it is an abuse of the power given to the Majority by the American people.

And I have no doubts Mr. Speaker, no doubts, that unless the congressional record is amended to reflect the true captions of these amendments, then we will surely see these erroneous captions again in the form of campaign attack mail pieces.

In fact, when we pressed last night in the Rules Committee to have the record amended to reflect the honest and accurate captions that belong on those amendments, we were defeated on a party line vote.

So now, these honorable and hardworking Members of Congress will be forever branded in the official record as having offered amendments which were designed to protect sexual predators, when nothing, nothing could be further from the truth.

M Speaker, I have often heard the Chairman of the Rules Committee as well as other Republicans talk about the loss of civility in this chamber.

But perhaps they will be the last to realize, that in order to regain some of that lost civility, they need look no further than their own abusive, unethical and arrogant administration of this House of Representatives."