

Sensenbrenner encourages approval of Great Lakes diversion plan

Congressman pledges support to eventual GOP presidential nominee
By Brian Huber

Freeman Staff

WAUKESHA — Wisconsin U.S. Rep. F. James Sensenbrenner Jr. on Thursday encouraged the **Great Lakes** state governors to approve Waukesha's plan to tap the lakes for water.

"I hope that the **Great Lakes** governors will be unanimous," the Menomonee Falls Republican said in a midday interview with The Freeman.

"This is really a public health issue because of the radium content of the well water that Waukesha has been using up to this date. If there ever was a chance to show

See **SENSENBRENNER, PAGE 7A Rep. F. James Sensenbrenner upcoming town hall meetings**

- 9 a.m. Saturday, Elm Grove Village Hall, 13600 Juneau Blvd.
- 1 p.m. Sunday, Menomonee Falls Village Hall, W156-N8480 Pilgrim Road



U.S. Rep. F. James Sensenbrenner speaks during a 2013 event.

Freeman file photo

Sensenbrenner

From Page 1A

that sending water west of the **Great Lakes** basin is needed, it's now. The issue is that every drop of water that goes to Waukesha will be returned to the **Great Lakes** basin, probably in a clearer and more healthy manner than it was when it arrived in Waukesha."

Sensenbrenner also said he regrets that the issue has been politicized, adding "this is very reminiscent of the sewer wars" of past decades, where Milwaukee sought

suburban help to pay for combined sewers in that city. Sensenbrenner said the Deep Tunnel and holding tanks have not prevented sewer overflows, yet have proven to be very expensive for suburban homeowners.

Looking at the GOP presidential field, Sensenbrenner said it is still early in the process, but Donald Trump is for now “is in the driver’s seat and it’s his nomination to lose. But it isn’t over yet.”

With Super Tuesday ahead and winner-take-all primaries after that, there are a lot of delegates yet to be won. But Sensenbrenner said if Trump’s momentum continues and he wins enough of the delegates to earn the nomination, “I will support whomever the Republican nominee for president is, including him.”

As for possible vice presidential picks, Sensenbrenner said that is up to the nominee to decide, but whoever it is, that person surely will take the time to be sure his running mate adds the most to the ticket.

Speaking of the speaker

Discussing fellow Wisconsin Representative Paul Ryan, who became speaker of the House last fall, Sensenbrenner spoke glowingly of his colleague.

“I think he has done an outstanding job in unifying the House Republicans and making sure that Congress gets its work done,” Sensenbrenner said. “In the six weeks that he was speaker between his election and the time we adjourned for Christmas, we kept government open, and we passed major reforms both in highway funding as well as in education. In the highway funding bill, Wisconsin ends up getting more back from the federal government than we send in in gas taxes and that’s a switch from what’s happened in the last seven years. So him getting that bill through and signed by the president, I think, is a big plus for the state of Wisconsin, which might not have happened had Mr. (John) Boehner stayed on as speaker.

“Paul Ryan and I have been extremely close friends beyond being political allies, and he’s helped me when I needed help on both professional and personal things. I have helped him as well. And it is true that Congressman (Sean) Duffy from Wausau and I went to him and told him that he had to forsake his dream job as Ways and Means Committee chairman, not only for the party but also for the country. And I continue to help him out on all kinds of things where he basically is saying that I have a record of bringing people together in passing difficult issues on a bipartisan basis and whatever he gives me I will have a try at it.”

Scalia successor

When asked about selecting a successor to Supreme Court Justice Antonin Scalia, who died this month, Sensenbrenner said that person should be nominated by the next president. He said Scalia was a “lion in the court and the leader in conservative originalist legal philosophy” and he leaves very big shoes to fill.

“The last time a Supreme Court opening occurred in the last year of a presidential term when the Senate was controlled by the party opposite of the president was in the 1800s and I believe as then-Senate Judiciary Committee (Chairman) Joe Biden said in the last

year of George H.W. Bush's term that this really ought to be postponed until after the election is over, which means the next president will end up making the pick," he said.

"This is more important than ever because with Scalia's death the court is split 4-4 between the conservative justices and the liberal justices, so the people should be making this decision in November on who will be nominating Scalia's replacement in the court, just as they will be making the decision on who becomes the next president and who controls Congress."

Sensenbrenner touched on other issues, such as this week's signing of the Judicial Redress Act into law. The law gives European citizens access to American courts on certain privacy issues, where Americans previously had such privileges in Europe. Sensenbrenner said this levels the playing field, and also will be a big boon to commerce.

Sensenbrenner was also chairman of an overcriminalization task force that for 18 months explored revamping parts of the U.S. Criminal Code, specifically as it relates to mens rea, the intent of persons who commit crimes. He said there are over 5,000 crimes that people could commit without knowing such activity is illegal. There is a push to focus more on the intent of people in such positions. He cited a Virginia girl who rescued a woodpecker, but then had her mother facing six months in jail and \$500 in fines for keeping a migratory bird in captivity, when the girl was only trying to do the right thing.

He said the Judiciary Committee has unanimously passed reforms that say the Justice Department must prove criminal intent to gain a conviction.

Cellphones and privacy concerns

Closer to home, Sensenbrenner also discussed privacy concerns as it relates to "Sting Ray" technology, the ability for law enforcement agencies to track cellphone owners by their proximity to cell towers. Sensenbrenner this week joined with Democratic Texas Rep. Sheila Jackson Lee in writing FBI Director James Comey to express concern over nondisclosure agreements that prevent authorities from disclosing when such technology is employed in investigations, citing recent reports of such activity by the Milwaukee Police Department.

"I believe that if law enforcement wants to get that information, they need to get a search warrant, which means that the police or a prosecutor needs to show there was probable cause that the caller has committed a crime," he said.

"I sent a letter to the attorney general (Wednesday) specifically asking her to look into whether the Milwaukee Police Department has violated the law as well as FBI guidelines in getting information on certain people without getting a search warrant. One of the things that I've always believed in how you balance safety and security on one side with privacy and respect for civil liberties on the other side is having law enforcement go to the judge before they can get this type of information. What I have advocated and what I think the FBI has advocated is that there be judicial review before these records are snatched.

“If there is a search warrant and it was not due to any type of probable cause and somebody gets charged, then they can move and have a court throw out any evidence that has been seized. This is the way we’ve done it before all the technology advanced in criminal prosecutions, and it is consistent with the Fourth Amendment to the Constitution and we ought to make sure the law keeps up with the technology.”

Email: bhuber@conley.net

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