

□ 1920

NATIONAL MEDIA IGNORE FACTS  
ABOUT USDA FIRING

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, the national media have been quick to blame conservative news outlets for the firing of Agriculture Department official Shirley Sherrod.

For example, a recent New York Times article points a finger at Fox News. The article, which mentions Fox seven times, describes the network as being in "pursuit of Ms. Sherrod." However, Fox did not air any stories about Ms. Sherrod until after she had already resigned.

The New York Times and the rest of the national media have largely ignored the truth. The rush to judgment that led to Ms. Sherrod's firing came from the Obama administration, not conservative media outlets.

The Times article is another example of the media giving the White House a free pass. Media outlets should be more honest in their reporting if they want the trust of the American people.

REPORT ON RESOLUTION PRO-  
VIDING FOR CONSIDERATION OF  
HOUSE CONCURRENT RESOLU-  
TION 301, PAKISTAN WAR POW-  
ERS RESOLUTION

Mr. CARDOZA, from the Committee on Rules, submitted a privileged report (Rept. No. 111-567) on the resolution (H. Res. 1556) providing for consideration of the concurrent resolution (H. Con. Res. 301) directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed Forces from Pakistan, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. DAHLKEMPER). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RECTIFY MISTREATMENT OF  
NATIVE AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. LYNCH) is recognized for 5 minutes.

Mr. LYNCH. Madam Speaker, I rise this evening to talk about a United States Supreme Court decision that could have far-reaching social and economic impacts on the American Indian population.

*Carcieri v. Salazar*, a 6-3 decision by the United States Supreme Court issued on February 24, 2009, held that

the Secretary of the Interior exceeded his authority in taking land into trust for an American Indian tribe that was not under Federal jurisdiction or recognized at the time the Indian Reorganization Act was enacted in 1934. I speak tonight to the injustice of that result and to the moral imperative that we as Members of the United States Congress have to see that that decision is corrected.

For centuries, now, the American Indians who called these lands home long before Europeans have arrived have been pushed to the geographic and societal fringes of this great country. They have suffered disruption, violence, and relocation to make way for continued expansion. The Indian Reorganization Act, ironically, of 1934 sought to actually rectify so many of those mistreatments.

From 1934 to 2009, the Department of the Interior has restored lands to enable tribal governments to build schools, health clinics, hospitals, housing, and community centers to serve the American Indian people. The Secretary of the Interior has approved trust acquisitions for approximately 5 million acres of former tribal homelands, far short of the more than 100 million acres of lands lost through the Federal policies of removal, allotment, and assimilation.

The Supreme Court decision in *Carcieri v. Salazar*, if left in place, has the potential to undo that effort. The decision threatens tribal sovereignty, economic self-sufficiency and self-determination, as the Indian Reorganization Act provides not only for the authority of the Secretary of the Interior to take lands into trust for tribes, but also for the establishment of tribal constitutions and tribal business structures.

The *Carcieri* decision also has the danger of establishing two classes of American Indian tribes in this country today: those recognized as of 1934 for whom land may be taken into trust, and those recognized after 1934, who would be unable to have land taken into trust for their benefit. This is simply unacceptable and contrary to the intent of Congress. In fact, the Federally Recognized Indian Tribe List Act, passed by Congress in 1994, provides that all tribes are treated equally regardless of their date of recognition.

Since 1934, the Department of the Interior has construed the Indian Reorganization Act to authorize the Secretary to place land into trust for all federally recognized tribes. Trying to right our Nation's wrong, Secretary Salazar and his predecessors have taken steps to return to American Indians a small portion, a fraction of the lands that their ancestors called home.

And for the Supreme Court—for any court for that matter—to render a narrow decision like this based on supposition that 76 years ago the writers of the act gave particular meaning to one word in their decision is a further slap in the face to this proud people.

Current history leaves many Americans to associate the restoration of American Indian tribal lands with the development of casinos and gaming, but it is about much more than that. It is about providing resources for a nation to survive. It is about restoring sacred lands on which their ancestors hunted, prayed, and were buried. It is about rebuilding communities, heritage, and proud nations.

I would like to acknowledge the gentleman from Michigan (Mr. KILDEE) and the gentleman from Oklahoma (Mr. COLE) for their efforts to amend this decision. I would like to acknowledge, also, the Senator from North Dakota, Mr. DORGAN, for his efforts in seeing that this miscarriage of justice is corrected.

While times have been bad for most Americans, they have been worse for a lot of our American Indian friends. Despite their own struggles during the economic downturn of the early 1980s, when I was traveling this country as an ironworker, they gave me a place to live. For 1 year, I was a guest of the Navajos on a reservation in New Mexico on the land that the United States Government put them on to simply survive. Over the years, I have worked alongside Navajo, Wampanoag, Apache, Navajo, and Mashpee ironworkers. I know them to be hardworking, honorable people.

The *Carcieri* decision serves only to further dishonor them and their ancestors, to deprive them of an opportunity to regain the dignity and the justice that they are owed.

As a Member of this body, I am now in a position to return the kindness of my Navajo hosts and say thank you to the many American Indians I have worked beside on the high iron all over this country. That's why I am a cosponsor of Mr. KILDEE's bill, H.R. 3742, which will make the necessary amendments to the Indian Reorganization Act.

The SPEAKER pro tempore (Ms. WOOLSEY). Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 1930

SUPREME COURT NOMINEE ELENA  
KAGAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Madam Speaker, I spent 7½ years, before coming to Congress, as a criminal court judge in Tennessee trying felony criminal cases. I tried the attempted murder of James Earl Ray and many other high-profile cases, thus I have a great interest in our legal system, our courts, and especially appointments to the U.S. Supreme Court.