Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pastor
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Rogan
Rogers
Ros-Lehtinen
Saxton
Schaefer, Dan
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)

NAYS—199

Ackerman
Allen
Andrews
Bachus
Barcia
Bartlett
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Blunt
Bonior
Boswell
Boyd
Brown (FL)
Brown (OH)
Burr
Burton
Campbell
Capps
Cardin
Carson
Chabot
Chenoweth
Clay
Clayton
Clement
Clyburn
Coburn
Combest
Conyers
Costello
Cox
Coyne
Crane
Crapo
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Doggett
Dooley
Doolittle
Duncan
Edwards
Ehrlich
Engel
Ensign
Etheridge
Evans
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gordon
Graham
Green
Harman
Hastings (FL)
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hooley
Hostettler
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Largent
Levin
Lewis (GA)
Lipinski
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
McCarthy (NY)
McGovern
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Minge
Mink
Moakley
Moran (KS)
Nadler
Neal
Neumann
Norwood
Oberstar
Obey
Olver
Owens
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Pickett
Pombo
Pomeroy
Poshard
Radanovich
Rangel
Riley
Rivers
Rodriguez
Roemer
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Shays
Slaughter
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stump
Stupak
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Waters
Watt (NC)
Wexler
Weygand
Woolsey
Wynn

NOT VOTING—7

Gonzalez
McDermott
Roukema
Schiff
Schumer
Yates
Young (FL)

□ 2050

Messrs. COX of California, OWENS, ENGEL, GIBBONS, and RILEY changed their vote from ''aye'' to ''no.''

Mr. HERGER changed his vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1171

Mr. KASICH. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Pennsylvania [Mr. MASCARA] be removed as cosponsor of H.R. 1171. He was added in error.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 244, SUBPOENA ENFORCEMENT IN CASE OF DORNAN V. SANCHEZ

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 253 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 253

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House 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. The resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the resolution and the preamble to final adoption without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on House Oversight; and (2) one motion to recommit which may not contain instructions and on which the previous question shall be considered as ordered.

The SPEAKER pro tempore [Mr. GILLMOR]. The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York [Ms. SLAUGHTER], pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, this resolution is a rule which provides for consideration of House Resolution 244. It is a resolution relating to subpoena enforcement in the case of Dornan v. Sanchez. The rule provides for 1 hour of debate, divided equally between the chairman and ranking minority member of the Committee on House Oversight. The rule also waives points of order against consideration of this resolution.

Finally, the rule provides for one motion to recommit.

Mr. Speaker, the resolution this rule brings to the floor today is an attempt to express the will of this House relating to the proper enforcement of a subpoena issued under the Federal Contested Elections Act.

The House will be asserting, by voting on this resolution, that ignoring a valid subpoena issued under this act is an affront to the dignity of the House of Representatives and to the integrity of its proceedings.

We will hear from Members of the House on the Committee on House Oversight to explain the facts of the case during the debate on this resolution. But it is important to consider the relevant statutes in question at the onset of this debate, and I would like to take a minute just to make sure that we all understand those statutes.

As the debate on this resolution unfolds, which is likely to be acrimonious, at best, I would ask Members to keep in mind these important provisions of law: Members should also be aware of their constitutional responsibilities as they consider this very, very difficult issue.

First, Article I, Section 5 of the Constitution states that each House, that means the House and the Senate, shall be the judge of its own elections, of its own returns, and qualifications of its own Members. That is Article I, Section 5 of the Constitution of the United States. This provides the groundwork for the House to judge contested elections involving its seats, a responsibility the House has practiced since the early Congresses, 200 years ago.

Also, the Federal Contested Elections Act, enacted in 1969, sets forth the procedures for candidates to contest an election in this House of Representatives. The act provides for filing a Notice of Contest with the Clerk of the House, among other congressional procedures. Furthermore, the act sets forth procedures for subpoena for depositions.

The Contested Elections Act is also very specific in ''allowing subpoenas to be issued by any party in the elected contest.'' That is a quote. We heard considerable testimony on that subject in the Committee on Rules for several hours last night.

As the Members are well aware, there is a contested election pending in the 46th district in California. On March 17, 1997, and this is important for the Members to understand, the United States District Court issued a subpoena under the Contested Elections Act for the deposition and records of Hermandad Mexicana Nacional. The Committee on House Oversight voted to modify the subpoena and require compliance by a date certain, that date

being May 1, 1997. To date, compliance with this valid subpoena has not occurred.

It should also be noted that, in the exercise of its proper role under the Contested Elections Act, the Committee on House Oversight met on September 24 just past and quashed several subpoenas, including one to the contestee in the case, the gentlewoman from California [Ms. SANCHEZ].

□ 2100

Last week, Mr. Speaker, the United States District Court upheld the constitutionality of the deposition subpoena provisions of the Contested Election Act. House Resolution 244, the resolution before us today, will put the House on record asserting that the rights of the House as an institution and the dignity of its proceedings under the Constitution and under Federal law are called into question by the lack of compliance with the subpoena.

Now, Mr. Speaker, last night during the Committee on Rules consideration of the resolution, a member of the Committee on Rules, the gentleman from Florida [Mr. DIAZ-BALART], expressed concern that the drafting of the resolution violated the spirit of the constitutional doctrine of separation of powers. Because of this Congressman's concerns, I will be offering a manager's amendment to this rule that will address his concerns. This amendment to the rule will change the text of the House Resolution to read as follows:

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, and that part is what is in the bill right now, but we would then add to that, pursuant to its determination that it is appropriate according to the law and the facts. And then we go back to the regular language in the resolution which states criminal charges against Hermandad Mexicana Nacional for failure to comply with a valid subpoena issued under the act.

The phrase again, what I would be offering in the manager's amendment, which I understand will probably be accepted by the other side, simply says, pursuant to its determination that it is appropriate according to the law and the facts, is what we are inserting.

Mr. Speaker, the amendment to the rule tightens the language of the original resolution to satisfy the concerns of the gentleman from Florida [Mr. DIAZ-BALART], and at the appropriate time I would urge support of the amendment and the rule.

Mr. DIAZ-BALART. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Florida.

Mr. DIAZ-BALART. Mr. Speaker, I will be brief.

The chairman of the Committee on Rules was correct in stating that I expressed my serious concern, in fact was not able to support this rule last night. I opposed this rule last night because of my concern related to the separation of powers, not with regard to the process of discovery in this case.

I agree with the U.S. District Court for the Southern District of California that, and I would quote the court, in the review of its discovery process, Congress is not seizing a function not constitutionally entrusted to it, and there is no separation of powers violation, end quote, but, rather, in the demand that the resolution makes that the U.S. Attorney for the Central District of California filed criminal charges.

It was alleged more than once during the almost 4 hours that we listened to the testimony in the Committee on Rules last night that legal authority exists preventing that outright demand by Congress of the U.S. attorney. The Gorsuch case in the 1980's, specifically in 1983, was referred to.

So what we do with this amendment that the chairman of the Committee on Rules is proposing to the rule is to state and make clear that when the House makes its demands upon the U.S. attorney, that the determination to prosecute must be made by the U.S. attorney pursuant to its finding that it is appropriate according to the law and the facts in this case.

The evidence that the subpoena at issue in this matter has been ignored after hours of testimony in the Committee on Rules became very evident. The fact that no one is above the law in the United States of America must be made clear. We made clear in this House just a few weeks ago that the rules of this House also cannot be violated when we barred from the floor of this House the contestant in this matter.

With the amendment that we are proposing to the rule, Mr. Speaker, we are going the extra mile to make certain that absolutely no constitutional precepts are violated when the House of Representatives insists upon the principle that the law must be followed.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Florida, and if it is all right, I would say to the gentlewoman from New York, so that we are debating the actual resolution, I would at this time propound the unanimous-consent request that the amendment to House Resolution 253 that was placed at the desk be considered as adopted now.

The SPEAKER pro tempore (Mr. GILLMOR). The Clerk will report the amendment.

The Clerk read as follows:

Amendment Offered By Mr. SOLOMON:

At the end of the resolution add the following new sections:

''Sec. 2. Notwithstanding any other provision of this resolution, the amendment specified in section 3 of this resolution shall be considered as adopted.

''Sec. 3. The amendment described in section 2 of this resolution is as follows:

Page 3, line 4, after 'filing' insert the following: ', pursuant to its determination that it is appropriate according to the law and the facts,'.''.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. MENENDEZ. Reserving the right to object, Mr. Speaker, I would like to turn to the distinguished chairman of the Committee on Rules to ask a question.

I heard my dear friend and colleague from Florida [Mr. DIAZ-BALART] describe what he believes is the reasoning behind this, and I would like to ask the chairman, ''Exactly what is your intent in this language?''

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

Mr. MENENDEZ. I yield to the gentleman from New York.

Mr. SOLOMON. It is exactly as the words that the gentleman from Florida [Mr. DIAZ-BALART] has asked us to place in it. Pursuant to its determination that it is appropriate according to the law and the facts. He just wants to make sure that we are not infringing on another branch of the Government, which he explained.

Mr. MENENDEZ. Does this indicate that the U.S. attorney has not made a determination that is in accordance with the law and the facts at this time?

Mr. SOLOMON. No, it does not.

Mr. MENENDEZ. Does it determine that he has made a determination?

Mr. SOLOMON. No, it does not.

Mr. MENENDEZ. So it is up in the air as to whether or not he has a determination pursuant to the law and the facts. We do not know whether he has made one.

Mr. SOLOMON. As far as the resolution is concerned, the gentleman is correct.

Mr. MENENDEZ. OK. So, in essence, what we will be doing if we permit this specific language to amend it is to demand that the U.S. attorney carry out his responsibility even though we recognize that a basis to determine whether or not the laws and the fact in this issue should rise to the level of pursuing a criminal charge has been made.

Mr. SOLOMON. I would just say to the gentleman, it makes no material difference whether it is in or out or not. This simply states the fact that they will be pursuant to law and to facts, whatever they may be.

Mr. MENENDEZ. Continuing on my reservation of objection, Mr. Speaker, I just have a simple question; maybe I misstated it.

The simple question is, are we saying that we do not know whether or not, or do we know whether the U.S. attorney has made a determination pursuant to the law and the facts that this is appropriate?

Mr. SOLOMON. No, and I do not know.

Mr. MENENDEZ. We do not know.

Mr. SOLOMON. I do not know.

Mr. MENENDEZ. And so by placing this in there, we are recognizing that it is the responsibility of the U.S. attorney to determine that it is appropriate pursuant to the law and the facts.

Mr. SOLOMON. It is his responsibility.

Mr. MENENDEZ. And we do not know whether he has made that determination yet or not.

Mr. SOLOMON. No, but we sure want to find out.

Mr. MENENDEZ. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Without objection, the amendment is agreed to.

There was no objection.

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

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

Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding me the customary time.

Mr. Speaker, I rise today to strongly urge my colleagues to defeat this rule and the resolution that it makes in order for several reasons.

First, there are still, in my view, major separation of powers concerns regarding this resolution. If I can repeat, I still think that the major separation of powers question remains because we are still demanding that action be taken.

Since when does this Congress demand that any law enforcement arm is to bring criminal action against private citizens? The majority knows very well it is beyond our power to compel compliance with this resolution, and the proof of that is the fact the resolution has no legal effect whatsoever. The role of Congress is to enact legislation, not to enforce it.

Second, the Committee on House Oversight has failed to make even the most basic determination that enough specific votes were in question to bring into doubt the, certified by the Secretary of State of California, the certified 984 vote margin. Common sense would mandate that the Committee on House Oversight should have been able to substantiate specific allegations of the mistaken counting of at least 984 identified votes before beginning the investigation. But no, we continued the investigation for 10 months and still are not able to identify enough votes to negate this outcome, and that is unconscionable. The Committee on House Oversight has allowed an election contest based not on facts or even specific allegations, but on innuendo and unsupported, vague assertions.

From the very beginning, the supposed investigation has been a fishing expedition trying desperately to find enough votes and voters to justify its own continuation, and what do we have after 10 months? Very little. The majority on the committee is now looking for distraction to draw attention from its inability to make a case and its unwillingness to dismiss it.

The red herring it offers today is a resolution that purports to demand that the United States attorney file criminal charges against an organization for its failure to comply with the subpoena issued by the defeated incumbent in the election, not by the House of Representatives, but by a defeated incumbent, a normal citizen, while knowing full well that this Congress has no authority to demand any such thing.

Third, simply as a procedural matter this resolution is premature. A court has just ruled on the constitutional status of the Contested Election Act last week. The time for appeal of that court ruling has not even expired, and yet this resolution nevertheless purports to demand that criminal charges be brought against an organization for failing to comply with subpoenas issued pursuant to that act. At the very least, it is inappropriate for this Congress to be acting so precipitously when it is still possible that a court of appeals may reverse the lower court's decision.

Mr. Speaker, I urge my colleagues to reject this attempt to divert attention from this committee's true responsibility and end this unwarranted fishing expedition. It is time for this committee to fish or cut bait. It has specifically identified sufficient invalid votes to overturn the certified 984-vote margin or declare an end to this floundering and this misbegotten challenge.

The amendment that we just passed unanimously I think reinforces what we were saying, that this resolution has absolutely no power behind it. We cannot demand another branch of the Government do anything, and in fact, frankly, I think what we proved again here is a simple phone call perhaps might have sufficed, but to tie up the Houses's time with a resolution is beyond the pale.

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

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

Mr. Speaker, I really would like to just be frank for a few minutes and, as my colleagues know, just try to clear the air a little bit, because I personally want to be as fair as I can on this issue.

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

Mr. SOLOMON. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I was wondering if the gentleman was just going to be frank for a few minutes.

Mr. SOLOMON. I will be as frank as my friend would like me to be, for as long as that.

But, as my colleagues know, I have heard the gentlewoman, whom I have great respect for, from Rochester, NY, use the term ''red herring'' and talk about fishing and cutting bait, and to tell the truth, I wish I was fishing and cutting bait right now up in the Adirondacks. It is a beautiful time up there. I invite all of my colleagues to come up when the beautiful colors appear at this time of the year.

Ms. SLAUGHTER. I mentioned flounder, too.

Mr. SOLOMON. Let me point out the difference on how we Republicans are handling this, because we are trying to be fair, and the gentlewoman from New York [Ms. SLAUGHTER] said we ought to be rushing this thing, we ought to be getting it over with. But I just go back to years ago before many of my colleagues were on this floor. I have been here for 20 years. But there was a situation where there was a gentleman by the name of Rick McIntyre from Indiana had won an election. He was certified by the State of Indiana as the winner, and in spite of that certification at that time, the Democrat-controlled Congress would not seat the certified winner.

□ 2115

But in fact, seated the loser, another good friend of mine, a Democrat by the name of Frank McCloskey.

Now, the point is this: In this disputed case, we did not try to rush this through and not seat the certified winner, the gentlewoman from California [Ms. SANCHEZ], because she should have been seated and she was, and she is here today; yet, we went ahead and we tried to investigate the matter.

Now, that is the difference. We did not rush to it and seat the loser, we seated the certified winner. But yet, it is terribly important if we are going to have an elected process in this country that it be a fair process, and we need to get to the bottom of it and that is really what we are attempting to do here. So I wanted to clear the air.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Columbus, Ohio [Ms. PRYCE], to further clear the air.

Ms. PRYCE of Ohio. Mr. Speaker, I thank the distinguished chairman of the Committee on Rules for yielding me this time, and I rise to express my support for both this rule and the underlying resolution.

House Resolution 253 is a closed rule to govern debate on a very serious matter that speaks directly to the issue of whether this institution is willing to demand that the laws it passes are honored and enforced. It is both that simple and that important.

Mr. Speaker, we will hear plenty of impassioned debate today that will be driven by politics and influenced by personalities. The gentlewoman from California [Ms. SANCHEZ] is a pleasure to serve with and we all take pleasure in her company, but this is not about personalities. The resolution that this rule makes in order addresses the willful failure of the Hermandad Mexicana Nacional to comply with a valid legal subpoena.

However, some of my colleagues clearly are missing the point. It does not matter who requested the subpoena; it does not matter what the subpoena is expected to uncover, nor does it matter what the ethnicity is of the parties served by the subpoena. What is significant is that the subpoena is valid under the processes laid out by a Federal law that has been on the books for over 25 years.

How long can this body sit idle as the Hermandad completely ignores this subpoena and, in effect, challenges the legitimacy of the Federal Contested Elections Act? The bottom line is that if one breaks the law, then one must face the consequences, but somehow our friends on the other side of the aisle express outrage at this very simple principle.

Are they really suggesting that voter fraud should not be investigated? Are they really suggesting that non-U.S. citizens should be allowed to vote? And if the Department of Justice is content to drag its feet in the face of this defiance, then as a former prosecutor and a former judge, I believe it is the responsibility of this House to send a strong message that we demand that the law be enforced.

It is a sad day for all of us when we cannot expect this body, which is sworn to uphold the Constitution, to honor this very basic legal process.

The other side's deliberately inflammatory charges are an insult to this great institution and to the American ideal of fair and honest elections. We keep hearing clamoring for campaign reform. Well, I respectfully suggest that we enforce the laws that we have at hand. That is what this resolution is about, and I encourage my colleagues to support both the rule and the underlying resolution.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, in 1996 the voters of Orange County elected LORETTA SANCHEZ and defeated Bob Dornan. Now, that is the way the American democracy is supposed to work: voters get to choose who represents them in Congress. The gentleman from California [Mr. THOMAS] and the Republican leadership seem to have forgotten that. They are trying to deny voters their choice through an outrageous campaign of harassment against the gentlewoman from California [Ms. SANCHEZ] and half a million Americans.

The committee has abandoned its proper role to evaluate evidence and has assumed the role of partisan prosecutor. They say they are simply looking for information, but according to many press accounts, the Republican leadership has already decided the case in favor of Mr. Dornan.

The committee appears willing to go to any extreme. The gentleman from California [Mr. THOMAS] even directed the INS to comb through the records of 40 million Americans, trying to dredge up private information that somehow could be used to support Mr. Dornan's wild allegations. Of those 40 million Americans, half a million were singled out for further investigation. Of these, 50 percent were Hispanic, 30 percent were Asian.

Now, who are the actual people singled out as suspicious? Let us take a look. Mr. Dornan claims Carmen Villa was not entitled to vote because she was not an American citizen. Quite the contrary. She is proud to be an American citizen. She is proud to be an American citizen and she displays her naturalization certificate to prove it.

Mr. Dornan even questioned the voting rights of 18 Dominican nuns and a group of 18 active-duty Marines based at a helicopter air station.

The gentleman from California [Mr. THOMAS] continues to press on with this sham investigation, assuming thousands of Americans are guilty until proven innocent.

Now, that is not the American way and that is not the way the American system is supposed to work. The burden of proof should be on Mr. Dornan, not on thousands of Americans who simply exercised their constitutional right to vote.

So I call on this evening, and my colleagues will hear others call on this evening, the Republican leadership to stop this harassment.

This has been a terrible day for many Americans in this country. We just went through a process on the census and on sampling. Four to 10 million Americans were denied in the last census of being counted. They are people like every single one of us in this body. They deserve representation.

We got rid of three-fifths counting a long time ago. Now that my colleagues on the other side do not want to count them, they do not want to count the votes of those people who are American citizens who come and vote and exercise their right. This harassment has gone on long enough. We call for this resolution to be defeated and we call on this rule to be defeated.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, we should be very clear on what this resolution says. It forthrightly demands that the United States attorney do whatever he thinks he ought to do. Now, I did not realize that we had become the paymasters of the U.S. Government. Apparently this is kind of a bed check on the U.S. Attorney. It demands, it does not recommend, it demands, that he do whatever is appropriate.

I guess, if that is all the majority has to do with its time, that may be a better way to take up time than others, but I think we ought to vote against the resolution anyway.

In the first place, it is kind of a silly precedent to set; not a bad precedent, but a silly one, and understand, that is what the resolution does. It demands that he do what he thinks is appropriate.

I suppose we could offer an amendment that we demand that he not do what he thinks is inappropriate, and we might also demand that if he is undecided, that he make up his mind. I mean, why pull any punches. I also, however, want to argue for letting the U.S. Attorney make the determination that they should not go forward.

This has been a day. I started this morning, and three times today I have seen the Republican Party repudiate what used to be conservative legal doctrines. In 1983, William French Smith, the United States Attorney General under Ronald Reagan, said, ''No, Congress, you cannot tell me to prosecute a contempt citation. You cannot tell me to prosecute for failure to comply, because the way to deal with it is through the civil process.''

No one is saying that Hermandad, who seem to be the victims in this case of a fishing expedition, no one is saying that they can simply ignore the law. They went to court; they are contesting it. A single district court judge has decided against them.

Now, all year the Republicans have said that when a single district court judge rules on affirmative action or a single district court judge rules on something else, on immigration, ignore it. That is arbitrary. Now we have a single district court judge, and what is this organization saying? They want to appeal the decision. They have constitutional arguments to make. The constitutional argument is that the subpoena issued not by this House, but by Robert Dornan, might not be appropriate. I am myself not used to hearing the words ''Dornan'' and ''appropriate'' in the same sentence. I think that is a valid constitutional argument to make.

What we are saying is, let them proceed with an appeal. Instead, the Republicans said no, no, William French Smith in 1983 filed a lawsuit to enjoin the House of Representatives from doing a contempt citation. That is what the gentleman from Florida [Mr. DIAZ-BALART] was referring to. He called the lawsuit, by the way, to show his respect for this institution: The United States of America versus the House of Representatives. The judge threw out the lawsuit, but there was an agreement that a civil process would be a way to go forward. What we are saying here is, we will prosecute these people criminally in the middle of their appeal process.

Now, I have to say that is what we originally demanded. We should come back to what happened. Because of the gentleman from Florida [Mr. DIAZ-BALART], my colleagues have backed off, and are now, with a very silly resolution, demanding that the man do his job, but the context makes it worthy of defeat.

Mr. Speaker, maybe my colleagues will amend the resolution again while I am speaking, but I just again want to point out, conservatism ought to be some consistency to principle. I want to make a point, by the way. People talk about the McCloskey-McIntyre election. As a Democrat, I voted not to seat Mr. McCloskey. I thought he was a great Member, but I was not sure he won that election. No, I do not believe you to be partisan, but I think to deny this group the right to their civil appeal is a grave error.

The Republicans recently, in an amendment passed earlier today, decided that the constitutional doctrine of standing does not mean anything because we want to get at statistical sampling in the census. In the Committee on the Judiciary today they decided to have the Federal courts further involve themselves in zoning matters because of property rights.

The notion that conservatism stands consistently for a set of legal principles is being thrown out the window with such rapidity that passersby probably ought to be warned. Yes, I think it is a good thing that my colleagues backed off on the resolution and that it no longer demands, it no longer makes any sense, but given the context in which it came forward, I think we ought to vote ''no.''

Mr. SOLOMON. Mr. Speaker, hesitating to respond, let me yield 2 minutes to the gentleman from California [Mr. COX], a very distinguished member that used to work for the Reagan administration, to respond to Mr. FRANK.

Mr. COX of California. Mr. Speaker, I thank the gentleman, and appreciating fully the arguments just advanced by my colleague from Massachusetts and former law school classmate, if there is just one Federal district judge that has ruled here, then we ought not to listen to the Federal courts when he ruled that a subpoena is not validly enforceable and what really matters is that people be given time to appeal, then one would think that we would not hear from the gentleman, that this thing has got to be over and shut down, that we cannot have an investigation, that it is taking too long.

However, there are two simultaneous arguments. One is, this investigation should be dropped, it has not turned up anything after all of these months. The other is, we have litigated this through the district court and lost, but we deserve an opportunity now to litigate further and appeal. If you get to appeal and argue some more, even though you have already lost in Federal district court, obviously that consumes weeks and months and so on, and meantime, the subpoena issued under the Federal Contested Elections Act is not honored, the documents are not returned, the investigation cannot go forward, it is stalled.

So pick your arguments. Either say we are going to have more time for this investigation because we need to wait for the Court of Appeals to rule on the validity of the subpoenas, or say we are in a rush and therefore the way the district court has ruled has to be adequate here, and let us go and enforce the subpoena based on the district court ruling.

Obviously, we cannot walk north and south at the same time, but we are trying to get this done in a hurry. The Federal Contested Elections Act contemplates that we would decide this in what we would consider to be real time, that is, an election cycle, rather than what in the Federal courts typically is a normal period of time for civil litigation, which can be 4 and 5 years and so on.

I think we are doing the right thing here by drawing the attention of the Justice Department and the U.S. Attorney's office to the issuance of a valid subpoena, something that has been litigated in district court, as you point out, Hermandad lost, they tried to resist the subpoena, and at this point Congress, in support of our own process, the Federal Contested Elections Act, and it would not matter if this were the Democratic Congress in control and so on, it would be the same story.

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We ought to stand behind the legal process, both of this Congress and of the Federal courts.

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

Mr. FRANK of Massachusetts. Mr. Speaker, in the first place, there was not a subpoena issued by the committee. They are looking for these facts the way they think. But here is the problem. We are talking about private citizens, Hermandad. They cannot be forced, I think, to give up their constitutional rights for the convenience of this House's process.

What the gentleman is saying is these people who are asserting their constitutional right to privacy should be put under the threat of criminal prosecution, and I am saying no, they have a right as a citizens' group to their full appeal process. The gentleman's insistence on subjecting Hermandad to criminal prosecution, cutting off their right of appeal, seems to me unfortunate, no matter how convenient it might be for this House.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan [Ms. KILPATRICK], a member of the committee.

Ms. KILPATRICK. Mr. Speaker, I do not want us to lose sight of why we are here. Let us concentrate on that.

I rise in opposition to this resolution, after having sat on that committee for now nearly 10 months. They do not have the evidence. If they had it, they would bring it forth. The subpoena has been issued and this organization has complied. Members might not know that in January, the District Attorney in California drove a truck up to Hermandad and seized their records, everything; computers, files. They did a sweep of their hard drive. Members might not also know that on August 17 those same records were turned over to our committee. They have the records. Use the records, if they have them. And if there was something to be found, believe me, this House of Representatives would have found it.

Let the gentlewoman from California, Ms. LORETTA SANCHEZ, go. She won the election by over 900 votes. She has been certified by the Republican Secretary of State. She has won in the recount, some more than 900 votes. I think it is horrendous.

Let us defeat this resolution. Let us let the gentlewoman from California [Ms. SANCHEZ] serve. She has been castigated and harassed enough. What is at stake is this institution. Will we allow an election won by some 900, nearly 1,000 votes, be overturned by constant, constant harassment?

This House of Representatives has authorized over $300,000 in legal fees for this witch hunt. I would much rather see that in senior meals, senior services and health services. We have to rise up in a bipartisan way. This must come to an end. Let us defeat this resolution. Let the gentlewoman from California [Ms. SANCHEZ] serve her constituents in the 46th district. She has accumulated over $500,000 in expenses.

Are we really a Congress for the people? Let us get back to the business of American citizens. Let us get to the work of jobs and industrial health for our people in this country. Let us defeat this resolution. Let the gentlewoman from California [Ms. SANCHEZ] get back to work, and let us go about the business of building America.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I think this is a day that we need to focus on the facts. The facts become as clear as day if we would just open our eyes. That is that neither the committee nor the Republican Orange County District Attorney nor California State officials have ever substantiated that one single vote has been fraudulently cast in this election.

Then what is the issue, Mr. Speaker? The issue may be the Republicans have had an 8-year history in southern California of intimidating Latino voters at the polls; that they have paid to settle two voting intimidation cases, one from 1988, in which the Orange County Republican Party literally placed security guards at the voting polls in Hispanic neighborhoods, with signs designed to scare Hispanic voters, and the other case in 1989.

These efforts are not limited to California or to Hispanic voters. In Bergen County in New Jersey, in 1996, Republicans distributed a flyer in black precincts stating that dire consequences would follow for anyone who tried to vote who owed money, was guilty of misdemeanors, or any other number of possibilities.

The real issue is that Republicans do not want to place themselves in Hermandad's shoes. There are no more files, as have been represented. If there are, this organization has the right, the absolute right, to pursue its constitutional remedy. Just imagine if we would put a siege upon other citizens who are in the process of pursuing their constitutional rights, yet we in this body would insist that we want to instruct the U.S. attorney to implement a criminal procedure to deny

someone their constitutional right? Is it because they have a Hispanic-sounding name that they can be subject to this kind of attack and abuse?

I think the Republicans need to recognize if they have something, get to the floor of the House and deal with it. If they have nothing, allow the gentlewoman from California, [Ms. LORETTA SANCHEZ], to maintain her position and represent her constituents. Turn down this rule and allow Americans to believe in this country once again.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to the rule on House Resolution 244, which demands that the Justice Department file criminal charges against Hermandad Mexicana Nacional for failing to comply with a subpoena issued by Representative Bob Dornan. Late last night the Rules Committee recommended a closed rule which blocks all amendments to the resolution. It is an outrage that the committee would allow such a resolution to come to the floor and an even further outrage to recommend a closed rule.

Representative SANCHEZ was elected to the House of Representatives in November 1996 from the 46th District of California. Since that time, she has been besieged by attacks from former Representative Bob Dornan as he attempts to prove that his defeat last fall was the result of voter fraud, not the will of the people.

Like the entire election contest, this resolution is about politics, pure and simple. Congresswoman LORETTA SANCHEZ has fully complied with requests for information relating to voter registration, organizations relating to voter registration and absentee balloting. She has objected only when those subpoenas became so intrusive as to demand access to her personal financial data. Further, the constitutionality of the subpoenas under the Federal Contested Elections Act was decided only last week. The House should, therefore, at the very least allow Hermandad a reasonable period from the time of the court's decision to respond.

I could not agree more strongly that allegations of voter fraud must be vigorously pursued and, when found meritorious, prosecuted. However, in this instance, 10 months and more than $300,000 in taxpayer's money have been spent, and yet no evidence of fraud has been presented. To this day, no one—not the committee, not the Republican Orange County District Attorney, and not California State officials—has substantiated that a single vote has been fraudulently cast in this election.

Mr. Speaker, the U.S. House of Representatives must not become a partner to Mr. Dornan's desperate charges. It is beneath the dignity of this body. I urge my colleagues to join me in saying enough is enough and to oppose the rule to House Resolution 244.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I stand today to ask this Congress, which I hope is a fair Congress, to defeat this rule and the resolution. There is no precedent in the Constitution for someone to receive the authority on the part of Congress to issue subpoenas, so the committee took care of this. They issued him the authority to issue subpoenas.

Mr. Speaker, what a shame on this country to see that happening in this day, when we have a young Hispanic woman who has given of herself to come forward to serve her country. What kind of message does this give to the other young Hispanic women in this country? What kind of message does it give to all young women in this country? Come forward, and we will just whittle away the votes that you have so that we can take your seat.

Mr. Dornan is receiving an authority that I know I would not receive. I know that as a black woman, if I came before this committee, they would never give me a chance to subpoena anything. They would send me back to where I came from. They would never give me a chance. It is constitutionally wrong, it is logically wrong, and it is morally wrong.

But do we want to stick with morals? Do we want to allow this young Hispanic woman to stand before this country, to say this Congress gave me a chance just because some male was defeated in California by 900 votes? She won. That is not the worst of it. She is going to win again when she comes up, and they are not going to take it away from her.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from California, Mr. BILL THOMAS, the distinguished chairman of the Committee on House Oversight.

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

Mr. Speaker, I will try to explain some of the arguments that have been made, because frankly, they have been factually wrong. I do not want anyone who is listening to the debate to believe that the statements that have been made, because they are not challenged, means that they are correct. They are not.

Mr. Speaker, the Orange County district attorney subpoenaed the Hermandad records, but as we know, when that subpoena is used as a criminal subpoena there is a fourth amendment search and seizure right, so you have to specify exactly what it is that you need. As a matter of fact, the Orange County district attorney has indicated that not all of the records and not all of the materials were obtained with the subpoena that he placed.

The reason that the committee placed a subpoena on top of the Orange County district attorney's subpoena was that that subpoena was being challenged. We wanted to make sure that those records were not lost. There are additional records out there. This subpoena, under the civil section of the statute, can obtain that additional material.

Our job is to get to the bottom of it. We want to know everything that Hermandad was involved with. Obviously, during debate on the resolution, I believe when I describe Hermandad, it will be a slightly different organization than has already been explained. These people have violated the law. The Federal and the State government has revoked their charters. They have taken money from them. These people are criminals. What we are trying to do is find out the extent of their activity. We need to have as many subpoenas as possible.

This resolution, after this rule passes, is not about the gentlewoman from California [Ms. LORETTA SANCHEZ], it is not about Bob Dornan. It is about people obeying the law, and it is about the House of Representatives demanding that the law be obeyed. That is what it is about.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. BECERRA].

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

I hope we are very careful how we use words on this House floor. When we talk about criminals, that means someone has in a court of law been convicted. The gentleman from California [Mr. THOMAS] just referred to individuals who are under investigation. There are a lot of folks that sit on this House floor who are under investigation, but we do not call them criminals.

Mr. Speaker, I would just urge that all of us during this debate be reasonable, and understand that when we refer to things, we use accurate words to describe what is going on. It is not accurate to say that there are criminals. There are people under investigation. In this country, you are innocent until proven guilty.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. THOMAS].

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

The Los Angeles Times, May 22, 1997, I quote, ''In an apparent violation of Federal and State tax laws, Hermandad was also found in the audit to have spent $107,184 that it withheld from its employees' wages to satisfy Federal income taxes. Its director admitted that withholding the taxes was against the law.''

Ms. SLAUGHTER. . Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I have listened to my Republican colleagues, and they use very sinister language. They try to give the impression that those of us on this side are the ones, that the people that voted for the gentlewoman from California [Ms. LORETTA SANCHEZ] are all illegals or criminals, I think I heard the term, or otherwise badly motivated people.

This sinister language borders on racism. I have to say that, because it really concerns me. They claim, they claim to be so self-righteous, but they

are the ones that are seeking to tear up the Constitution here tonight in this House of Representatives that we value so much. They know that the gentlewoman from California [Ms. SANCHEZ] was duly elected and certified by the State of California.

What gives the Republican leadership the right to overturn her election? Because they are the majority here in Washington? If the majority here determines what happens in Orange County, CA, then we have the worst form of tyranny that the Founders of this country sought to guard against in the Constitution.

This is an effort to intimidate voters, specifically Hispanic voters. Republicans want Hispanic and other minority voters to stay home at election time.

I listened to what the gentlewoman from Texas [Ms. SHEILA JACKSON-LEE] said. I remember that election in New Jersey when those warnings were put up at the polling places, and I saw armed guards in camouflage and guns, I do not know if they were real guns, but they tried to give the impression that they had guns, because they did not want minorities to vote.

Mr. Speaker, what is going on here is not right. It needs to end. Let us start right now by defeating this rule and defeating the underlying resolution. This resolution is nothing but a hoax to try to hide what they are really trying to do here, and that is steal this election from the voters of Orange County and the American people.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. DINGELL].

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

Mr. DINGELL. Mr. Speaker, I have served here for 41 years and more. I have seen an awful lot of these kinds of challenges of elections. I never saw one like this. I have never heard charges of crime made about what appears at this time, at least, to be reasonably innocent behavior with regard to the election process. I have never seen subpoenas delegated in such an outrageous fashion by a committee of this body to a single individual, to be hurled around like confetti in a parade.

I have never seen the kind of behavior that brings, I think, this House into such low esteem. It gives every appearance that what we are doing is not inquiring into an election, but rather, that we are harassing a woman who is of obvious good character and integrity, who has been certified as having been duly and properly elected.

This proceeding tonight and the other proceedings that have been associated with this give a very bad appearance with regard to this body. I would think my colleagues on both sides would be embarrassed by what it is we are seeing happening tonight.

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We have a criminal process going on out there in California to inquire into whether or not there was criminal misbehavior. Let that process go forward. Let us have the kind of proper inquiry that we have always had into these kinds of election situations, to find out what has happened. Let us not give the appearance of harassing innocent, law-abiding Hispanic Americans because they have chosen to vote. Let us not bring this body into discredit by the kind of behavior in which we are engaging.

I would tell my Republican colleagues, with all respect and with all affection, what it is that you are doing tonight is sowing a terrible wind. And you will reap the whirlwind, because it is not just going to be the fact that you bring discredit on this body by the behavior that I am seeing before me tonight or what I have seen in connection with your loose use of the subpoena and the enforcement process of this body. What is happening here is, you are creating further distrust and disrespect for this body.

It is going to have a bad effect on each and every one of us, whether we are Democrats or Republicans, but it is going to do something worse than that. It is going to do it to you, I would say to my Republican colleagues, because citizens all of a sudden are going to realize that elections are not about fighting out the issues in an honorable and a proper way and having an intelligent discussion of what it is that concerns the people, whether they be Hispanics, minority members, or whatever they might happen to be, but rather, it is win at any cost, win with any device, use the powers of this body to elect somebody who was clearly not elected by a fair election and who was clearly not elected by any vote of the people. And what you are giving the appearance of what you are seeking to do is to eject a legitimately elected Member of this body.

People are going to remember this. Be prepared to reap the whirlwind. You deserve it.

Mr. SOLOMON. Mr. Speaker, two quick points to the departing gentleman: I would hate to see the action he would take if a subpoena by his committee were not answered. Second, I hate to see Members bring up this business about stealing elections. My good friend and a gentleman I respect from Michigan was here in 1985 when there was a stolen election, and everybody knows it.

Mr. Speaker, I yield 3 minutes to the gentleman from Poland, Ohio [Mr. TRAFICANT], another respected Member of this body.

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

Mr. TRAFICANT. Mr. Speaker, I think this is an important debate. I believe it is a needed debate. There are Members on the Democrat side of the aisle who will not like what I have to say, and I will not explain it later, I will explain it now.

To me, this is not about LORETTA SANCHEZ. I believe under heavy pressure she has done a remarkable job, and I want to commend her. This is not, to me, about Bob Dornan. To me, it is not about Democrats at all and it is not about Republicans at all.

To me, this issue is about the possibility that illegal votes may have determined the outcome of a Federal election in our country. That is the issue before us. This is not about somebody that misplaced some ballots. This is not about a mistake of interpreting counts. This is about the possibility of illegal votes corrupting a Federal election. Congress must not allow a precedent to be set tonight that would allow the Federal election process to be corrupted or give the impression that we have soft-pedaled that possibility.

In my opinion, any individual or organization that has information or evidence in this matter should be compelled to comply. If the Justice Department does not pursue it, then, by God, Congress shall demand it. Congress must ensure enforcement. The Constitution requires it. The amount of illegal votes cast in this election must be carefully sought out; the exact numerical count must be known to Congress.

Let me say this: If there is any precedent to be set in the House of Representatives tonight, it should be a precedent that preserves the integrity of the election process. Let me say one other thing. The ox that may seem to be gored tonight is an ox different than what we see that might be gored tomorrow.

I support the rule. I support the bill. I believe the gentlewoman from California [Ms. SANCHEZ] has done a remarkable job, but the taint of her election must be removed and Congress must ensure, whether it is a Democrat or a Republican or any other party or an independent Member, that their rights are protected and that election and the integrity of that process is worthy of an individual being seated in this body.

Ms. SLAUGHTER. Mr. Speaker, if I could take just a second to correct what I think is a grave injustice here, the comment has been made several times this evening that these were committee subpoenas. I think it needs to be pointed out once again, these were given by a private citizen, Mr. Robert Dornan of California.

Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, what is happening here tonight is enough to give abuse of power a bad name. This act brings only one question into my mind: Does this body still believe in the biblical admonition, ''Thou shalt not steal?'' All I have to say about what you are about to do tonight is shame, shame, shame, shame, shame.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from New York for yielding me the time.

With all due respect to my colleague from Wisconsin, putting personalities aside, dealing strictly with law, if this House of Representatives fails to take action to live up to the Constitution and the letter of the law, then shame, shame, shame, shame on this House and this process.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Speaker, the question here tonight is why, why are we doing this? The American public knows the results of last November's elections. Look at those elections. There were six elections that were less than 1,000 votes. But look at the names: FOX, TIERNEY, SMITH, SMITH, BROWN, and, guess what, one SANCHEZ.

Why were not the elections where there was only 84 votes difference contested? Why was not the election of the gentleman from Massachusetts [Mr. TIERNEY] contested? He lives close to the Canadian border. Perhaps some people who speak English crossed over the border and voted for him. Why were not the Smiths and the Browns challenged? This is a challenge to LORETTA SANCHEZ, a Latino woman.

The State of California's secretary of state certified her election. She is of the people, by the people, and for the people. Do not abuse that.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from California [Mr. BECERRA].

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

Mr. BECERRA. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Let me begin by first saying, as I think has been repeated often on my side, this resolution has no effect. The founders of this country, in drafting the Constitution, made it clear that we as politicians have no role of telling the Department of Justice how to prosecute.

We cannot demand that they prosecute, and I thank the gentleman from Florida for making it clear, with the amendment that we have all accepted, that we cannot do anything with this resolution. It is just posturing. If we cannot do anything with this resolution, what are we really doing?

I think there are probably three things that we can say are behind this particular resolution and its intent. Either it is an intent to bootstrap this electoral investigation that we know is going nowhere and perhaps to justify, and I want to say it now on the record, perhaps to justify in the future some action by this House to possibly vacate the seat of the gentlewoman from California [Ms. SANCHEZ] using this as an excuse for being able to do that.

Second, as many are whispering, maybe, as some have said, maybe it is payback time for 1985, because Republicans feel that there was an election stolen in 1985. So if that was a wrong, maybe two wrongs will make a right.

Or, third, perhaps it is just a downright honest attempt to intimidate voters, in this case Latino voters, who are now beginning to vote. Perhaps you do not like that they are beginning to vote.

Regardless of what the intent is, there is a message that you are sending, whether you like it or not. It is to folks like my parents. My father was born in this country but speaks broken English and probably falls within the category of folks you want to go after. My mother was not born in this country, speaks better English than my father, and is a U.S. citizen of this country, and she probably is on that list of names that you are now disclosing, violating her privacy rights in the process of doing so.

You are sending a message to these folks. You are telling them you do not want them to participate, you do not care about what they do, you do not value their worth as citizens.

I will just say this: Remember this, because the message will be sent. I will say, as I conclude, I do not need to talk to my parents about this vote. They will be watching. And just like my parents will be watching, there will be a lot of other folks who, for the first time in 1996, had a chance to vote. Some of them voted for LORETTA SANCHEZ. Some of them may have even voted for Bob Dornan. But they will remember what this House of Representatives is doing, because you certainly are not out to get a conviction, you are not out to get a criminal investigation, but you are certainly out to get the hides of people who have participated in this American process. That is wrong.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. CAMPBELL].

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

Mr. CAMPBELL. Mr. Speaker, I am very sorry to have heard what I have heard tonight, because the references to race and gender are not what concern me. What does concern me is fairness, and the investigation of the honest outcome of an election should concern all of us.

The certification by the secretary of state is not a certification that there was no fraud. We know that. The matter deserves to be investigated. It does not deserve to be trivialized and to be said that we are simply doing what we do because of racial motivation. What a sad comment when our attempts to enforce the law, to enforce the prerogatives of our constitutional office, are taken instead to mean that we are acting in a racially motivated manner.

The statute says that failure to abide by a subpoena is a misdemeanor. We draw attention to the United States Attorney for the Central District of California of this violation, and we ask that he proceed pursuant to the determination that he would make or she would make. It is a sorry day.

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

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from California [Mr. HUNTER].

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Mr. HUNTER. The rule of law, my colleagues, it is the most precious thing that we have, and perhaps the most precious rule is that we vote and the person with the most votes wins. And sometimes it means for us, in fact, at times during all of our careers, we have agonizing defeats. The winner that has a victory sometimes goes on from that victory to a defeat fairly shortly thereafter, but it is the central part of our democracy. It is the heart of our democracy.

We had a group which took immigrants who were trying to become naturalized citizens and registered and voted those immigrants knowing that they had not yet raised their hands and become citizens of the United States. And from that group we want to get more information. That is absolutely appropriate.

I remember during the Contra wars of the 1980's, when we tried to export this precious thing called democracy to El Salvador and the guerrillas tried to stop the elections, we had one woman waiting in line who actually had a bullet wound in her arm, and she would not leave the line to get medical aid because she said, ''I must vote. I must participate in this democracy.''

All we want to see is who got the most votes. We can do no more and we should do no less for our country.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, I want to respond to my good friend from California [Mr. CAMPBELL], and I challenge any Member in this House that has the certificate from the Secretary of State certifying that there was no fraud in their election. When I got my certification from the Secretary of State, it did not specify that there might not have been some fraud in my election.

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

Mr. HEFNER. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Speaker, my statement was that the certification by the Secretary of State was not a certification that there was an absence of fraud. It is a certification of the numerical outcome of the election.

Mr. HEFNER. Mr. Speaker, reclaiming my time, I would say to the gentleman that the gentlewoman from California's certificate was a certification that she got more votes than anybody else, and fraud was not mentioned.

Mr. CAMPBELL. Mr. Speaker, if the gentleman will continue to yield, I stand by what I said.

Ms. SLAUGHTER. Mr. Speaker, I yield the balance of my time to the gentleman from Maryland [Mr. HOYER].

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Maryland [Mr. HOYER] is recognized for 2¾ minutes.

Mr. HOYER. Mr. Speaker, this is an important resolution. The outcome of this vote tonight on this resolution will not decide the Sanchez-Dornan case. It will, however, be a statement as to whether or not we are going to proceed in a fair, judicial manner. I agree with the gentleman from California, that is the way we ought to proceed.

The gentleman from Massachusetts observed what has happened with this resolution. In the first instance, the committee proposed the harshest resolution it could ascribe, demanding that a U.S. citizen be indicted for crimes while under investigation by another body, the district attorney. My colleagues, that would not wash. It would not even wash with the majority of the majority party, and so that resolution was rightfully changed, and we did not object to that change.

The title was not changed. It still demands that the U.S. attorney seek criminal action against a citizen who has, as we have pointed out, still his and the organization's constitutional rights to contest the validity of the subpoena that is pending.

This resolution I have called precipitous. I believe it is. In response to the gentleman from Florida [Mr. DIAZ-BALART] yesterday, I said that what we ought to do, if we feel this way, is write a letter to the U.S. Attorney and say we think that he ought to take the appropriate action because the subpoena has not been responded to.

My colleagues attempt to adopt my suggestion by adopting language which now says that we demand, as the gentleman from Massachusetts [Mr. FRANK] pointed out, that pursuant to its determination, that is the U.S. Attorney's office, that it is appropriate, according to the law and the facts. In other words, do what you think is right.

Do we go around passing resolutions through the House of Representatives demanding that people do what they think is right when we know, my friend from California, the gentleman talks about the sanctity of a vote, the sanctity of the Constitution is something we are all sworn to preserve and protect, and it accords to every citizen that when the government moves against him or her that they have a right to go to the courts of this land and say ''I need not respond.''

Let us not put the House of Representatives in a position prematurely of demanding the denigration of that absolute constitutional right. Vote ''no'' on this resolution. Vote ''no'' on the final resolution.

Mr. SOLOMON. Mr. Speaker, I yield the balance of my time to the gentleman from San Antonio, Texas Mr. HENRY BONILLA, one of the most respected Members of this body, in my mind.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BONILLA] is recognized for 2½ minutes.

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

Mr. BONILLA. Mr. Speaker, the debate tonight started out on the high road, and I was highly impressed and glad to see Members that are opposed to this resolution standing up and arguing the validity of this case on its merits. I even had a tremendous amount of respect and watched with great attention when the gentleman from Wisconsin [Mr. OBEY], my colleague on the Committee on Appropriations, stood up and got very emotional to tell us that he disagreed strongly with what we were doing tonight.

But then the debate deteriorated to those who choose to play the race card, when it is inappropriate, when they know they have lost other merits in their argument. That is unfortunate.

Three of my four grandparents emigrated here from Mexico at the turn of the century to seek a new life for their children and grandchildren. They did not come here to set up an isolated society within this country. They came here to be Americans first and to become part of the melting pot of this country that stood for certain values that all of us could benefit from regardless of what country we came from.

This country has prospered greatly because of the great immigration that we have seen from every part of the world. We should all be proud of that. To see Members tonight talk about racism is totally unjustified and they should be ashamed of themselves for doing that.

Members cannot tell me this is racism. I grew up in a barrio, in a Spanish-speaking neighborhood in South Texas, always with a dream that someday I would be able to aspire and work towards the American dream.

The implication among those who cry racism is one that says if a burglar broke into their home, that somehow they should have a different standard if the person is of a different color or ethnic background. How dumb an idea can that be? We are talking about people who are possibly implicated in crimes here. This Hermandad Mexicana Nacional, or whatever they call themselves, is one of the most corrupt organizations that has ever existed that is receiving Federal money.

We are trying to get to the truth of this. This has nothing to do with the gentlewoman from California [Ms. SANCHEZ] or Mr. Dornan. And if the gentlewoman comes out winning this election after this investigation is finished, I will be the first to congratulate her on her victory.

This is about justice, this is about finding out the truth. That is what all Americans want in every corner of the country, and I urge all Members to support this resolution and the resolution tomorrow as well.

The SPEAKER pro tempore. Without objection, the previous question is ordered 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, 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 221, nays 202, answered ''present'' 1, not voting 10, as follows:

[Roll No. 477]

YEAS—221

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
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
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
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
Roukema
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—202

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
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,