Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

ANSWERED ''PRESENT''—1

Sanchez

NOT VOTING—10

Gonzalez
Houghton
McDade
Oxley
Schiff
Schumer
Smith (OR)
Yates
Young (AK)
Young (FL)

□ 2229

Mr. OWENS changed his vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HINCHEY. Mr. Speaker, earlier today I was delayed en route to the vote on Treasury-Postal appropriations. If I had been in the House, I would like the RECORD to reflect that I would have voted in the affirmative.

SUBPOENA ENFORCEMENT IN THE CASE OF DORNAN VERSUS SANCHEZ

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 253, I call up the resolution (H. Res. 244) demanding that the Office of the United States Attorney for the Central District of California file criminal charges against Hermandad Mexicana Nacional for failure to comply with a valid subpoena under the Federal Contested Elections Act, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 244

Whereas the contested election case of Dornan v. Sanchez is pending before the Committee;

Whereas the Federal Contested Elections Act (2 U.S.C. 381 et seq.) (hereafter in this resolution referred to as the ''Act'') provides for the issuance of subpoenas, and on March 17, 1997, United States District Court Judge Gary L. Taylor issued such a subpoena at the request of the Contestant for the deposition and records of Hermandad Mexicana Nacional;

Whereas on April 16 1997, the Committee voted to modify the subpoena by limiting production of documents to the 46th Congressional District (among other modifications), and as perfected by the Committee, the subpoena required Hermandad Mexicana Nacional to produce documents and appear for a deposition no later than May 1, 1997;

Whereas Hermandad Mexicana Nacional failed to produce documents or appear for the deposition by May 1, 1997, and still has not complied with the subpoena;

Whereas Hermandad Mexicana Nacional, by willfully failing to comply with the lawfully issued subpoena, is in violation of section 11 of the Act (2 U.S.C. 390), which provides for criminal penalties;

Whereas on May 13, 1997, the Contestant wrote to the United States Attorney for the Central Distract of California, Nora M. Manella, requesting that action be taken to enforce the law with respect to Hermandad Mexicana Nacional, and on June 23, 1997, the Committee wrote to the Department of Justice inquiring as to the status of this request for criminal prosecution, and the Department responded on July 25, 1997, that the criminal referral remain ''under review'';

Whereas the United States Attorney's failure to enforce criminal penalties for the violation of the Act encourages disrespect for the law and hinders the Constitutionally mandated process of determining the facts in the contested election case, including the discovery of any election fraud that may have influenced the outcome of the election; and

Whereas on September 23, 1997, the United States District Court for the Central District of California ruled that the deposition subpoena provisions of the Act are constitutional: Now, therefore, be it

Resolved, That the House of Representatives demands that the Office of the United States Attorney for the Central District of California carry out its responsibility by filing, pursuant to its determination that it is appropriate according to the law and the facts, criminal charges against Hermandad Mexicana Nacional for failure to comply with a valid subpoena issued under the Act.

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to House Resolution 253, the gentleman from California [Mr. THOMAS] and the gentleman from Connecticut [Mr. GEJDENSON] each will control 30 minutes.

The Chair recognizes the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it was contended earlier that this resolution really does not make the Department of Justice do anything.

Of course we cannot, but what we can do is express the will of the House in terms of the direction that the Department of Justice should go, and as a matter of fact we pass concurrent resolutions all the time, and as a matter of fact, we have passed some recently.

For example, in the instance of the burning of churches in the South, the concurrent resolution stated that Congress hoped that the Department of Justice would pursue with all vigor the criminals and prosecute them. The resolution did not mean that the Department of Justice was going to do it, but we felt strong enough that the House wanted to tell the Department of Justice what we thought they should do.

What we are talking about in terms of asking the Department of Justice to look at is a direct violation of the law. The Contested Elections Act says that if someone does not honor a subpoena, they are deemed to be guilty of a misdemeanor, and we want the Department of Justice to enforce the law.

But probably in the greater sense, this is actually the story of victims. There are two major groups of victims. Directly the first group of victims are those documented aliens who placed their trust in becoming citizens in the hands of an organization who betrayed their trust. Indirectly, there are victims, and those are the citizens who voted and trusted the authorities, us, to make sure their votes were not diluted unfairly and contrary to law. The group that betrayed the trust of documented aliens were people who were using government money, both Federal and State, purportedly to assist documented aliens to become citizens.

The gentleman from Massachusetts said that perhaps Hermandad should be looked at as a victim rather than the individuals that I mentioned who are actually the real victims. Let us take a closer look at Hermandad. Tens of millions of dollars, taxpayer money, runs through this organization. They have broken both Federal and State law.

According to a Los Angeles Times article in February of this year, Hermandad offered a 1996 Chevrolet Camaro to the winner of a lottery as an inducement to register to vote. The winner of the lottery who registered to vote through Hermandad was not a United States citizen. Although Hermandad is a tax-exempt organization that is prohibited from participating in partisan politics, subpoena records show that Hermandad ran endorsements for political candidates in its newspapers. It also, through its State-funded computers, tracked over $700,000 in campaign contributions,

sorted Members by election precinct, and logged potential voters' political views.

A series of articles in the Los Angeles Times in April and May tracked the sordid financial record and the attempt to hide from the Government through stonewalling of the audits the misuse of money. Eventually an independent audit of Hermandad was carried out and it found that the group misspent or could not account for more than a half a million dollars of taxpayers' money.

An audit found that in addition to workers not being paid for months, Hermandad owed hundreds of thousands of dollars in Federal taxes and State employment benefits and they even stiffed Santa Anna Hospital Medical Center because they failed to repay a $27,000 loan. In fact, the California State Attorney General has recommended that Hermandad's nonprofit status be revoked for the failure to file necessary financial statements with the State.

In addition, the records subpoenaed by the Orange County district attorney and evaluated by the Los Angeles region of the Immigration and Naturalization Service, prior to Washington shutting down that operation, discovered more than 300 people who voted who should not have voted according to the law of the State of California.

There is a voter registration card used by people who register in the State of California. It starts off on the very top row, ''Are you a citizen?'' Two boxes, yes, no.

Mr. Speaker, I am pointing out that on the form that people sign it says, ''Are you a U.S. citizen? Check yes or check no.'' If one checks no, it says, ''If no, don't fill out this form.'' There is no argument about when they were going to become a citizen. If they were going to become a citizen prior to the election, it says ''If you're not a citizen, don't fill out this form. If you don't fill out this form, you aren't a registered voter. But if you fill out this form and you're not a citizen, you're in violation of the law.''

Over here it says, ''Warning, it is a felony if you sign this statement even though you know it is untrue. Voter declaration: Read and sign below, I am a U.S. Citizen.''

So we are talking about people who violated the law, but I think the individuals who cast those votes illegally were the victims. They were the victims because they were induced to do so by Hermandad.

The gentlewoman from New York said, ''You know, there is no reason for us to try to pursue this resolution to get the Department of Justice to do something. Maybe we could clean it up with a simple phone call.''

Several Members said, in fact, the gentleman from Maryland said, ''Why don't we just write them a letter?'' Perhaps the gentleman, notwithstanding the fact he is on the task force, is not familiar with the record, and I would ask that we place in the record a chronology, beginning on March 19 when we attempted to get Hermandad to simply follow the law; that is, to respond to a subpoena.

The record runs through March, April, and May. We finally wrote to the Department of Justice and said, ''Please respond.'' Twice we wrote and said, ''Please respond.'' We got back, ''We are looking at it''.

Into July, into August, and now into September, when there is a clear violation of the statute, there was no willingness to require Hermandad to produce documents. So we are here on the floor tonight to see if the House has sufficient resolve to simply tell the Department of Justice to carry out the law so that the task force can examine the other records that Hermandad has.

As I pointed out under the rule, the subpoena of the Orange County DA did not cover all of the records of Hermandad because it covered a specific assigned subpoena in particular rooms. The civil subpoena, to which Hermandad has refused to respond, would provide additional documents.

This organization is not a mom-and-pop struggling local operation. For half a century they have laundered Federal funds. They have now been exposed, and we still cannot get these people to respond to the law that is, ''Could we please take a look at what they did in creating a group of victims who were preyed on and probably in the worst possible way?'' These people placed their trust in an organization backed by taxpayers' dollars to make them U.S. citizens, and in fact they were used illegally for political purposes.

The House of Representatives should tell the Department of Justice to enforce the law.

HERMANDAD MEXICANA NACIONAL SUBPOENA TIMELINE

March 19: HMN Custodian of Records served with Dornan subpoena.

March 21: HMN files Motion to Quash Subpoena with CHO.

April 6: CHO votes to modify Dornan subpoena to require protective order and limit the scope of HMN subpoena and authorize letter ordering response by May 1.

April 18: CHO issues modifications to subpoenas issued by Dornan on HMN and issues order to comply by May 1.

May 13: Hart files criminal complaint against HMN with U.S. Attorney Nora Manella.

May 1: HMN fails to comply with Dornan subpoena deadline.

June 2: Hart writes to Manella asking for a response to the May 13 request for HMN prosecution.

June 9: Hart writes to Manella asking for a response to the May 13 request for HMN prosecution.

June 17: Hart writes to House Oversight (CHO) asking for assistance in soliciting a response from U.S. Attorney regarding criminal complaint.

June 23: CHO writes to DOJ Deputy Attorney General requesting advisement on the status of the HMN criminal complaint.

June 30: CHO writes to DOJ Deputy Attorney General again requesting advisement on the status of the HMN criminal complaint.

July 2: Assistant U.S. Attorney Jonathan Shapiro writes to Hart requesting that Hart return to Judge Taylor to seek contempt order. Shapiro says that until such action is taken, his office will not file criminal action.

July 3: Hart writes to Assistant U.S. Attorney Shapiro to explain that Judge Taylor has deferred all enforcement responsibilities to CHO and that CHO has ordered HMN to comply with Dornan's subpoena (April 18 letter from CHO to HMN).

July 8: Assistant U.S. Attorney Shapiro writes to Hart requesting documents and supporting authority regarding subpoena enforcement.

July 16: Hart responds to Shapiro request citing Taylor's Minute Order of April 16, 1997 which states that the House has jurisdiction over the subpoenas issued by Dornan.

July 21: Shapiro writes to Hart explaining that ''the proper authority to resolve discovery dispute and enforce these subpoenas is the House of Representatives.'' Shapiro also questions the authority of the House to demand that the U.S. Attorney act.

July 25: Hart writes to CHO requesting that the Committee issue an order directing the U.S. Attorney to investigate and prosecute HMN.

July 25: Assistant Attorney General Andrew Fois writes to CHO explaining that the HMN complaint is a matter ''still under review''. He also states that ''further action by the Congress may be necessary before their (U.S. Attorney for the Central District) enforcement becomes ripe for judicial attention.''

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

The final speaker on the rule lamented the inclusion of race in this debate. In the crime statutes we have something called RICO, and it is used when there is a repeated pattern of activity in an organization that leads one to the conclusion that it is involved continuously in criminal activity. Let us take a look at the record here and why some people, some Hispanics and some non-Hispanics, could come to the conclusion that race might be part of this debate.

In 1980 in New Jersey, the Republican Party brought people to the polls in uniforms to intimidate minority and Hispanic voters from voting. They filed a consent decree not to do it any more. In 1992, the Republican Party of California paid $400,000 for the very same activities. Today on the floor, earlier when we were speaking of the generic, trying to get an accurate census count, a count that a Bush census director said made sense, that the National Academy of Sciences said made sense, that the General Accounting Office said made sense, and that would undercount minorities if it was not used, was blocked by the Republican majority.

□ 2245

Once again, keeping minority voters out of the political process. And guess where we are tonight? We are on the Sanchez hunt.

Now, this has not that much to do with Sanchez; this is a little diversion. As the gentleman from Massachusetts [Mr. FRANK], in his normal manner so aptly represented to this Congress, we started off with what was almost a bill

of attainder, demanding that the Justice Department prosecute these people. We are now sending the Justice Department a resolution, hoping that if they choose and see it to be correct, that they move forward.

Where are we and why are we here? The Speaker of the House, the gentleman from Georgia [Mr. GINGRICH] defeated a Democratic rival by 10 votes less than the gentlewoman from California [Mrs. SANCHEZ] has won her race.

The chairman of this committee is very concerned about leaks from the committee, and sometimes papers do get out here. I am not sure who lets those leaks out, but I have here from the Orange County Register, Mr. Dornan says, ''The seat will be vacated, there will be a new election.'' Dornan said his sources on the committee staff told him; goes on and on, and finally says that they will throw out the results of the election and give him the seat.

Now, let us go back to where we started. Mrs. SANCHEZ won the election. Mr. Dornan came forward with complaints. He found there was one household that had 18 voters in it, all with different last names. Another one had 8 voters in it with different last names, and then there was someone who voted from their place of work, and they were investigated. We found 18 U.S. Marines, 8 nuns, and a zookeeper. That is what Mr. Dornan's charges came to.

Now, in all of the races that we have had since the 1969 Act, we have not tried to find the INS as the arbiter of the results of the election, and there is a reason for that. If we ask the INS if we can use their data to figure out who should be on the voter list, they tell us we cannot do that because one's name ends up in the INS for lots of reasons. If one tries to get an aunt or an uncle over here, one's name ends up in the INS. Their documents maybe should be more perfect, but they will tell us, in every transmittal, that one cannot use these to figure out who votes and who does not vote and whether they should vote.

We have now had 14 requests to the INS. We have had piles of names, as much as 500,000, in a district where just over 100,000 voted; we have had submission after submission, trying to keep enough smoke in the air so Mr. Dornan's prediction can be carried out.

The standard for Members of this House ought to be pretty basic, and that is, if one wins by as many votes as the Speaker did, then one ought to be seated and one ought to be left alone. If there is skullduggery in this election and one cannot prove it after 10 months, after 11 months, do we keep this process going in an attempt to exhaust Mrs. SANCHEZ until the next election?

My friends, what is clear here is there are people who see illegal aliens under every couch. They see them running across the border to vote in masses in districts across this country. They have nothing else to do but leave their homes in Mexico and elsewhere in Latin America and come up here and vote. We do not have any evidence of it, but there are lots of suspicions.

Today we have a simple matter, but it is a symbol of a case that has been carried on too long and ought to come to completion. Reject this as a symbol of our rejection of a process that has been unfair to Mrs. SANCHEZ, to her constituents, and to this House.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 4 minutes to the gentleman from Michigan [Mr. EHLERS], who is the chairman of the task force, a gentleman with unimpeachable integrity, a gentleman that brings pride on the House of Representatives.

Mr. EHLERS. Mr. Speaker, we have heard a lot of misinformation this evening. My purpose here is to simply try to lay out some facts and some information about the process that is used.

First of all, recognize that nothing is more sacred to the democratic process than to ensure that each legitimate voter be allowed to vote and that their votes be counted. Furthermore, that the voter be assured that no illegal votes be allowed to be cast or to be counted.

The principle of one person, one vote, or one citizen, one vote is extremely important in our system of government. So important, in fact, that the founders of our Nation decided to put it in the Constitution and ensure that the elections of the House were valid, and gave to the House itself the power, as we read in section 5 of Article I, near the beginning of the Constitution, that ''Each House shall be the judge of the elections, returns and qualifications of its own Members.''

Now, any contestant or any loser in an election may file a petition for a contested election. The committee does not choose to file these; the House does not. All of this discussion about picking on a particular person because the attributes of that person is simply false. The House has no control over which elections are contested. The losers of the election make that decision, and I am sure in this particular case we recognize that the person who filed the contest is not someone who would take advice from the House, the committee or anyone else.

Now, how does the House proceed? It has proceeded in various ways throughout the years the House has been in operation. Many, many contests have been filed over the years since 1789. All were filed under the constitutional provision. Some have been filed under statutes that were in effect at the time that the cases were filed, but there have been years when no statute was in effect, they were simply filed under the Constitution.

Our current law guiding this is the Contested Election Act passed in 1969. Under that, the duties and responsibilities of contested elections are assigned to the Committee on House Oversight, which then appoints task forces to investigate. I was appointed to the task force for this election. I did not seek that appointment. I did not want that appointment. It was almost as bad as being appointed chair of the Committee on Standards of Official Conduct.

It is a difficult task. It is particularly difficult for me to stand here and hear charges of racism, sexism and other charges when they are simply not true, and being unable to respond because of the nature of the case. There are many issues that are confidential. There are privacy statutes that have to be obeyed. Eventually, perhaps some of the details can be given, as we do in ethics cases, but I would urge those present and those listening in their offices not to judge the content of the case and the procedures by the comments that we have heard from some on the floor this evening.

Since 1789, the standard method of obtaining information in the case of a contested election has been the use of the subpoena. Even before statutes were written, the subpoena was used. There have been many contested elections over the years, and many thousands of subpoenas that have been issued in these cases. Currently they are issued within the confines of the Contested Election Act.

In this particular case, 51 subpoenas were requested by Mr. Dornan. The committee has the power, under the Contested Election Act, to review those subpoenas. We quashed 15 of them; 9 were withdrawn by the contestant. Six have been responded to; there was no response to 6; 13 have been ignored.

How can we enforce response? That is the question that faces the committee. If a subpoena is filed in a court, the court can use contempt proceedings. That power is not given us in the Contested Election Act. We must depend on the U.S. Attorney to bring actions in these cases.

The timetable in this case is that on March 19, a subpoena was issued on Hermandad Mexicana Nacional by Mr. Dornan. On April 16, the committee modified that. May 1, the response is due, no response is received. May 13, Mr. Dornan's attorney filed a criminal complaint with the U.S. Attorney. Nothing was done. June 2, the attorney once again asked for action. Nothing was done. June 23, the committee sent a letter to the U.S. Attorney. No response. June 30, another letter was sent, and we finally got a response saying, ''We are looking at it.'' We are now in September, and we are still trying to get enforcement on the action on the subpoena that was issued under the law which was passed by the House of Representatives.

What can we do? What is the next step? We thought the next step was for

the House to send a letter to the Department of Justice by way of the resolution that is before us right now. That is the next logical step. If the Department of Justice chooses not to respond again, the only next step is that we issue a committee subpoena, but I am sure that the recipients of the subpoenas would prefer dealing with a U.S. Attorney rather than dealing with facing contempt of the House of Representatives.

We simply cannot allow individuals to thumb their nose at the House of Representatives and say, we do not want to answer your subpoena, so we are not going to. It is a legal subpoena issued by a U.S. District Court judge, and it is very important that these subpoenas be responded to. Our task force needs the information. We have obtained some information from the INS through a committee subpoena. That is all we have available at the moment, but we need the information that will be provided by these various subpoenas, and once we have that information, we hope we can bring this case to a rapid conclusion.

Mr. GEJDENSON. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. MENENDEZ].

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, should Hermandad Mexicana Nacional comply with the legal subpoena? Yes. But should the Republicans on the Committee on House Oversight have given Bob Dornan the power to issue that subpoena in the first place? Absolutely not.

Case in point: Scott Moxley, a reporter in Orange County and a former Federal Election Commission employee, had the temerity to write some disfavorable articles about Mr. Dornan. In response, Mr. Dornan issued a subpoena against him. In addition to this, according to published reports in Roll Call and in papers filed with the Committee on House Oversight, Mr. Dornan went to Scott Moxley's editor to try to get him fired, called the FEC in an attempt to dig up some dirt on him, which he was not able to do, and even resorted to harassing Mr. Moxley's father.

So forgive me if we have a little trouble with a process that gives Bob Dornan subpoena power over anybody.

Of all of the cases in which this Congress could step in and demand that legal action be taken, of all of the unacceptable outrages and defiance of our laws that take place in this country every day, that the majority party would choose Mr. Dornan's subpoena to take this extraordinary step is beyond me. Does this represent their view of the priorities of the American people?

It was the Reagan administration that successfully challenged Congress' attempts to tell the U.S. Attorney what to do, and that is why my colleagues on the other side amended it earlier. To insist on enforcing a particular course of action is to interfere and compromise an apolitical investigation of the facts.

We cannot send a message that condones this process, that gives credence to granting Bob Dornan subpoena power, or that singles out enforcement of this one subpoena as a law enforcement priority for this country.

□ 2300

Yes, let us talk about the Constitution that we have heard about here tonight. Let me tell the Members why, as one American of Hispanic descent, we are convinced that they are after us.

Republicans have taken an unprecedented action to overturn the election of Congresswoman SANCHEZ. They have given unprecedented subpoena powers under this statute to Mr. Dornan, which he has abused. They have undertaken to violate the privacy rights of the families of the gentleman from Texas [Mr. BONILLA] and my family and hundreds of thousands of others who have filed papers with the INS, expecting and demanding every right to protect their privacy rights in this country. And we start there. Is the IRS next? Is there an HIV registry next? Where is it that they will go to?

They have changed the standard of proof from one in which Mr. Dornan must prove his case to one where Congresswoman SANCHEZ must defend her duly certified election. Under this standard, the mere allegation of fraud takes the place of proving any fraud.

So imagine now that as a Member of Congress, you win with 1,000 votes. Under the standard being set by the committee, the mere allegation of fraud, which is what is going to happen in every election, will be sufficient to overturn your election. What must women and Hispanic Americans be thinking about when their votes are on the verge of being nullified by Republicans in this House? If there is no justice in this case, there will be no peace in this House.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Georgia [Mr. BARR], to shed some facts on the subject.

Mr. BARR of Georgia. Mr. Speaker, having been a former prosecutor and practiced law in the private sector, I thought I was somewhat familiar with various defenses that were raised in criminal prosecution and in civil proceedings, but during the past year, listening to the Reagan administration and listening to the other side tonight, there is a whole new universe of defenses that defense attorneys are not even aware of. We hear them daily from the White House: That law does not apply to me. That is an old law. That law has not been used very much. I am not a person under that law. This building is not a building.

We hear another one tonight. Despite the fact that the United States criminal and civil codes are replete with measures insuring that subpoenas, as duly and important court documents, can be enforced and are enforced, despite the fact that people can and are held daily in contempt for failure to respond to subpoenas, we have the preposterous statement on the other side just a short while ago that people in this country have an absolute civil liberties constitutional right to refuse to honor subpoenas.

Mr. Speaker, we must stand for the rule of law. It begins now.

Mr. GEJDENSON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman from California for yielding to me.

Mr. Speaker, the previous speaker either did not hear clearly the comments that were made, or has misrepresented them. I choose the former as the alternative.

What I said was that an American citizen has the right to go to court to question the constitutionality under which someone is asking that citizen to do something. In this case, that citizen has done so. The court just 8 days ago, I would say to the gentleman from Georgia [Mr. BARR], decided that they did have the constitutional right, and 8 days later, we demand that the U.S. Attorney take action, without giving the U.S. Attorney the opportunity to do so.

I think that is a precipitous and uncalled for action of this body sworn to uphold and defend the Constitution. That is what I said, I say to the gentleman from Georgia [Mr. BARR].

Mr. FAZIO of California. Mr. Speaker, reclaiming my time, it is time for this charade to end. Three hundred thousand dollars of the taxpayers' money has been spent, 10 months have gone by, and despite an incredibly long discovery phase, this committee has yet failed to produce any evidence to resolve this so-called contested election.

Despite unprecedented carte blanche investigative power given to the Committee on House Oversight and despite Bob Dornan's escapades, whether they be on this floor or on the Rush Limbaugh show, the vote count remains the same. Nevertheless, before us there is another puff of smoke just to prolong this investigation. This time it is a resolution that does nothing. It has no weight of law. We have all agreed to that. In fact, it is just another chapter in what is a never-ending saga designed to drain and assail the gentlewoman from California, Ms. LORETTA SANCHEZ, a woman whose election was certified by the California Secretary of State on December 9 of last year.

Mr. Speaker, someone watching this debate tonight could easily conclude that our Republican friends are going after this seat because it is held by a Latino woman in a district with a sizeable Hispanic population. Kick up

enough dust and maybe, just maybe, those voters will not show up at the polls again.

Do not count on it. This attempt to intimidate voters will have a backlash the likes of which we have never seen, not just in California, but across this Nation, where new immigrants are an emerging political force to be reckoned with.

I say to my Republican friends, it is time to face the facts. This election was won fair and square. I say, get over it. The gentlewoman from California, Ms. LORETTA SANCHEZ, is the Congresswoman from the 46th District of California, and the attacks that she has weathered will only make her stronger. We stand with her. We will help her prevail. I say to the gentlewoman from California, Ms. LORETTA SANCHEZ, all that she is putting up with tonight will be worth it when she returns to this body in the next Congress.

Mr. GEJDENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, what we are talking about is the right of a citizens group here. First of all, the resolution, of course, is hardly worth all this. The resolution originally demanded that the Justice Department do something. It now demands that the Justice Department think about doing something and then do whatever it thinks. It was amended. I should note that this is, I guess, an example of what is meant by a self-executing resolution.

This resolution has already executed itself. It cut off its head. But we still have a headless horseman stumbling around, and it is an obnoxious one, because here is the issue. A private citizens group has been denounced criminal by persons with constitutional immunity from any libel suit on this floor. They have been denounced as criminal partly, I guess, because they had a tax problem.

I guess that is going to be the precedent: somebody is shown not to have done right on taxes, and they are a criminal. The word will probably echo around here a lot, and make the parliamentarians earn their pay.

But the question is this. This organization has been the subject of a very broad subpoena, subpoenaing things that go to everything that is done, including political activity. They are trying to resist it. Important constitutional law has been made in America, the NAACP against Alabama, other organizations. Resistance of subpoenas has been important.

What we now have is a U.S. Attorney entitled to decide that a particular subpoena may have been so broad as to fail.

My colleague, the gentleman from Georgia said, where did you get such an idea? I will tell Members where, from William French Smith, Ronald Reagan's Attorney General, who told us when this House voted to cite Anne Gorsuch for contempt, when the House voted, not just one Member, when the House voted, not even an ex-Member, but when the House voted to cite Anne Gorsuch with contempt, William French Smith said, we are not going to prosecute because we disagree. We think that constitutionally there is executive privilege here. That is the precedent that held. No one tried to break it.

Here we have a group of private citizens engaged in political organizing who have gotten a subpoena, and they want to litigate it. What are the Members saying? Prosecute them, treat them as criminals. There is a process going forward now before the district court, and they want to appeal it, and they are saying, no, prosecute them.

My friend, the gentleman from California [Mr. CAMPBELL] said, well, we have to get this on. We do not sacrifice the constitutional right of association of private citizens because we are in a hurry, not that they seem to have been in such a hurry on this. But even if we are, citizens have a right to assert their constitutional rights.

To have the subpoena power in the hands of one individual who has clearly issued inappropriate subpoenas to the press, the committee has quashed some, this organization, and understand, this is not a subpoena specifically about who voted and who did not. It is a very broad subpoena issued by Mr. Dornan, and they are trying to figure out a way to litigate it, and to demand that they be criminally prosecuted is inappropriate.

To demand that maybe they should be criminally prosecuted if someone who has the job of thinking that they should think they should is not inappropriate, it is just too silly. It is unfortunately done to accommodate a political imperative that should not be taking up all this time in the House.

Mr. THOMAS. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Speaker, I rise simply to defend the late William French Smith, who cannot be here to defend himself. When the Attorney General of the United States determined that it was not appropriate to institute on behalf of the Congress of the United States enforcement proceedings for a congressional subpoena, he was doing something very different than what we are talking about here tonight.

What we have before us is a subpoena that has been authorized by the United States District Court. No such authorization was given in the case of the Gorsuch subpoena. That was a subpoena issued by Congress without any court involvement.

Mr. GEJDENSON. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Yes, Mr. Speaker, it was a subpoena that came from the former Member, Mr. Dornan, as opposed to one solemnly voted by the House in the course of an investigation. But the argument that it was not authorized by a district court, no, under our Constitution this House has the right constitutionally to issue contempt citations to try to compel testimony.

The Attorney General, I did not libel or defame the Attorney General, I simply quoted him. Being dead is not relevant. The fact is that the Attorney General said, it is wholly a matter of prosecutorial discretion whether or not we act on a contempt citation, and one voted by the whole House in the course of an investigation certainly has a great deal of standing.

Mr. GEJDENSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, my Republican colleagues are engaged in a partisan, political probe against the gentlewoman from California, [Ms. LORETTA SANCHEZ], and this resolution is an attempt to prolong and to expand that investigation. Make no mistake, this is not the election of the gentlewoman from California in isolation; this is part and parcel of a Republican strategy that would in fact deny minorities in this country the right to vote.

Earlier today, the Republican majority denied the Bureau of the Census the ability to make a full count of Americans, fearing that such sampling methods would enfranchise undercounted urban minorities. This is un-American and it is simply wrong. The fact is that this resolution does not have the authority to force the Justice Department to do anything, and it intrudes on an ongoing legal process.

The gentlewoman from California, Ms. LORETTA SANCHEZ won this election by 1,000 votes. There were other much closer elections in 1996, and no others have been subjected to this kind of a witch hunt. The sore loser in this case was Bob Dornan, a man who cannot believe that he lost, a man whose vendetta against the gentlewoman from California is unprecedented, and a man whose behavior is so offensive that this Congress actually barred him from the floor of this House.

The Republican Party has chosen to go after a seat held by a Democratic Hispanic woman in a race where Hispanic votes may have determined the election. This is a deep insensitivity to the right of Latinos and Hispanics in this country to be able to vote. It is clearly an attempt by the Republican Party to create enough smoke to steal this election. If they cannot do that they hope simply to wear down the gentlewoman from California [Ms. SANCHEZ], depleting her time, her energy, her financial resources, in order to weaken her for reelection.

It will not happen. She will be reelected to this body. Do not disgrace the people's House tonight. Do not let this body allow for this sort of partisan political purpose. Vote down this resolution.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Florida [Mr. STEARNS].

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, the gentlewoman from Connecticut [Ms. DELAURO], let me remind her and the gentleman from New Jersey [Mr. MENENDEZ] and the gentleman from Connecticut [Mr. GEJDENSON] and the gentleman from Massachusetts [Mr. FRANK], as a result of an initial investigation into this matter, the Immigration and Naturalization Service, that is part of their administration, ordered that an arm of its citizenship testing program be shut down effective January 6, 1997. That is not Republicans, that is Democrats. Democrats decided to shut down a citizenship testing program after it was acknowledged and verified that there were proven cases of fraud.

I am not a lawyer. We can put up here the best lawyers and we can talk about subpoenas and go on and on, but their administration found there was acknowledged and verified fraud. So this is a concern of not just Democrats and Republicans and Independents, this is a concern of every Member of Congress; there but for the grace of God go you, me, any one of us.

If the administration of their party says on January 6, 1997, yes, there is fraud, we have acknowledged it, verified it, and we are going to stop citizenship testing programs, does that not concern the Members? Does that not tell them that she did not win by 900 votes, as the gentlewoman from Connecticut [Ms. DELAURO] keeps talking about?

□ 2315

No; we have already identified half of those 900 are corroborated that they are false votes.

Mr. Dornan's request is not without precedence. We can go back to Supreme Court decisions. We can go back to McCloskey and McIntyre in the 99th Congress. We can back to Roush versus Chambers in the 87th Congress in the first session. And we can on and on with cases where we have the right and the House committee has the complete ability to order a recount in this congressional election if they want to.

This country prides itself on the fact that we are a democracy and we abide by the axiom, one man, one vote. However, I would like to quote a well known philosopher. This philosopher said it correctly: It is not the voting that is democracy, it is the counting.

Mr. GEJDENSON. The gentleman seemed to have placed great faith in the administration when they set aside Hermandad's activities but somehow does not trust the administration everywhere else.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Speaker, I would just like to say that, LORETTA, the seat is yours and we are going to do everything possible to make sure that justice is done in your case.

Let me just share with everybody that this is not the first time that someone of Hispanic descent has been barred from the House of Representatives. About 9 months ago, I came here with my daughter and with my niece, and I waited in line in the main entrance to the Capitol of the United States. And as I walked through that line to come into this House, a security guard from the U.S. Capitol said to me, ''You cannot come in here.''

When I produced an ID, she said it was false. When I told her I was a Member of Congress, she said that I was crazy and that I was ludicrous. And then I said, ''Ma'am, you really have a problem.'' And her response to me was, ''No. The only problem we have is you and your people. Why do you not go back where you came from?'' That was said to me as I entered in a very well published case right here. So, LORETTA, it is nothing new. It is nothing new.

But do you know something everybody said: She is not fit to serve the House of Representatives and the people of this Nation, given her actions. Do you know what my answer was? What can you expect from her? What can you expect from her when she sees Members of Congress each and every day on the TV set accuse those immigrants of coming across the border in hordes to destroy this Nation? When she sees on TV Presidential candidates with a rifle in their arms campaigning in Arizona and saying, ''This is what we have for you, Jose,'' and then sees the Republican Party seat them at their convention in San Diego? What can you expect from a security guard when she sees Members of Congress come here and say, those seats should be invalidated that Latinos and African Americans were elected to and that we should challenge them in court? What do you think she expects when she sees a welfare reform bill come before this Congress which says, let us not give them any help?

LORETTA, you won. And in this Congress, you will prevail.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA], a member of the committee.

Mr. MICA. Mr. Speaker, I rise in support of this resolution. In fact, this resolution is not offered in support or in opposition to the gentlewoman from California [Ms. SANCHEZ] who has been seated from California's 46th District. Nor is it offered in support or opposition to Mr. Dornan, who is contesting the election in California's 46th District. This resolution, in fact, is about the very heart and the essence of the democratic electoral process.

We have heard it said that the United States Constitution, Article I, section 5, states that the House shall be the judge of its Members and their election. The Committee on House Oversight, on which I am privileged to serve, is charged with seeking the facts relating to Members being seated in a contested election.

This resolution is not about the gentlewoman from California [Ms. SANCHEZ]. This resolution is not about Mr. Dornan. This resolution is not about a Republican or a Democrat serving in California's 46th District. This resolution is about determining whether or not the election in California's 46th District was conducted in a lawful and appropriate manner. This resolution is critical to every Member of this Congress and to the American people because this resolution seeks only to determine the facts as to who lawfully cast their ballots in a contested election.

This resolution deserves the support of every Member of this Congress to maintain the process that is outlined in our Constitution and to ensure the very integrity of the system of fair and honest representative government. I ask each and every Member to come down here and vote for this fair, honest, justice-seeking resolution.

Mr. GEJDENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, I grew up in a country that said Hispanic Americans could die for their country but not be buried in a public cemetery. I grew up in a community where Hispanic schoolchildren were punished for speaking their mother's native language on school grounds. I grew up in a neighborhood where a distinguished American veteran, a physician, was turned against and fought simply because he was Hispanic. Thank God, Mr. Speaker, those wrongs were righted years ago.

That is exactly why tonight I will be not a part of harassing an Hispanic American who was duly elected to this Congress and the thousands of Hispanic Americans who duly voted for her.

I must wonder, where are the philosophical conservatives tonight? Where are the Republicans who say we should limit the powers of government? Where are the Republicans who want to restrict the law enforcement powers of the ATF and the FBI? Where are the Republicans who say they believe in private property rights? Where are the Republicans who say they cherish our constitutional protections against unreasonable search and seizure by the Government?

How can those who believe in limited government want to give Robert Dornan, a private citizen, the right to subpoena American citizens' private property? If anyone should be offended by Mr. Dornan's subpoena power, it should be true philosophical conservatives.

Enough is enough. It is time to end the persecution of Hispanics now, right here in this House tonight.

Mr. THOMAS. Mr. Speaker, I yield myself 1 minute.

This resolution is to make sure that when those people become citizens and cast a vote, it is a vote that counts.

The problem is, there are some people out there preying on these people, misrepresenting the law, and getting them to register so that they commit, unwittingly, a felony. Your feelings should be directed to those people who are preying on these innocent people. The innocent people are the ones who wind up committing the felony, but they are the victims. It is the organizations such as Hermandad that should be punished.

All this resolution seeks to do is to get the Department of Justice to make sure that those very people you talked about, I tell the gentleman from Texas, when they become citizens can cast a vote and have the confidence that that vote will not be diluted by fraud or illegality. That is what we are doing.

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY of Connecticut. Mr. Speaker, we are approaching a resolution right now that Congress cannot force the Justice Department to prosecute. The committee has already received all the relevant evidence that Hermandad ever possessed. They have got the information. So why are we here tonight?

It is 10 months after the election. Who are we, this body? We should be doing the people's business. We should be doing campaign finance reform. We should be finishing the appropriations bills. Instead, we are here at 11:30 tonight talking about a woman whom I know well. I know LORETTA SANCHEZ. I know her so well, I saw her come to Congress as a proud woman to represent her district, to represent her constituents, to do the job she was elected to do.

We are spending 10 months saying this wonderful young woman cannot be allowed to do what she was sent here to do. Let us end it. Let us say tonight, let her serve. We will have another election in November, the following November. Let it happen. We are the body of the people. We represent the people. Let LORETTA serve.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding me the time.

I would like to make the comment that I have been stopped several times by the guards questioning whether I was a Member of Congress. I may not look like a Member of Congress, the Scotch-Irish descent, but I have been stopped many times questioning whether I was a Member of Congress.

We are debating here tonight. It is a positive thing that we debate the issues. Oliver Wendell Holmes, a physician, a jurist, and a poet, said that the Constitution was made for people with differing opinions. We are seeing that to an extent tonight.

But this is a Nation of laws, not of rhetoric. This is a Nation where we have one man, one vote. And we are committed to that.

A World War II veteran who is committed to his country and always optimistic and positive about what America stood for says our lives are made up of five things: Humility, I ask that our colleagues tonight look at who has humility; commitment to justice; compassion to people; faith in the American people; and faith that people will be responsible, will be decent, will be honest, and allow themselves to have dignity.

We must allow the process, in my judgment, to work to make sure that those people that vote vote honestly, have dignity. The last word he used was love, not for self-serving reasons but love for the things that America, which is still a great country, stands for.

I encourage Members to vote for this resolution because it means that we are committed to justice in America, one man, one vote, and we want people to have responsibility to do the right thing. And if we give them that responsibility and show them what we stand for, there will be dignity for each and every citizen that their vote counts.

Mr. GEJDENSON. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Connecticut [Mr. GEJDENSON] has 7½ minutes remaining, and the gentleman from California [Mr. THOMAS] has 7 minutes remaining.

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, the central problem here is that this so-called investigation has been improper from its inception.

Normally a claimant seeking to invalidate an election has the burden of proof of fraud or irregularities. He should look at the records of people who vote, the records from the board of elections, from birth records, from naturalization records, and show his evidence.

Instead, the claimant has been given individual subpoena power, has used that power irresponsibly and to the deprivation of the constitutional rights of others. He has issued broad-based, fishing-expedition subpoenas, some struck down, some not yet.

□ 2330

Hermandad got such a broad subpoena which invaded the constitutional rights of many people. The District Court said the subpoena was okay. Hermandad is appealing that decision, but 8 days after the district court decision, while it is appealing that decision, they come up with this bill of attainder here which we are asked to pass, demanding criminal prosecution of this private group which has no role or should have no role in this at all.

Obviously, it is entirely politically motivated, as this entire process has been, and the motivation is to short-circuit the constitutional process and the constitutional rights of the individuals involved and should be voted down.

Mr. THOMAS. Mr. Speaker, I yield myself 1 minute.

I tell the gentleman from New York if he wants to know who gave Bob Dornan the right to subpoena, the CONGRESSIONAL RECORD, October 20th, 1969, on rollcall number 235, the yeas 311, nays 12, the legislation that was passed overwhelmingly on a bipartisan vote supported and defended by the court most recently and the House.

The fact that no one has used it, except for this particular time, does not mean it has not been there from the beginning. The point needs to be made that it is the statute that affords it. That is where it comes from. It is part of the Contested Election Act and it was passed overwhelmingly bipartisan.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MARTINEZ].

(Mr. MARTINEZ asked and was given permission to revise and extend his remarks.)

Mr. MARTINEZ. Mr. Speaker, I hear over and over again that we are concerned about the integrity of our election process, and I agree with that, not only for the 46th Congressional District but for all over the United States.

This is not the only place where voter fraud has occurred. But I hear interjected into the debate the reference to the number of fraudulent votes in the 46th District. Then our friend from Texas gets up and states that the Hermandad is the crookedest organization around and guilty of all kinds of wrongdoing.

The problem I have with that is an investigating committee trying to investigate someone who has already made up his mind lends itself to the idea that since they have already made up their mind, their investigation is going to conclude with the conclusions they have already made.

Let me say in the same breath that the gentleman speaks about the high level of debate that began this debate. He rushes in to chastise one of our Members for pulling a race card. What greater race card was there pulled when on that side of the aisle they chose as their closing speaker someone of Hispanic descent?

So I ask the question, is this about voter fraud, is it about the gentlewoman from California's election, or is it is about intimidating Latino voters? I think it is the latter.

Mr. GEJDENSON. Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, I have been around this for a long, long while, and I can remember when we kept people from voting because we had something called the poll tax. And most of us could not afford it, especially sharecroppers. And we were sharecroppers, and some of our black neighbors could not afford to vote.

We have talked about numbers here. My good friend from California said what we want to make sure is that every vote counts. Votes are not counted in the District of California. The gentlewoman from California is being harassed. And if we took the 300 votes or 400 votes, throw them out, she still won a majority. She is still the winner.

In politics, that is all that matters, is getting the majority of the vote. The gentlewoman is being denied the vote, in my opinion, simply because she beat one of the real radical exhibitionists that has ever been in this House. Some Members do not like it.

As for the gentleman that said it was the Democrats, he was the one that sent out a press release accusing me of missing votes when my sister-in-law had died and I was not even here. So I just wanted to make that clear.

This is a charade that should not be taking place. It does not become this House and it does not become us as the most respected governing body on the face of the earth, and we should be ashamed of our actions that are taking place today.

Mr. THOMAS. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio [Mr. NEY], not only a member of the committee but a member of the task force, the vice chairman of the Committee on House Oversight.

Mr. NEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Tonight I think it would become us, Mr. Speaker, since we are talking about what becomes this Chamber, it would become us to stick to the facts. The organization Hermandad Mexicana Nacional has, for nearly 5 months, refused to comply with the subpoena issued by a United States District Court judge. The Department of Justice says the matter is still under review, despite repeated letters from the Committee on House Oversight. That is a fact. The Department of Justice's failure to act has encouraged groups to ignore subpoenas, delaying the investigations.

This is no picnic for us, as any Member on either of the side of the aisle on this committee knows very well of this delay. It is not something we enjoy, it is not something we like, it is not something that has a political furtherance.

The other statement that is made that needs to be addressed is that the other side argues that most information requested in the subpoena to Hermandad has already been turned over. That is simply not true. Not all the information has been turned over. And if it had been, they would not be fighting so hard. Another thing is, they had all summer to file, but they did not. They filed in August because they wanted to delay the entire process.

It has been a great interesting night. First, Bob Dornan has no credibility. Bob Dornan has said things on the floor people do not like from that side of the aisle, but all of a sudden Bob Dornan is quoted tonight because he is now factual in what he says in the newspaper, because it is convenient to quote him tonight.

This is not about Bob Dornan, this is not about the gentlewoman from California [Ms. SANCHEZ], this is about the election process.

Politics? Here is the DCCC press release starting in February. Phone calls into districts trying to stop this, a legitimate inquiry of the U.S. House. There is a little politics there.

But I think we have seen it all tonight. What is in a name? Did Shakespeare say that or was it Hallmark? I am not sure. Somebody says that. What is in a name? Well, tonight it is in the Latino name. Tonight it is in the Latino name. Because all of a sudden, if one does not have a Latino name, something is wrong tonight.

Let me tell my colleagues something. We have Latino relatives. I do, in Fontana, California. The gentleman from Michigan [Mr. EHLERS] does. We have Latino relatives. My colleagues know it is not true that there is a bias to Latinos.

The words tonight, persecution, insulting, embarrassing, playing the race card, all the things that were raised tonight that my colleagues know are not true. My colleagues all know it. They know that is not accurate. They know it is not true. They know that is not the feelings we have.

We should stick to the facts, because what is not becoming of this Chamber is to use those scare tactics to Americans, Mr. Speaker, across this country. That does not become the energetic give and take of public debate. What becomes us is to stick to the facts, and if we do that, we will not have so much disgrace on the floor tonight by throwing out side innuendo that my colleagues know is simply not true. It is not fair to the American people and it is not fair to any Member of any gender, of any ethnic background on the floor tonight.

Mr. GEJDENSON. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri [Mr. GEPHARDT], the distinguished minority leader.

(Mr. GEPHARDT asked and was given permission to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, I rise in opposition to this ill-conceived resolution. I am not an expert on the legal dispute over Mr. Dornan's novel use of the power of subpoena. I do not know all of the facts surrounding the court cases that have come as a result of these subpoenas, but I have served in this House since 1977 and I have some sense of when it is appropriate for this House to speak to the judicial system.

Mr. Speaker, as far as I can determine, never in the 208-year history of this House has the majority decided to interfere so directly in a criminal matter by demanding that specific charges be brought against the particular party. In the best of circumstance, what is being done tonight would be a bad precedent that would only lead to mischief, but it is clear that the interference that is called for tonight in our judicial system is based on partisan political motives. And when that day comes, it is a sad day for this House of Representatives.

Make no mistake about it, the purpose is not law enforcement tonight, the purpose is to harass and intimidate. That is what this whole investigation has been about, arming Bob Dornan with subpoena authority. Unprecedented in the work of this committee, invading the privacy of thousands of Hispanic-Americans, all because a hardworking Hispanic businesswoman had the audacity to upset Bob Dornan in the 46th District of California. And Mr. Speaker, it was not even a close election.

Now we read in the newspapers that there is an effort, perhaps, to tell Mr. Dornan that the House is going to declare the seat vacant and call for a new election. I can only assume that these reports are just rumors and that they are wrong.

The gentlewoman from California [Ms. SANCHEZ] won this election by almost a thousand votes. If her election can be overturned on suspicion, with no facts, none of the facts that were brought have been found to be true, but on suspicion that there were noncitizens who voted, then who is next? Whenever there is a vote of under a thousand, do we go in and ask the INS to pull up all the records of new Americans in a district? Who is next? Which House race will we go into next time?

My colleagues, if this procedure goes on, if there is a move to vacate this election, this is no longer the people's House, it is the Republican Party's House, and I do not think any of us want any part of it.

Defeat this resolution and send this contest where it belongs. Dismiss it.

Mr. THOMAS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the gentleman from North Carolina said in politics all that matters is getting the most votes. I personally experienced that in a contested election in the Indiana 8th, because the votes in the Indiana 8th were counted not by any State.

I participated in a contested election contest in which the Democrats set the rules. Those rules did not exist in any State. They were made up. And then when, in following those rules they made up, Democrats were not going to win, they quit counting.

□ 2345

So I guess in politics, for some people all that matters is getting the most votes. But with this new majority, it is going to be determined by legal votes.

There has been some argument that we need to do some campaign finance reform. I will tell my colleagues, the vote tonight is the first vote on campaign finance reform, because I think fundamentally we must start with fundamental reform.

Far more important than the dollars spent in campaigns is who legally gets to vote; and, in this system, only citizens are supposed to legally vote. Let us start by enforcing that fact, and then we will look at other campaign changes.

Tonight, a vote for this resolution is a vote to uphold the law. Democracy works when it operates under the law. A lot of things have been said here. But I want Members, as they vote on this resolution, trying to get the Department of Justice to carry out the law, to remember that it is irrefutable that the question is not ''Did fraud occur in the 46th District of California,'' the question is ''How much?''

That has been the task of the task force. We have been stonewalled by people. People have refused to supply information. We have had to subpoena the Immigration and Naturalization Service. But I can assure my colleagues, no amount of intimidation, no amount of throwing around false charges of racism, no attempt to muddy the waters and obscor our purpose of determining how many legal votes were cast in that election, will deter us from making sure that every honest vote that was cast in that election gets its full, accountability, undiluted by fraudulent votes. That is our job, and we will do it.

I ask the House of Representatives tonight to assist us in asking, or, if you will, demanding that the Department of Justice enforce the law and make these people provide us with the information that will let us get to the bottom of how many fraudulent votes were cast in this particular district so that we can determine the true winner in California's 46th. I ask for a vote on the resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in disgust with the way a former member is trying to manipulate the House of the people to create turmoil, to manipulate the election process and to spend tax payer monies—now more than $300,000 and counting—for nothing more than the purpose of stealing a seat out from under a duly elected Member, LORETTA SANCHEZ.

Bob Dornan has come to the floor of the House and shown himself not to be worthy of being allowed to appear on the floor as a former Member of the House.

He is trying to intimidate the voters of California's 46th Congressional District, the media, the INS, and now the Congress. He wants Congress to try to intimidate the U.S. attorney to file criminal charges against a political enemy of his. That's the meaning of this resolution and that's what he wants us to do.

Mr. Speaker, there has been absolutely no fraud found in this case and there has not been one shred of evidence that this renegade former member has been able to produce that illegal aliens have influenced the outcome of his defeat. He is defying the 28-year history of the Federal Contested Election Act and is using Republicans to carry on a crusade to get his seat back.

He needs to get out of denial that he lost an election and the people of Orange County have spoken. This is under-handed politics of the worst kind. This is nothing more than intimidation.

Mr. Speaker, I urge this distinguished body to end the saga of this misguided investigation. The people of California have legally ended their relationship with him—he embarrassed them until they had enough and now we should say we have had enough of his outrageous tactics and put an end to it once and for all. I urge my colleagues to vote against this travesty as they voted to show Mr. Dornan to the door of the House on one occasion and we should do it again today.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILLMOR). All time for debate has expired.

PARLIAMENTARY INQUIRY

Mr. HEFNER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. HEFNER] will state his parliamentary inquiry.

Mr. HEFNER. Mr. Speaker, am I entitled to raise a point of personal privilege since the gentleman from California [Mr. THOMAS] mentioned my name and misquoted me?

The SPEAKER pro tempore. That is not in order as a response during debate.

The resolution is considered read for amendment.

Pursuant to House Resolution 253, the previous question is ordered on the resolution, as amended, and on the preamble.

The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. THOMAS. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER pro tempore. A quorum is present.

Mr. THOMAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were— yeas 219, nays 203, answered ''present'' 1, not voting 11, as follows:

[Roll No. 478]

YEAS—219

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf

NAYS—203

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver

Ortiz	Sabo	Tauscher
Owens	Sanders	Taylor (MS)
Pallone	Sandlin	Thompson
Pascrell	Sawyer	Thurman
Pastor	Scott	Tierney
Payne	Serrano	Torres
Pelosi	Sherman	Towns
Peterson (MN)	Sisisky	Turner
Pickett	Skaggs	Velazquez
Pomeroy	Skelton	Vento
Poshard	Slaughter	Visclosky
Price (NC)	Smith, Adam	Waters
Rahall	Snyder	Watt (NC)
Rangel	Spratt	Waxman
Reyes	Stabenow	Wexler
Rivers	Stark	Weygand
Rodriguez	Stenholm	Wise
Roemer	Stokes	Woolsey
Rothman	Strickland	Wynn
Roybal-Allard	Stupak	
Rush	Tanner	

ANSWERED ''PRESENT''—1

Sanchez

NOT VOTING—11

Gonzalez	Roukema	Yates
Hansen	Schiff	Young (AK)
Houghton	Schumer	Young (FL)
Oxley	Smith (OR)	

□ 0005

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of Georgia. Mr. Speaker, I asked for this time because I noticed that the majority leader, the gentleman from Texas [Mr. ARMEY], is on the floor of the House, and I would like to know something about the schedule for the rest of tonight and tomorrow.

Mr. Speaker, tomorrow is the beginning of a high holiday for many of our Members.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of Georgia. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, we are about to do a motion to instruct offered by the gentleman from Texas [Mr. DOGGETT]. The gentleman from Kentucky [Mr. WHITFIELD] is very much interested in this, as are other Members, and we should expect that we should have a discussion of this matter and a vote, another vote, before we complete our evening's business.

We will convene the House at 10 a.m. tomorrow morning, we will move as quickly as we can to a consideration of the rule on national monuments, and then again we will move as quickly as we can to consideration of national monuments. We should then have completed the legislative business we will have planned for tomorrow, and we should be in a position for our Members who are anxious about being home for the observation of holidays before the sun goes down tomorrow evening to do so, except that we still have 14 votes that were ordered on the Suspension Calendar, and should those votes be in fact required to be taken, it would work, I would guess, some hardship on all the Members who might have travel plans.

I would remind the House that it has been on the schedule of the House for some time that we would complete business by 3 o'clock tomorrow. I have been implored by many, many Members, and I think for a very good reason, to try to move that up. I will have done everything I can do by trying to complete as much work as possible tonight in order for that to be moved up to 12:15.

It would be, I think, a consideration that might be granted to those Members who have this serious religious concern that we all want to respect for those people that had requested votes ordered on the suspension vote to reconsider the extent to which they truly indeed need those orders and might want to vacate that request, and that would be, I would think, a much appreciated consideration given to Members by those who would be in a position to do so. But we obviously cannot deny a Member his or her right to insist on ordering those votes on those suspensions.

And I notice my friend from Georgia, and I will assure him that I am as committed as I can be to persuading and encouraging everybody to do what we can to facilitate the need that many Members have to transport themselves and their families with as much dispatch as possible.

Mr. LEWIS of Georgia. Mr. Speaker, I would like to yield to my colleague from Texas [Mr. EDWARDS] for further inquiry of the majority leader.

Mr. EDWARDS. Would the distinguished majority leader be willing to let me address a question to him? Does he feel it is fair to require Members of this body to choose between their religious faith and their responsibility?

I believe I have a right to ask this. I think this is a very serious issue, Mr. Speaker.

Mr. ARMEY. Mr. Speaker, if the gentleman will yield, I will respond to the gentleman.

The SPEAKER. The time of the gentleman from Georgia [Mr. LEWIS] has expired.

The Chair recognizes the gentleman from Texas [Mr. DOGGETT] to offer a privileged motion.

MOTION TO INSTRUCT CONFEREES ON H.R. 1757, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999, AND EUROPEAN SECURITY ACT OF 1997

Mr. DOGGETT. Mr. Speaker, I offer a privileged motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. DOGGETT moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 1757, be instructed to reject section 1601 of the Senate amendment, which provides for payment of all private claims against the Iraqi Government before those of U.S. veterans and the U.S. Government (i.e., U.S. taxpayers).

MOTION TO ADJOURN

Mr. SCARBOROUGH. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. A motion to adjourn is in order.

Mr. SCARBOROUGH. Mr. Speaker, I had asked earlier for a question. We can do a motion to adjourn, if I can ask the gentleman from Texas a question?

The SPEAKER. A motion to adjourn is not debatable, and the gentleman was not recognized prior to this time.

□ 0015

Does the gentleman from Florida insist on his motion to adjourn?

Mr. SCARBOROUGH. Yes, Mr. Speaker.

Mr. DOGGETT. Mr. Speaker, has the motion been reduced to writing?

The SPEAKER. Yes. The question is on the motion to adjourn offered by the gentleman from Florida [Mr. SCARBOROUGH].

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DOGGETT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 206, nays 183, not voting 44, as follows:

[Roll No. 479]

YEAS—206

Aderholt	Cunningham	Horn
Archer	Davis (VA)	Hostettler
Armey	Deal	Hulshof
Bachus	DeLay	Hunter
Baesler	Diaz-Balart	Hutchinson
Ballenger	Dickey	Hyde
Barr	Dixon	Inglis
Barrett (NE)	Doolittle	Istook
Bartlett	Dreier	Jenkins
Barton	Duncan	Johnson (CT)
Bass	Ehlers	Johnson, Sam
Bateman	Ehrlich	Jones
Bereuter	English	Kasich
Bilbray	Ensign	Kelly
Bilirakis	Everett	Kim
Bliley	Ewing	King (NY)
Blunt	Fawell	Kingston
Boehlert	Flake	Klug
Bonilla	Foley	Knollenberg
Bono	Forbes	Kolbe
Brady	Fowler	LaHood
Bryant	Fox	Latham
Burr	Franks (NJ)	LaTourette
Burton	Frelinghuysen	Lazio
Buyer	Gallegly	Leach
Camp	Ganske	Lewis (CA)
Campbell	Gekas	Lewis (KY)
Cannon	Gibbons	Linder
Castle	Gilchrest	Livingston
Chabot	Gillmor	LoBiondo
Chambliss	Goode	Lucas
Chenoweth	Goodlatte	Manzullo
Christensen	Goodling	McCollum
Clyburn	Goss	McCrery
Coble	Graham	McHugh
Coburn	Granger	McIntosh
Collins	Gutknecht	McKeon
Combest	Hastert	Metcalf
Condit	Hastings (WA)	Mica
Conyers	Hayworth	Miller (FL)
Cook	Herger	Moran (KS)
Cooksey	Hill	Morella
Cox	Hilleary	Myrick
Crapo	Hobson	Nethercutt
Cubin	Hoekstra	Ney