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Statement of the Honorable David Dreier (November 9, 2005)

H.R. 1751, the Secure Access to Justice and Court Protection Act of 2005

Mr. DREIER. - Mr. Speaker, I would like to take a few minutes to talk about the legislation itself. I would like to begin by congratulating Chairman Sensenbrenner and the gentleman from Texas (Mr. Gohmert), who as a former judge is obviously concerned about the threats that have been out there for his former colleagues. I believe it is very important, when we think about the importance of the rule of law, which is absolutely essential, absolutely essential for the success of liberty, ensuring the safety of these judges who have continued to face threats, is very, very important for us to do.

Last night in the Rules Committee, our colleague from Texas (Mr. Sessions) referred to his father who was a judge, and as we all know, former director of the Federal Bureau of Investigation. He talked about those threats. He told me repeatedly about the threats that existed. This legislation, I believe, that Mr. Gohmert has put together will go a long way towards addressing that concern.

I would like to talk about a very important provision that is included in this bill that enjoys strong bipartisan support. One of the serious problems with which we are all dealing is the issue of illegal immigration and the problem we have of people who are in this country. We know 98 percent of them are here to simply feed their families, but we know there are people here in this country who perpetrate crime against our fellow citizens. We know there continues to be the existence of a threat that a terrorist could come here. We know that Mohammed Atta, one of those who flew a plane into the World Trade Center Tower on September 11, 2001, was, in fact, here illegally. So as we look at the issue of illegal immigration, focusing on criminals and potential terrorists is a very high priority.

One of the worst days for law enforcement in the Los Angeles County Sheriff's Department was April 29, 2002. That is 3 1/2 years ago. On that day, Deputy Sheriff David March was on patrol. He pulled over for a traffic violation an individual who ended up putting a gun to Deputy March's head and brutally killing him. The alleged killer, Armando Garcia, fled to Mexico, and it has been 3 1/2 years, and we have not resolved that case.

Within just a few weeks of that April 29 killing in 2002, upstairs in the Rules Committee I convened a meeting of my colleagues, Buck McKeon, who represented the March family; Ken Calvert, who was very involved in this issue and concerned about it. On the other side of the aisle, Howard Berman and Adam Schiff, and we also had at that meeting, Mr. Speaker, representatives from the Mexican Embassy's judicial department within the embassy here; and we also had representatives from our Department of Justice.

Now, our concern has been a terrible provision that exists in Mexican law. It is actually constitutional, saying that the Mexican Government refuses to extradite a criminal who potentially could face the death penalty, and this is something that has existed for a long period of time. Something that was very unfortunate was that in September of 2001, the Mexican Supreme Court took steps to say that they refused to extradite an alleged criminal to a country or a state or a jurisdiction that had life imprisonment as the punishment because they considered that to be cruel and unusual punishment.

Mr. Speaker, it is horrible that they have that policy, and we need to do everything we can to change that policy. We need to encourage the Mexican Government to change that policy. Why? This does not have to do with something that took place in their country. It has to do with a crime perpetrated on U.S. soil. So I believe the Mexican Government should, in fact, extradite an alleged criminal who has perpetrated a crime here in the United States to face the punishment in the jurisdiction where the crime was perpetrated.

So what has happened here, Mr. Speaker, is that we want to ensure that we never see happen again what happened on April 29, 2002. And I should add that is not the only instance. We all know of many other instances where law enforcement officers have been killed and people have fled the country. But this case has become a very prominent one.

So I was approached by Los Angeles County Sheriff Lee Baca, and I was joined by my colleague Mr. Schiff, who serves on the Judiciary Committee; and we were asked to introduce legislation that would make it a Federal crime to kill a law enforcement officer and flee the country. We spent a great deal of time working with a wide range of organizations, and we have put together a package which I believe can allow us to do that without impinging on the local jurisdiction that we believe district attorneys should have in dealing with this issue. It does not in any way diminish the level of punishment. But what it does do, Mr. Speaker, is it puts the full force of the Federal Government behind an effort to ensure that we do not have happen again what happened on April 29 of 2002.

One of the things that I believe is important is to recognize that there are families that have suffered, and I have had the opportunity, through Sheriff Baca and through others, to get to know the family members of Deputy Sheriff David March. So, Mr. Speaker, H.R. 3900 is the legislation that Adam Schiff and I introduced, and it is included as part of this very important court security measure that Mr. Gohmert has offered, and I would like to name the provisions that are included calling for making it a Federal crime to kill a law enforcement officer in the name of Deputy Sheriff David March. And I spoke with Sheriff Lee Baca this morning about that, and I really feel that we are doing this in the name of David March to keep the memory of his life alive, the memory alive so that we can send a signal that we are not going to tolerate this kind of act in the future.

So, Mr. Speaker, we have here, again, a very important measure included in critical must-pass legislation, and I hope that my colleagues will join in providing bipartisan support for this measure.