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2 MEETING ON APPROVAL OF COMMITTEE RULES,  
3 RATIFICATION OF SUBCOMMITTEE CHAIRMANSHIPS  
4 AND MEMBERSHIP, AND RE-ESTABLISHMENT OF THE  
5 TASK FORCE ON JUDICIAL IMPEACHMENT

6 Thursday, January 22, 2009

7 House of Representatives,

8 Committee on the Judiciary,

9 Washington, D.C.

10       The committee met, pursuant to call, at 10:06 a.m., in  
11 Room 2141, Rayburn House Office Building, Hon. John Conyers  
12 [chairman of the committee] presiding.

13       Present: Representatives Conyers, Watt, Lofgren,

14 Jackson Lee, Waters, Delahunt, Wexler, Cohen, Johnson,  
15 Gutierrez, Schiff, Wasserman Schultz, Gonzalez, Maffei,  
16 Pierluisi, Smith, Sensenbrenner, Coble, Gallegly, Goodlatte,  
17 Lungren, Issa, Forbes, King, Franks, Gohmert, Jordan, Poe,  
18 Chaffetz, Rooney, and Harper.

19       Staff present: Perry Apelbaum, Staff Director/Chief  
20 Counsel; Ted Kalo, General Counsel/Deputy Staff Director;  
21 George Slover, Legislative Counsel/Parliamentarian; Sean  
22 McLaughlin, Minority Chief of Staff/General Counsel; Allison  
23 Halataei, Minority Deputy Chief of Staff/Parliamentarian; and  
24 Anita L. Johnson, Clerk.

25 Chairman Conyers. [Presiding.] Good morning,  
26 everybody. The committee will come to order. We have got a  
27 quorum.

28 The Committee on the Judiciary of the 111th Congress  
29 will come to order.

30 And the clerk will call the roll to establish a quorum.

31 The Clerk. Mr. Conyers?

32 Chairman Conyers. Present.

33 The Clerk. Mr. Berman?

34 [No response.]

35 Mr. Boucher?

36 [No response.]

37 Mr. Nadler?

38 [No response.]

39 Mr. Scott?

40 [No response.]

41 Mr. Watt?

42 [No response.]

43 Ms. Lofgren?

44 [No response.]

45 Ms. Jackson Lee?

46 [No response.]

47 Ms. Waters?

48 [No response.]

49 Mr. Delahunt?

50 Mr. Delahunt. Here.

51 The Clerk. Mr. Wexler?

52 [No response.]

53 Mr. Cohen?

54 [No response.]

55 Mr. Johnson?

56 [No response.]

57 Mr. Pierluisi?

58 Mr. Pierluisi. Present.

59 The Clerk. Mr. Gutierrez?

60 [No response.]

61 Mr. Sherman?

62 [No response.]

63 Ms. Baldwin?

64 [No response.]

65 Mr. Gonzalez?

66 Mr. Gonzalez. Present.

67 The Clerk. Mr. Weiner?

68 [No response.]

69 Mr. Schiff?

70 Mr. Schiff. Present.

71 Ms. Sanchez?

72 [No response.]

73 Ms. Wasserman Schultz?

74 [No response.]

75 Mr. Maffei?  
76 [No response.]  
77 Mr. Smith?  
78 Mr. Smith. Present.  
79 The Clerk. Mr. Sensenbrenner?  
80 Mr. Sensenbrenner. Here.  
81 The Clerk. Mr. Coble?  
82 Mr. Coble. Here.  
83 The Clerk. Mr. Gallegly?  
84 [No response.]  
85 Mr. Goodlatte?  
86 Mr. Goodlatte. Here.  
87 The Clerk. Mr. Lungren?  
88 [No response.]  
89 Mr. Issa?  
90 Mr. Issa. Present.  
91 The Clerk. Mr. Forbes?  
92 [No response.]  
93 Mr. King?  
94 [No response.]  
95 Mr. Franks?  
96 [No response.]  
97 Mr. Gohmert?  
98 [No response.]  
99 Mr. Jordan?

100 [No response.]

101 Mr. Poe?

102 [No response.]

103 Mr. Chaffetz?

104 Mr. Chaffetz. Here.

105 The Clerk. Mr. Rooney?

106 [No response.]

107 Mr. Harper?

108 Mr. Harper. Here.

109 Chairman Conyers. Are there additional members that

110 want to record their presence?

111 Mr. Coble. May I ask how I am recorded?

112 The Clerk. Not being present, sir.

113 Mr. Coble. I would ask to change that to present.

114 Mr. King. Mr. Chairman?

115 Chairman Conyers. Yes?

116 Mr. King. I would like to be recorded as present.

117 Chairman Conyers. Steve King.

118 Mr. Sensenbrenner. Mr. Chairman, could I request maybe

119 not being all here, but being here?

120 Chairman Conyers. We will take that under advisement.

121 Anyone else?

122 Mr. Johnson.

123 All right. The clerk will report.

124 The Clerk. Mr. Chairman, 19 members responded present.

125 Chairman Conyers. Zoe Lofgren.

126 The Clerk. Mr. Chairman, 20 members are now present.

127 Chairman Conyers. Thank you.

128 I would like to welcome all of you.

129 The gentlelady from Florida, you got her.

130 I would like to welcome everyone returning, the new  
131 members of the Committee on the Judiciary, as well,  
132 especially the members that have served here before, some for  
133 many years, as we come together in our first meeting to  
134 formally organize, adopt committee rules, ratify subcommittee  
135 assignments, and reestablish the Task Force on Judicial  
136 Impeachment.

137 The committee was quite active in the last Congress,  
138 with a number of important achievements, which I attribute,  
139 in no small part, to the cooperative bipartisan manner in  
140 which we were able to conduct ourselves on even the most  
141 sensitive and important matters.

142 I particularly want to thank our ranking member, Lamar  
143 Smith of Texas, and the chairman emeritus of our committee,  
144 Jim Sensenbrenner, for their contributions to that success.

145 And I look forward to building on the record in this  
146 Congress and to working with all of you to build a new record  
147 that we can all be proud of, a record that will, I hope, help  
148 our new President Obama in his efforts to restore the  
149 confidence of our citizens in their laws and in their

150 government.

151 I believe service on this on this committee is a  
152 particularly special public trust. We have jurisdiction over  
153 many of the most significant and sensitive issues that come  
154 before Congress, issues that are at the very foundation of  
155 our liberty and the democracy that protects it.

156 My respect and admiration for our ranking member has  
157 only increased in the 2 years that we have worked closely  
158 together, and it is my hope that we will continue to be able  
159 to set a tone where we work to craft fair and meaningful  
160 solutions wherever we can and include the points of view of  
161 each and every member of the committee.

162 Where our principles are simply too far apart to permit  
163 agreement on the result, I hope that we can all agree that a  
164 fair process will be utilized to allow for balanced hearings,  
165 debate and reasonable consideration of amendments.

166 The Congress and the American people deserve no less.

167 Before recognizing Lamar Smith, I wanted to introduce  
168 three new Democratic members.

169 Pedro Pierluisi joins us from San Juan, Puerto Rico, and  
170 he is beginning his first term in the House.

171 He is a graduate of Tulane University, George Washington  
172 Law School, a number of years in private practice, where he  
173 represented, among others, the government of Peru in its  
174 lawsuit against the Hunt brothers, who, at that time, you



175 will recall, attempted to corner the world's silver market.

176 He returned to San Juan in 1990 and then became Puerto  
177 Rico's attorney general from 1993 to 1997. He is also on the  
178 Education and Labor and Natural Resources Committee.

179 And then there is Charles Gonzalez of San Antonio,  
180 Texas, whom I am very pleased to welcome. He is in his sixth  
181 term in Congress. He is on Energy and Commerce Committee, as  
182 well, and the House Administration Committee.

183 And I remember him well because his father used to drag  
184 him up here when he was in Congress and he was a good friend  
185 of mine, I am happy to recall.

186 Charles Gonzalez has been active on voting rights issues  
187 and on election reform, and he was not only an attorney in  
188 private practice in San Antonio, but he was a municipal  
189 judge, a county judge, and a state district court judge over  
190 a 15-year period.

191 Dan Maffei of DeWitt, New York is beginning his first  
192 term in the House. And this is a return to the Hill for him,  
193 as he served Congress for a number of years as press  
194 secretary to Charlie Rangel, Bill Bradley and Dan Moynihan.

195 He was a TV news reporter at one time, a producer in  
196 Syracuse and Watertown, New York, and has master's degrees  
197 from both Columbia School of Journalism and the Kennedy  
198 School.

199 I look forward to working with everybody.

200 And I would now like to turn the proceedings over to our  
201 ranking member, Lamar Smith.

202 Mr. Smith. Thank you, Mr. Chairman. And let me say  
203 that I appreciate your initial comments.

204 I, too, felt like we had a good working relationship in  
205 the last Congress and look forward to an equally good working  
206 relationship in the next 2 years, as well.

207 It has been very satisfying working with all members of  
208 the committee to try to advance the good legislation that we  
209 have these last couple of years.

210 And, Mr. Chairman, let me add, because not all members  
211 may be aware of it, that the Judiciary Committee, actually,  
212 in the last Congress, received the third highest number of  
213 referrals of any committee in Congress.

214 The Judiciary Committee received over 1,100 referrals,  
215 indicative of the important jurisdiction that we have and the  
216 jurisdiction that you outlined, Mr. Chairman.

217 I think even more impressive than that, though, is the  
218 fact that the Judiciary Committee is the most productive  
219 committee in Congress.

220 In the last session, as in the session before that, more  
221 bills actually reached the House floor coming from the  
222 Judiciary Committee than any other committee in Congress.

223 Now, that assumes that we don't count the bills that  
224 were naming buildings for people, which I don't. But if you

225 are talking about substantive legislation, the Judiciary  
226 Committee is, arguably, the most productive committee in  
227 Congress, and I think we can all be pleased with that  
228 association that we had with the committee.

229       Mr. Chairman, we have four new members on our side of  
230 the aisle, and I would like to introduce them now.

231       And let me begin with my slightly tardy Texas colleague,  
232 Ted Poe, whose arrival, I think, is imminent, and I wish he  
233 were here, but I will introduce him in his absence, in any  
234 case.

235       Mr. Poe graduated from Abilene Christian University,  
236 where he served as class president, and from the University  
237 of Houston Law Center.

238       He then became a prosecutor in Harris County, the county  
239 that includes Houston, rising to be the chief felony  
240 prosecutor of Harris County.

241       In 1981, Mr. Poe was appointed a trial judge in Houston,  
242 handling felony cases. During his more than 20 years on the  
243 bench, Judge Poe was known for his creative sentencing.

244       He once made an individual who stole pistols from actor  
245 Clayton Moore, famous as TV's Lone Ranger, spend 600 hours  
246 cleaning the Houston Police Department stables.

247       I look forward to seeing what kind of creative  
248 legislative proposals he will have for the committee.

249       Ted Poe is also known for caring about crime victims.

250 Following his election in 2004, Mr. Poe founded the  
251 bipartisan Crime Victims' Rights Caucus, which he has  
252 continued to lead, along with our colleague from the  
253 majority, Mr. Costa.

254 Mr. Poe's real world experience as a prosecutor and a  
255 trial judge will serve the committee well.

256 We also have three newly elected members joining us on  
257 the committee.

258 Jason Chaffetz is from Utah. He graduated from Brigham-  
259 Young University, where he was the place kicker for the  
260 football team. Mr. Chaffetz still holds the BYU record for  
261 the most extra points in a game, 10.

262 We expect Mr. Chaffetz to kick some amendments between  
263 the legislative goalposts, Mr. Chairman.

264 Mr. Chaffetz got his start in politics while he was  
265 still in college. He served as Utah co-chairman for the  
266 presidential campaign of Governor Dukakis in 1988.

267 Seeing the light, Mr. Chaffetz became a Republican after  
268 starting a business career. He then managed Governor  
269 Huntsman's campaign and, upon the governor's election in  
270 2004, served as his chief of staff.

271 Mr. Chaffetz became the head of a corporate  
272 communications and marketing firm before running for Congress  
273 last year.

274 His experience in business and in state government will

275 be helpful to the committee. And because Mr. Chaffetz is not  
276 a lawyer, he has retained his common sense, which will be  
277 especially beneficial to us.

278 Next, let me introduce our new member from Florida, Tom  
279 Rooney. Mr. Rooney was born and raised in Florida and is a  
280 graduate of Washington & Jefferson College in Pennsylvania,  
281 where he played tight end on the football team.

282 Mr. Chairman, with all this new football talent on one  
283 side of the committee, I am tempted to suggest a friendly  
284 outing to the gridiron to determine who controls the  
285 committee's budget.

286 After graduating from college, Mr. Rooney worked in the  
287 office of former Senator Connie Mack of Florida. He then  
288 obtained a master's degree at the University of Florida and  
289 law degree from the University of Miami.

290 Mr. Rooney next joined the Judge Advocate Generals Corps  
291 of the Army. He also has taught constitutional and criminal  
292 law as an instructor of law at the United States Military  
293 Academy at West Point.

294 In 2004, Mr. Rooney left the Army and became an  
295 assistant attorney general in Florida. In 2006, he joined a  
296 private law firm.

297 He also was named the CEO of the Children's Place at  
298 Home Safe, a safe haven for abused and neglected children.

299 Mr. Rooney's experience as a military lawyer, prosecutor

300 and law professor are all relevant, but his commitment to  
301 children especially will help this committee with its work.

302 Our last new member is Gregg Harper of Mississippi. Mr.  
303 Harper graduated from Mississippi College and the University  
304 of Mississippi Law School.

305 He has practiced law for 27 years and served as  
306 prosecuting attorney for two different cities.

307 Mr. Harper has also been an active member of his  
308 community and his church, where he serves as a deacon and  
309 Sunday school teacher.

310 Mr. Harper's talent has already been recognized in the  
311 House. He was selected to be the freshmen representative on  
312 the Republican Steering Committee, where I had the  
313 opportunity to work with him.

314 I can assure my colleagues on the committee that he will  
315 be a thoughtful and knowledgeable member of this committee.

316 Finally, Mr. Chairman, I can't let it pass without  
317 mentioning that I want to recognize a longtime friend,  
318 colleague and neighbor from San Antonio, Charlie Gonzalez.

319 Along with Mr. Poe and Mr. Gohmert, his presence gives  
320 us three former Texas judges on the committee. That must be  
321 a record, if not a triple threat.

322 Mr. Gonzalez brings his legal experience, common sense  
323 and good humor to our committee and I am glad, Mr. Chairman,  
324 that he is here.

325 Mr. Chairman, let me also just note, before I yield  
326 back, that I am impressed with the attendance that is evident  
327 here today, and it looks like it is a little bit heavy on  
328 this side of the podium.

329 So any substantive legislation you would like to take  
330 up, I would be pleased to consider.

331 With that, I will yield back.

332 Chairman Conyers. Well, thank you so much.

333 I, too, am impressed, as we all are, by the  
334 distinguished backgrounds of all our new members, both  
335 Democratic and Republican, and we warmly welcome each of you  
336 to the committee and look forward to some very important  
337 discussions that we will have shortly.

338 Ms. Wasserman Schultz. Mr. Chairman?

339 Chairman Conyers. Yes, the gentle lady from Florida?

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

341 I just think it is important to point out that we now  
342 have doubled the number of University of Florida Fighting  
343 Gators that serve on the Judiciary Committee, who just happen  
344 to be the national champions again.

345 So I want to welcome our colleague, Tom Rooney, to the  
346 committee.

347 Chairman Conyers. That is an important consideration.

348 Ms. Wasserman Schultz. I thought it was.

349 Chairman Conyers. I am so glad that you made that.

350 Mr. Issa. Mr. Chairman?

351 Chairman Conyers. Yes?

352 Mr. Issa. I would just like to announce that  
353 immediately following this organizational meeting, there will  
354 be a meeting of the non-lawyer judiciary caucus.

355 It is a bipartisan group, and we will meet over here and  
356 see if we can conspire.

357 Thank you.

358 Chairman Conyers. Another caucus is born.

359 The next order of business is the adoption of the  
360 committee rules for the 111th Congress, a copy of which you  
361 each have.

362 [The rules follow:]

363 \*\*\*\*\* INSERT \*\*\*\*\*



364 Chairman Conyers. The only change thus far is in bold,  
365 Rule V, Paragraphs (a) and (b)(1), reflecting the revised  
366 jurisdiction of the Courts Subcommittee, which the caucus  
367 approved yesterday.

368 I now recognize, for an amendment, the ranking member of  
369 the committee.

370 Mr. Smith. Mr. Chairman, on the way to offering that  
371 amendment, let me repeat perhaps what you had said, and that  
372 is that as required by House rules, we are here today to  
373 ratify the Judiciary Committee rules for the 111th Congress.

374 The rules proposed by Chairman Conyers regarding the  
375 subcommittees are essentially the same as they were in the  
376 last Congress, with the exception of renaming the Courts  
377 Subcommittee to include antitrust and shifting jurisdiction  
378 over intellectual property matters to the full committee.

379 I plan to support the adoption of these rules, and I am  
380 pleased that the chairman intends to support a proposed rule  
381 to require the committee to post full committee votes on the  
382 Website.

383 And, Mr. Chairman, I have an amendment at the desk.

384 Chairman Conyers. The clerk will report the amendment.

385 THE CLERK: "Amendment to the Rules of Procedure of the  
386 Committee on the Judiciary, offered by Mr. Smith of Texas.  
387 Amend rule"-

388 [The amendment by Mr. Smith follows:]

389 \*\*\*\*\* INSERT \*\*\*\*\*

390 Mr. Smith. Mr. Chairman, I ask unanimous consent that  
391 the amendment be considered as read.

392 Chairman Conyers. And the gentleman is recognized.

393 Mr. Smith. Thank you, Mr. Chairman.

394 This amendment would create a new requirement within  
395 Rule IX that the committee post votes taken in the full  
396 committee on its Website within 3 legislative days.

397 In keeping with President Obama's call for "total  
398 transparency and bipartisan cooperation," it is important for  
399 the general public to have easy access to the votes we take  
400 here.

401 In fact, President Obama spoke just yesterday on this  
402 subject and stated, "Transparency and the rule of law will be  
403 the touchstones of this presidency."

404 He went on to state that involving the American people  
405 in shaping the policies that affect their lives is very  
406 important.

407 Transparency is important, and this amendment will  
408 strengthen the right of the people to know how their elected  
409 representatives are voting.

410 Often, committee meetings are the only time for members  
411 to express their positions on legislation, given that so many  
412 bills come to the floor under closed rules.

413 Several other committees either have a rule similar to  
414 the one I am proposing or already post votes on their

415 Websites.

416       The Education and Labor Committee adopted an almost  
417 identical committee rule yesterday, and I am told that both  
418 the House Armed Services and Appropriation Committees also  
419 post the results of committee votes on their Web pages.

420       I understand, Mr. Chairman, that you plan to support  
421 this amendment. I appreciate that very much, and will yield  
422 back the balance of my time.

423       Chairman Conyers. Thank you very much.

424       Mr. Smith. Mr. Chairman, if I may reclaim my time, I  
425 will yield to the gentleman from Virginia, to my left, Mr.  
426 Goodlatte.

427       Mr. Goodlatte. I thank the ranking member for offering  
428 this amendment and I also strongly support it.

429       This is a sunshine amendment. It simply makes it  
430 possible for the public, members of the news media who are  
431 not present during markups of legislation who would like to  
432 have access to this information in a timely fashion before,  
433 for example, a piece of legislation goes to the floor of the  
434 House, wanting to know how members voted, they should have  
435 the opportunity to do so in a prompt and timely fashion.

436       So I commend the ranking member for offering the  
437 amendment. I thank the chairman for supporting it, and I  
438 support it, as well.

439       Mr. Delahunt. Mr. Chairman?

440 Chairman Conyers. Yes, Mr. Delahunt?

441 Mr. Delahunt. I thank the gentleman, and I rise in  
442 support of the ranking member's amendment.

443 I think it is a good amendment and a wise amendment. It  
444 certainly is in keeping with the remarks of President Obama,  
445 and I know it reflects your own view.

446 I would like to make an additional point. I know that I  
447 have expressed to you on multiple occasions that in terms of  
448 oversight that is executed by this committee, I find the 5-  
449 minute rule not necessarily a constructive mechanism to do  
450 adequate oversight.

451 I don't have an amendment prepared, but I would hope  
452 that I could consult with you and Mr. Smith about a different  
453 approach with more latitude in terms of the ability of  
454 members to inquire for longer periods than 5 minutes.

455 I would hope that now that a Democrat resides in the  
456 White House, that my friends and colleagues on the Republican  
457 side would see the wisdom of the additional time to conduct  
458 oversight.

459 Chairman Conyers. Well, I thank the gentleman for  
460 raising that, which he has done repeatedly to me in the 110th  
461 Congress, and I was hoping that he would have taken note of  
462 the generosity in which I interpret the 5-minute rule.

463 Mr. Delahunt. Your generosity is well noted, but you  
464 are not in the chair at every subcommittee hearing, and I

465 dare say there will be times when the subcommittee hearings  
466 will actually be oversight hearings in terms of their  
467 particular jurisdiction.

468 But I would think that it is something that a discussion  
469 between you and Mr. Smith might produce a thoughtful product.

470 Chairman Conyers. Yes. I thank you so much, because I  
471 dare say that this same conversation is going on in a number  
472 of other committees, as well.

473 Mr. Delahunt. Right. If I could make one additional  
474 observation.

475 I want to particularly welcome Mr. Chaffetz of Utah  
476 here, and I want him to know that yesterday I received a call  
477 from a former governor of Massachusetts about him, and I  
478 pledged that I would not reveal the relationship between him  
479 and Governor Dukakis, but since the ranking member has  
480 revealed it.

481 I am sure, possibly to the chagrin of the gentleman from  
482 Utah, let me make a quick warm welcome to him, I am friendly  
483 with the Dukakis family.

484 With that, I will yield back.

485 Chairman Conyers. I see the process of working him over  
486 has already begun.

487 Does anyone else seek recognition?

488 Of course, I think the amendment is well conceived.

489 And the question is on the amendment.

490 All in favor, say "aye."

491 [A chorus of ayes.]

492 All opposed, say "no."

493 [No response.]

494 The ayes have it. The amendment is agreed to.

495 Are there any other amendments?

496 Mr. Sensenbrenner. Mr. Chairman?

497 Chairman Conyers. Yes. Who seeks?

498 Mr. Sensenbrenner. Mr. Chairman?

499 Chairman Conyers. Yes, Chairman Emeritus Sensenbrenner?

500 Mr. Sensenbrenner. Mr. Chairman, I move to strike the  
501 last word.

502 Chairman Conyers. The gentleman is recognized.

503 Mr. Sensenbrenner. Mr. Chairman, I do not intend to  
504 offer an amendment on this subject, but I would point out  
505 that during my chairmanship, we had a policy of publishing  
506 the transcript of markups in committee reports that were  
507 filed so that there would be a permanent record of the debate  
508 that took place, as we were marking up legislation, as a way  
509 of giving direction to the courts and other people about what  
510 the true intent of Congress was in the context of  
511 legislation.

512 And after hearing all of this talk about transparency,  
513 let me make a request of the chairman to reinstate that  
514 policy, which was discontinued in the last Congress.

515           It will require the court reporters, of course, to be a  
516 little bit more prompt in providing transcripts of markups,  
517 but that never did hold us up very much.

518           And I think that if we want to be transparent, we ought  
519 to have not only the votes, but the debates that led up to  
520 the votes being a part of the public record.

521           Chairman Conyers. Thank you.

522           Mr. Sensenbrenner. I yield to the chairman.

523           Chairman Conyers. The gentleman will, no doubt, be more  
524 relieved to hear that the request that he has made, the  
525 subcommittee proceedings are posted on the Internet.

526           Mr. Sensenbrenner. Reclaim my time. I am making the  
527 point about the full committee markups being included in the  
528 reports that the committee files with the House and which are  
529 sent to the Rules Committee, so that the intent of the  
530 committee can be very readily ascertained by our colleagues,  
531 as well as those outside of Capitol Hill.

532           Chairman Conyers. Well, I just repeat that they are  
533 posted on the Internet, which gives them availability not  
534 only to the members and the media, but everybody in the  
535 country.

536           Mr. Sensenbrenner. Further reclaiming my time. Is the  
537 chairman saying that the full committee markup transcripts  
538 will be posted on the committee's Website?

539           Chairman Conyers. Yes, sir, that is precisely what I am



540 saying.

541 Mr. Sensenbrenner. I will remember that and yield back  
542 the balance of my time.

543 Chairman Conyers. Thank you very much.

544 Are there any other amendments?

545 The question is then on adopting the rules of the  
546 Committee on the Judiciary for the 111th Congress.

547 All in favor, say "aye."

548 [A chorus of ayes.]

549 All opposed, say "no."

550 [No response.]

551 The ayes have it, and the rules are adopted.

552 We turn now to the ratification of subcommittee  
553 assignments.

554 The members have before them a roster showing the  
555 chairman, ranking minority member, and other majority and  
556 minority members for each subcommittee, as approved  
557 separately by the committee's Democratic Caucus and the  
558 committee's Republican Conference.

559 At our committee Democratic Caucus meeting yesterday, we  
560 selected Jerry Nadler to continue to chair the Subcommittee  
561 on Constitution, Bobby Scott to continue to chair the  
562 Subcommittee on Crime, Zoe Lofgren to continue to chair the  
563 Subcommittee on Immigration, Steve Cohen to chair the  
564 Subcommittee on Commercial and Administrative Law, Hank

565 Johnson to chair the Subcommittee on Courts and Competition  
566 Policy.

567 I yield now to Lamar Smith.

568 Mr. Smith. Thank you, Mr. Chairman.

569 We have three members who are returning as ranking  
570 members of the same subcommittees from last Congress.

571 Howard Coble of North Carolina will be our lead voice on  
572 the Subcommittee on Courts and Competition Policy.

573 Steve King will serve as the ranking member on the  
574 Subcommittee on Immigration, Citizenship, Refugees, Border  
575 Security and International Law.

576 Mr. Chairman, I still think we could shorten the name,  
577 and I will bet that the staff member who answers the phone  
578 for that subcommittee would agree with me.

579 Finally, Louie Gohmert will continue to serve as the  
580 ranking member to the Subcommittee on Crime, Terrorism and  
581 Homeland Security.

582 The ranking member of the Subcommittee on the  
583 Constitution, Civil Rights and Civil Liberties will be the  
584 former chairman of the Judiciary Committee, Congressman Jim  
585 Sensenbrenner of Wisconsin.

586 As we all know, he has served on the Judiciary Committee  
587 for 30 years and has an abiding interest in guarding the  
588 Constitution.

589 The former ranking member of the Constitution

590 Subcommittee, Congressman Trent Franks of Arizona, will now  
591 serve as ranking member of the Subcommittee on Commercial and  
592 Administrative Law.

593       Congressman Franks has been a member of the Judiciary  
594 Committee during his three terms in Congress.

595       In addition, Mr. Chairman, as ranking member of the  
596 committee, I have designated in the past 2 years and will  
597 designate today various deputy ranking members of the  
598 subcommittees.

599       Before I get to those, I want to mention that I have  
600 designated a vice ranking member for the full committee, Bob  
601 Goodlatte.

602       Mr. Goodlatte has been a dedicated and hardworking  
603 member of the Judiciary Committee since he first took office  
604 in 1993. His talents and interests will benefit the  
605 committee.

606       Mr. Chairman, I have appointed the deputy ranking  
607 members for each subcommittee, as well. Deputy ranking  
608 members will be second in seniority on the subcommittees and  
609 will perform the duties of the subcommittee ranking members  
610 in their absence.

611       The deputy ranking member of the Commercial and  
612 Administrative Law Subcommittee will be Congressman Jim  
613 Jordan.

614       The deputy ranking member of the Crime Subcommittee will

615 be former Judge, Ted Poe.

616 For the Immigration Subcommittee, our deputy ranking  
617 member will be Congressman Gregg Harper.

618 On the Courts and Antitrust Subcommittee, Congressman  
619 Jason Chaffetz will serve as deputy ranking member.

620 And finally, Congressman Tom Rooney will serve as deputy  
621 ranking member on the Constitution Subcommittee.

622 Mr. Chairman, thank you for the opportunity to introduce  
623 our members, old and new.

624 I yield back the balance of my time.

625 Chairman Conyers. Well, thank you. We look forward to  
626 working with your ranking and deputy ranking members on the  
627 committees.

628 Mr. Watt. Mr. Chairman?

629 Chairman Conyers. Yes, Mr. Watt?

630 Mr. Watt. I just wanted to make an inquiry.

631 Obviously, I don't have any objection to it. I am just  
632 wondering whether all these deputy ranking members—is that  
633 something that is official in the rules or is it sanctioned  
634 by the rules?

635 Mr. Smith. Mr. Chairman, if I may respond—

636 Chairman Conyers. Yes.

637 Mr. Watt. I should have asked you to yield. I am  
638 sorry.

639 Mr. Smith. —to my friend from North Carolina.

640 The deputy ranking positions and vice ranking positions  
641 are allowed in the House Republican rules and, in the case of  
642 the vice ranking of the full committee, that was ratified by  
643 the entire conference, and then the deputy ranking positions  
644 are left up to the ranking members of the full committees.

645 Some committees make those appointments and some do not,  
646 but I think they are worthwhile and serve the individuals  
647 well.

648 Mr. Watt. I did not mean to imply that I have any  
649 objection to it at all. I just wanted to see how it fit in  
650 the total organizational package.

651 I yield back.

652 Chairman Conyers. Thank you very much.

653 Is there any further discussion?

654 The question is on approving the appointments and  
655 assignments for subcommittee chairs, ranking minority  
656 members, deputy ranking minority members, majority and  
657 minority members, as shown on the roster.

658 All in favor, say "aye."

659 [A chorus of ayes.]

660 All opposed, say "no."

661 [No response.]

662 The ayes have it and the subcommittee assignments are  
663 approved.

664 The last item of business that I have is in connection

665 with the reestablishment of a judicial impeachment task  
666 force.

667       Our final item for this morning is reestablishing the  
668 task force to conduct an inquiry into whether United States  
669 District Judge G. Thomas Porteous should be impeached.

670       Pursuant to notice, I call up the resolution for  
671 purposes of markup.

672       Members all have a copy of the resolution before them.

673       And without objection, the resolution is considered as  
674 read and open for amendment at any point.

675       [The resolution of Chairman Conyers follows:]

676 \*\*\*\*\* INSERT \*\*\*\*\*

677 Chairman Conyers. This resolution will reestablish the  
678 task force from the previous Congress to permit us to  
679 continue our inquiry into whether Judge Porteous should be  
680 impeached.

681 The resolution from the last Congress was substantively  
682 identical.

683 Last summer, the Judicial Conference certified to the  
684 speaker of the House its determination that consideration of  
685 impeachment of Judge Porteous may be warranted, stating it  
686 had found substantial evidence that he had engaged in conduct  
687 bringing disrepute to the federal judiciary.

688 Along with the certification, the Judicial Conference  
689 provided records of its proceedings in which that evidence  
690 was set forth in specific detail.

691 In September 2008, the fifth circuit removed all cases  
692 from his docket, removed his staff, and issued a public  
693 reprimand.

694 We have taken this referral seriously, of course.  
695 Adoption of this resolution will enable us to continue to  
696 fully and expeditiously investigate the matter.

697 And so pursuant to House Resolution 15, which passed the  
698 House on January 13, 2009, the committee was given renewed  
699 authority to conduct depositions by staff or consultants  
700 hired by the committee in pursuit of this inquiry.

701 The resolution before us sets forth the procedures under

702 which such depositions would be conducted. They have been  
703 worked out in consultation between myself, Ranking Member  
704 Lamar Smith, and with consultations contributed by Mr. Schiff  
705 of California.

706 I ask all members to support the resolution and  
707 recognize Lamar Smith.

708 Mr. Smith. Mr. Chairman, I support the resolution  
709 before us, which would continue the work of a task force  
710 within the Judiciary Committee to conduct an inquiry into  
711 whether U.S. District Judge G. Thomas Porteous should be  
712 impeached.

713 The resolution mirrors the resolution we adopted during  
714 the 111th Congress that originally established the task  
715 force.

716 The task force is authorized to hold hearings and  
717 investigate the facts surrounding Judge Porteous' conduct.

718 Bob Goodlatte will continue to serve as the ranking  
719 member of this task force. The other Republican members of  
720 this task force are Congressmen Sensenbrenner, Lungren,  
721 Forbes and Gohmert.

722 I thank the chairman for making this a bipartisan effort  
723 as we execute our constitutional duties, and I am confident  
724 that Judge Porteous will be treated fairly.

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

726 Chairman Conyers. Thank you.



727 Is there any further discussion on the resolution?

728 Mr. Sensenbrenner. Mr. Chairman?

729 Chairman Conyers. Yes, sir.

730 Mr. Sensenbrenner. Mr. Chairman, I move to strike the  
731 last word.

732 Chairman Conyers. The gentleman is recognized.

733 Mr. Sensenbrenner. This is a constitutional  
734 responsibility. Of course, I support the resolution.

735 This is somewhat different than most task forces in that  
736 we are specifically required to establish this task force by  
737 House Resolution 15.

738 But there always have been limitations on the number of  
739 task forces the committees can set up, and I am wondering if  
740 this counts against our ability and your specific ability to  
741 set up more task forces, or whether this is included in an  
742 overall limitation on task forces.

743 And to answer that question, I yield to the chairman.

744 Chairman Conyers. Yes, sir. It is an important point  
745 and I, regretfully, have to tell you that it does count  
746 against us, and it will limit the number of task forces that  
747 we may employ.

748 Mr. Sensenbrenner. I thank the chair and yield back the  
749 balance of my time.

750 Chairman Conyers. I thank you.

751 Is there further discussion?

752 Mr. Goodlatte. Mr. Chairman?

753 Chairman Conyers. Yes, Mr. Goodlatte?

754 Mr. Goodlatte. Mr. Chairman, in order to expedite time,  
755 I do look forward to serving on this task force with Chairman  
756 Schiff, and I will offer my comments for the record.

757 Chairman Conyers. I thank you. And they will be  
758 accepted into the record now.

759 And so the question is on adopting the resolution.

760 All in favor, say "aye."

761 [A chorus of ayes.]

762 All opposed, say "no."

763 [No response.]

764 The ayes have it. The resolution is adopted.

765 At 2 o'clock, as you have been notified, we will be  
766 having a hearing on bankruptcy foreclosure in the full  
767 committee, and Brad Miller's bill will be subject to our  
768 inquiry.

769 We have held a number of hearings in the past, but we  
770 thought we might want to begin the 111th on this very  
771 important matter.

772 That concludes our business for today. Thank you all  
773 very much.

774 Did I hear Bobby Scott's voice?

775 Sheila Jackson Lee?

776 Ms. Jackson Lee. Thank you, Mr. Chairman.

777           It s not often that we have esteemed guests that believe  
778 in the law. I would just like to acknowledge Reverend Samuel  
779 Smith and a Mr. Johnson who came to admire the constitutional  
780 leadership of this committee, and they are in the audience,  
781 and I wanted to make a note of their presence here today.

782           Chairman Conyers. I thank you so much.

783           And with that, the meeting is adjourned.

784           [Whereupon, at 10:45 a.m., the committee was adjourned.]