Mr. TRAFICANT. Madam Speaker, a new government study says if you are rich, you will live longer. If you are educated, you will live longer. If you do not smoke, you will probably live longer. If you can avoid cancer, you will live longer.

No kidding, Sherlock. After $1 million, our government is telling us what Grandma told us years ago: If you smoke, you will probably die; if you do not get an education, you are not going to get a job; and if you do not have a job, you are going to be poor and you are not going to eat.

Beam me up. What is next? Do we give these people more millions to tell us if you commit suicide, you will not live long? If there is any consolation to poor people in America who happen to smoke and do not have a job, I never heard of anybody committing suicide by jumping out of a basement window. There is some dignity in poverty. Poor people are God's people, too.

Madam Speaker, I think we should slow down the money for these scientific mind-benders.

GRENADA'S INVITATION TO CASTRO DENIES PAST MARXIST OPPRESSION AND AMERICAN SACRIFICES

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, in 1983, 19 American soldiers gave their lives to liberate the island of Grenada from the Marxist regime which, under the manipulation of the Cuban dictator, Fidel Castro, had taken over that small nation. Thanks to U.S. troops and the leadership of President Ronald Reagan, the people of Grenada regained the freedom they had lost to the puppet regime backed by Castro.

Now it seems that the government of Grenada has forgotten about the repression imposed upon their Nation by Castro and has invited the dictator to visit the island this weekend. Castro's goal in this visit is to obtain support for his regime's membership to the Caribbean economic community, CARICOM, that will help him attain new financial resources to maintain in power.

How tragic that the government of Grenada has turned its back on its own people, who suffered under the Castro-sponsored Marxist regime. It has ignored and forgotten the 19 dead U.S. soldiers and the 115 wounded American patriots. Shame on the government of Grenada.

ONLY PARENTAL INVOLVEMENT ENSURES A GOOD EDUCATION FOR EVERY AMERICAN CHILD

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

Mr. JONES. Madam Speaker, recently President Clinton vetoed the Education Savings Account Bill. In a letter to the House, he justified his action by calling the bill's provisions ''bad education policy and bad tax policy.''

Madam Speaker, how ironic. Americans have made it clear that parental involvement is essential to ensure our children receive a good education. Yet our President just vetoed a bill that would have extended tax relief to families who take part in the education of our Nation's children.

The Education Savings Account Bill would have offered parents the opportunity to save money in accounts that earn tax-free interest to pay for tuition, books and tools to help their children learn. It seems to me, by the President's veto, that he thinks parents and families do not deserve the right to take part in the education of their children.

Madam Speaker, the President is wrong. Only when we allow parental involvement can we ensure a good education is within the reach of every child in America.

WICKER AMENDMENT TO SHAYS-MEEHAN CAMPAIGN FINANCE PROPOSAL ALLOWS STATES TO REQUIRE PROPER IDENTIFICATION FOR VOTERS

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

Mr. WICKER. Madam Speaker, later today Members will be given the opportunity to support a commonsense reform amendment to the Shays-Meehan campaign finance proposal. In far too many States and districts across this country, ineligible persons are voting. People are going to the polls without identification, and it turns out they are not eligible to vote.

Despite the resources and technology available to our government, cases of voter fraud continue to be brought to our attention year after year. My amendment simply permits States to require a valid photo identification before receiving a ballot; nothing more, nothing less. This is not a mandate. It grants permission to the States in the true sense of Federalism.

Madam Speaker, it is our duty as elected officials to preserve the integrity of the electoral process. Requiring proper ID is one step we can take to ensure valid elections.

THE DOLLARS TO THE CLASSROOM ACT

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

Mr. PITTS. Madam Speaker, I rise today to focus on the schoolchildren of our Nation. Parents in all 50 States are concerned that their children's classrooms are overcrowded, that their kids do not receive enough individual attention from their teachers, that classrooms are not yet connected to the Internet and many schools are not safe and well-supplied, and that basic academics are not being effectively learned.

For 30 years, the Federal Government has been trying to improve America's schools by creating big Federal programs. While the goal was admirable, this strategy has failed the schoolchildren of America. It is time for a new approach.

We know that effective teaching takes place when we begin helping children master basic academics, when parents are engaged and involved in their children's education, when a safe and orderly learning environment is created in a classroom, and when dollars actually reach the classroom.

The Dollars to the Classroom Act addresses the linchpin of these four key education premises, directing dollars to the classroom so that a teacher that knows the name of your child can educate more effectively.

Madam Speaker, I urge Members to improve the education of America's kids by supporting the Dollars to the Classroom Act.

PROVIDING SPECIAL INVESTIGATIVE AUTHORITY FOR THE COMMITTEE ON EDUCATION AND THE WORKFORCE

Mr. SOLOMON. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 507 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 507

Resolved,

SECTION 1. APPLICATION.

This resolution shall apply to the investigation by the Committee on Education and the Workforce into the administration of labor laws by Government agencies, including the Departments of Labor and Justice, concerning the International Brotherhood of the Teamsters, and other related matters.

SEC. 2. HANDLING OF INFORMATION.

Information obtained under the authority of this resolution shall be—

(1) considered as taken in the District of Columbia as well as at the location actually taken; and

(2) considered as taken in executive session by the subcommittee on Oversight and Investigations of the Committee on Education and the Workforce.

SEC. 3. DISPOSITION AND INTERROGATORIES.

The Chairman of the Committee on Education and the Workforce, after consultation with the ranking minority member of the committee, may—

(1) order the taking of depositions or interrogatories anywhere within the United States, under oath and pursuant to notice or subpoena; and

(2) designate a member or staff of the committee to conduct any such proceeding.

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment:

Page 2, line 16, strike ‘‘, staff, or contractor’’ and insert ‘‘or staff’’.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) is recognized for 1 hour.

Mr. SOLOMON. Madam Speaker, for purposes of debate only, I yield the half-hour of time to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for purposes of debate only.

Madam Speaker, this resolution providing special investigative authority for the Committee on Education and the Workforce was introduced on July 21, 1998, by our good chairman, the gentleman from Pennsylvania (Mr. BILL GOODLING), and the members of the Subcommittee on Oversight and Investigations.

The resolution applies its authority only to the investigation by the Committee on Education and the Workforce into the administration of labor laws by government agencies, including the Departments of Labor and Justice, concerning the International Brotherhood of Teamsters and other related matters; let me repeat that, ‘‘and other related matters,’’ not ‘‘other matters,’’ but ‘‘other related matters.’’

This resolution allows the chairman of the Committee on Education and the Workforce, after consultation with the ranking minority member, to order the taking of depositions or interrogatories anywhere within the United States under oath and pursuant to notice of subpoena.

Madam Speaker, the resolution further allows the chairman of the Committee on Education and the Workforce, after consultation with the ranking minority member, to designate a single member or staff of the committee to conduct depositions.

Finally, Madam Speaker, the resolution considers information taken under this new authority as taken in executive session by the Committee on Oversight and Investigations of the Committee on Education and the Workforce.

Madam Speaker, as the Members are aware, clause 2(h)(1) of House Rule XI requires two members to be present to take testimony or receive evidence in a committee. In order to allow a single member or staff designated by the chairman to receive evidence, it is necessary for the House to approve a resolution of this nature.

Madam Speaker, the Committee on Rules is generally hesitant to depart from the House rules, which properly assigns responsibility to Members of the House to take testimony and receive evidence. That is the normal rule of the House. However, extenuating circumstances dictate the need for this resolution today.

Madam Speaker, the chairman of the Committee on Education and the Workforce has indicated that some 40 witnesses must be deposed, and there are a scant few legislative days remaining in this session. As we know, a week from tomorrow we go off on a 4-week break for a work period back home in our districts, and then we return around September 9, and will be in session for about 10 or 12 more legislative days before we adjourn sine die for the year.

Madam Speaker, the chairman of that committee and several active members of the subcommittee conducting the investigation have testified before the Committee on Rules that they are encountering resistance to their legitimate inquiry from some potential targets of the investigation.

□ 1315

Madam Speaker, attorneys for the Teamsters, and other potential witnesses as well in this investigation, have written to the subcommittee and indicated their refusal to comply with requests for voluntary interviews. In order then to understand the context of the documents already received by the subcommittee, it is necessary to depose these individuals.

So, Madam Speaker, this resolution is consistent with precedents from former Democrat and Republican control of the House, and a number of important safeguards have been included. The Committee on Education and the Workforce has adopted a new committee rule, which we insisted on before we gave them this new deposition authority, which sets forth appropriate procedures for how the staff depositions will be conducted, including provisions for notice, minority protections, and the rights of witnesses.

Madam Speaker, I would also note for the record that the information obtained under the authority of this resolution is considered as taken in executive session by the committee. That is very important. In order to release such information, again under normal rules of the House, clause 2(K)(7) of House Rule XI says that a committee vote is required.

Madam Speaker, the Committee on Rules believes that the Committee on Education and the Workforce has demonstrated a compelling need for the authority provided by this resolution, and it is my belief that they will exercise it judiciously. We have a great deal of faith and a great deal of respect for the gentleman from Pennsylvania (Chairman GOODLING) of the full committee, and I know that he and his committee, and the gentleman from Michigan (Chairman HOEKSTRA) of the subcommittee, will certainly act in a judicious manner, and we trust them to do that. So, I urge support for the resolution.

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank the gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules, for yielding me this time. As my colleague has said and explained, this resolution will give authority to the staff of the Committee on Education and the Workforce to take depositions in connection with the committee’s investigation into the International Brotherhood of Teamsters.

Madam Speaker, I must oppose this resolution, because it grants unnecessary authority for an investigation of questionable necessity. The standing rules of the House give deposition authority to committees as long as two Members are present. And since the rule was enacted in 1955, until the beginning of the 104th Congress, it has been the practice not to grant additional authority, except in cases of grave importance to the Nation. If we pass this resolution, it will be the third exception since 1996.

There is a question whether this authority is needed at all for the committee to obtain documents and testimony for the investigation. The Teamsters have already supplied the committee more than 50,000 documents. They have expressed in writing that they are willing to participate fully in public hearings of the committee, even without the force of subpoena. However, they do have grave and justified concerns with secret, behind-closed-doors witness interviews.

There is a question whether this whole investigation is needed. The Teamsters are already the subject of a full investigation by the U.S. Justice Department. That is their job. They already have the staff and the resources and the authority in place. I am disturbed that the committee has already spent hundreds of thousands of dollars on this investigation instead of on other, much higher priority concerns within the jurisdiction of the committee, such as the education of our children.

There is a question about whether this is an appropriate delegation of responsibility to staff. We, the Members of the House, are the elected officials entrusted with the authority to conduct investigations. This is not an authority we should delegate so quickly.

Finally, there is a question whether this authority creates opportunity for abuse of the powers of Congress to meddle in the matters of private individuals and organizations. Let us remember that the standing House rule on investigations was enacted to curb the abuses of the McCarthy era.

The Committee on Education and the Workforce requested this authority, saying it would be easier to obtain testimony and documents. The purpose of the House rules should not be to make our jobs easier. The House rules should promote democracy, preserve individual freedom, and keep the long arm of the government from stifling liberty.

Madam Speaker, I have too many questions about this resolution. I urge my colleagues to vote no on the resolution and vote no on granting unnecessary powers for unnecessary investigations.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, let me just recall to the gentleman from Ohio (Mr. HALL), my good friend, that giving this temporary exception to the rules is not to make jobs easier or life easier for Members of Congress. Rather, it is to get the job done. It is to follow through with due diligence. That is why we are very careful to give out this kind of authority.

Madam Speaker, I yield 3 minutes to the gentleman from York, Pennsylvania (Mr. GOODLING), the person we are placing our trust in and who I hope is going to visit me up in Saratoga during the month of August.

Mr. GOODLING. Madam Speaker, I thank the gentleman from New York (Mr. SOLOMON) for yielding me this time, and I want to echo what the gentleman, the chairman of the Committee on Rules, just said. We really owe it to the rank and file of the Teamsters to complete this as expeditiously as we possibly can, and therefore need this deposition authority in order to do that.

The Committee on Education and the Workforce is examining the failed 1996 election of the International Brotherhood of Teamsters and related matters, including financial mismanagement at the union and possible manipulation of its pension fund.

Although the subcommittee's investigation has established a good foundation, its progress is increasingly slowed by obstructionist tactics of the IBT, including the refusal to allow interviews of relevant witnesses. We have been forced to issue subpoenas for documents to 14 organizations, most of whom refused to voluntarily provide information to the subcommittee at direction of the IBT. Subpoenas have also been issued to seven witnesses to secure their testimony at the subcommittee's public hearing.

Furthermore, the IBT has steadfastly refused on numerous occasions over the last 4 months to allow subcommittee investigators to interview current IBT employees and employees of its actuarial and accounting firms. IBT has even objected to the subcommittee interviewing former IBT employees.

To thoroughly and professionally examine outstanding issues, the investigation needs the authority to have designated staff conduct depositions. There are more than three dozen witnesses whose testimony would substantially further the investigation and who may have to be deposed. Much of this would be lengthy, detailed questioning which is not possible in a committee hearing. Some of it would also be very technical. Some of the depositions may have to be conducted after Congress adjourns for the year. All of it is needed if the investigation is to continue and make progress.

I want to ensure my colleagues that the authority granted through this resolution has safeguards to ensure that it is used appropriately. First, the authority is granted to the chairman of the full committee and can be used only in connection with the Teamsters investigation.

Second, information obtained under deposition authority is considered as having been taken in executive session by the subcommittee. That makes the information confidential and subject to the protocol under which the investigation is being conducted, a protocol which was agreed to by the minority.

Madam Speaker, the Committee on Education and the Workforce has judiciously adopted rules to assure proper use of deposition authority. We will provide for bipartisan participation in depositions. The ranking minority member will receive 3 business days' written notice before any deposition is taken, no matter where he may be, and all Members will receive 3 business days' written notice that a deposition has been scheduled. Finally, our proposed committee rules provide for various rights for witnesses, including the right to counsel.

This resolution is well planned and will be implemented with care. Deposition authority is a tool that will enable the Teamsters investigation to unravel the improprieties associated with the 1996 IBT election so they do not recur. It will also shed light on mismanagement and financial improprieties so that the International Brotherhood of Teamsters can become more responsive to its members.

Madam Speaker, I urge my colleagues to support rank-and-file Teamsters Union members and join me in voting for H. Res. 507.

Mr. HALL of Ohio. Madam Speaker, I yield 7 minutes to the gentleman from Missouri (Mr. CLAY), the ranking minority member on the Committee on Education and the Workforce.

Mr. CLAY. Madam Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding me this time.

Madam Speaker, I rise today to express my opposition to the proposed change in rules and regulations and procedures. In my estimation, a decision to grant deposition authority to the Committee on Education and the Workforce would be unwise, unwarranted, and a radical break with House tradition and practices, and a very real threat to the civil liberties and privacy rights of American citizens.

The new deposition authority is virtually unlimited in scope and duration. It permits the majority to engage in an unprecedented fishing expedition, even during the summer recess of this House.

The chairman is seeking to acquire an extraordinary array of powers. With the stroke of a pen, he could summon to this Congress any American citizen for secret, under oath, behind-closed-doors interrogation. I am sure that the confidential testimony that our chairman just described will then either be officially, or through leaks, made public.

Any citizen who is not frightened by this scenario should be, particularly given the very clear record of investigatory abuse by the Republican majority in this House. To place the Republicans' proposal in a fair historical context, I would remind the Members of this House that such a sweeping power has been assumed by this body or by the Senate very rarely and only under the most compelling of circumstances. Only when faced with grave accusations of government wrongdoing or with threats to our national security has this body deemed it necessary to assume a power which traditionally resides in the judicial branch of government.

Madam Speaker, there is no compelling reasons for this authority. I ask why is it necessary to depose 40 witnesses in secret session? Not one Teamster has refused a subpoena before this committee. Not one Teamster has refused to come before the committee and testify under oath and in public. There is nothing concerning fraudulent pension matters that has surfaced before this committee. And if there were, this committee does not have the expertise or the resources or the commitment to do anything about it.

Madam Speaker, I tell my colleagues that in this instance it is difficult to view the majority's proposal as anything other than a cynical power grab, a partisan fishing expedition, a concerted attack on organized labor, and an invitation to abuse innocent American citizens.

This investigation, which has cost the taxpayers millions of dollars and dragged on for nearly a year, has been a shameful waste of time and money and an embarrassment to this institution. It is simply disingenuous for Republicans on the Committee on Education and the Workforce to claim that their failure to produce any new or relevant information regarding the 1996 Teamsters election is due to a lack of authority.

The problem is that the story they wish to tell, one of widespread, systematic corruption throughout the International Brotherhood of Teamsters, is one of fiction. No amount of snooping, interrogating, or wishful thinking will make it otherwise. This is simply too awesome a power, especially when considering that the chairman of the committee already has unilateral authority to issue subpoenas.

Madam Speaker, I appreciate Chairman GOODLING's words of assurance that committee Democrats will be involved in the deposition process and that other safeguards will be constructed around the proceedings. But with all due respect to my good friend, the past record of Republicans ignoring the rights of the minority on this committee does not speak well for such assurances.

We were given the same guarantees regarding consultation and notice when the chairman appropriated the power to unilaterally issue subpoenas.

□ 1330

Those promises have been consistently, routinely and casually broken. Perhaps most disturbing is the majority's proposal to allow staff who are not attorneys to conduct sworn depositions. The very thought is mind-boggling, American citizens being drugged into this little star chamber to be interrogated under oath in secret by staff who are not bound by or trained in the Code of Legal Ethics. This is an open invitation for abuse and for the violation of legitimate legal and constitutional rights.

Legal proceedings should be conducted by those trained in the law, not by laymen. Testimony before Congress should be in a public arena for American citizens to judge guilt or innocence for themselves. I urge my colleagues to oppose this unwise and dangerous amendment to the rules of the House.

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

I would just like to point out to the previous speaker, who is the ranking member of the Committee on Education and the Workforce, that the Committee on Rules has the responsibility of assigning the responsibilities and jurisdiction of committees.

We all know that the Committee on the Judiciary is primarily involved in looking into the legal code and the criminal law of the land. The Committee on Education and the Workforce has primary responsibility to look into labor issues and has oversight of the laws particularly as they pertain to pensions.

I know, I have worked for many years on the Social Security issue and the abuses that take place in the fiduciary accounts in Social Security. But here we have rank and file members of the Teamsters Union, and they want to know where their money went to and what happened.

Madam Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. PARKER).

Mr. PARKER. Madam Speaker, I rise in strong support of H. Res. 507, which would provide for deposition authority for the Teamsters investigation.

I am the newest member of the committee, and one reason I joined this committee was because of my interest in the investigation. I was appalled that the 1996 election of the International Brotherhood of Teamsters had to be invalidated. I have a keen interest in ensuring a fair rerun election.

To protect the rank and file members of the Union, we have to have a thorough accounting of what went wrong with the 1996 election. It is also in their interest and that of other American taxpayers that financial mismanagement at the Union be cleaned up.

I was shocked to learn, when I joined the committee, that the investigation does not have deposition authority. It was evident to me from the beginning of my involvement that that is a critical investigative tool without which the investigation will have little chance of success.

Over the past few weeks alone, we have had instance after instance of the Teamsters Union refusing to make critical witnesses available for interviews. The lawyers for the Union do not want us to talk to current or former employees of the Union or to employees of the Union's actuarial and accounting firms.

As just one example, on July 9, we received a letter from an attorney for the Teamsters' accounting firm informing us that the Union refuses to allow such interviews. It is evident to me that the officials of the Union are deliberately impeding the investigation and are trying to run out the clock on this Congress.

It is completely unrealistic to expect that Members of Congress will make themselves available to hold hearings to interview the more than three dozen witnesses from whom we need information. Unless the investigation receives deposition authority through the committee chairman, we are basically telling the Union officials that they have won, that they need not account for their actions either to their own membership or to the American public.

Madam Speaker, this authority will not be taken lightly. It will be used carefully. I understand what may be the reluctance of some Members of the House to provide extraordinary authority, but these are extraordinary circumstances which call for appropriate measures.

Madam Speaker, I urge approval of H. Res. 507.

Mr. HALL of Ohio. Madam Speaker, I yield 7 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Madam Speaker, I rise in opposition to H. Res. 507.

I serve, Madam Speaker, as the ranking member on the subcommittee that has responsibility for oversight and investigation in the Committee on Education and the Workforce. This investigation on the Teamsters Union election, which was set aside because of the illegal swapping of funds, began last October, and it has sort of limped along.

The majority members have a full staff of, I do not know quite how many individuals there are now on board, but I am told that there are at least five or six attorneys that have been engaged to work on this particular investigation. I have tried to be diligent in paying attention to the agenda, to the hearings that have been called and to all of the communications that have emanated from the majority chair of this subcommittee.

So I rise with great amazement today to hear that there is any justification whatsoever in asking this House for these extraordinary powers that invade the privacy of many individuals. We are going to put, because of some whim on the majority side, many individuals whose names are not even known to even myself as the ranking minority member of this subcommittee, who these persons are who have been reluctant to come before their staff for questioning or for discussions. Certainly I do not know of any Teamster member who has been asked for an interview who has not come before the subcommittee under subpoena to testify.

In every instance the Teamster members who declined these personal, closed-door discussions invited the subpoenas because what they wanted and what is their right in these United States is to come before bodies that are accusing them of misconduct to have their testimony taken in public.

What is so offensive about this rule today is an authority which is going to be granted to a very small number of individuals. These depositions could be held without one single Member of Congress present, because that is how the resolution reads. No Member needs to be there because of the word ''or,'' member or staff.

Sure, I could be notified 3 days in advance that a deposition is going to take place during our district recess period when I am in Hawaii. I fully intend to do everything I can to be there, but I cannot guarantee that protection to these individual witnesses who are going to be deposed in this way, not by attorneys who know the rule of law, who know the rule of evidence, who respect the rights of privacy and privilege in this country, but by staff, who I do not say are going to have any ill temper or ill will but who might mistakenly invade into the high privileges which every Member of this Congress has sworn under oath to preserve. That is what is our constitutional right here.

I respect the millions of members in the Teamsters Union, and I want to do what is right for them. But I have not heard one single allegation of a reluctant witness who is not willing to come before the public, take an oath and testify to any question that this committee wants to put to them.

I believe that that is a right which is precious and should be protected by this House, and that is why the rule says we cannot depose unless the whole House agrees to it.

So I ask the Members today to search the record. There is no evidence of reluctant witnesses who have refused to come before the committee to testify. I think that that is the most important grounds upon which any such rule like this has to be premised.

I know most Members of the majority party are very much committed to the preservation of individual rights and democracy and freedom and civil liberties. What we are doing today is to trash all of that because of a political agenda.

Mr. WAXMAN. Madam Speaker, will the gentlewoman yield?

Mrs. MINK of Hawaii. I yield to the gentleman from California.

Mr. WAXMAN. Madam Speaker, I thank the gentlewoman for yielding.

If my colleagues want to see an example of deposition authority and power being abused, look no further than what this Congress has done in the Committee on Government Reform and Oversight. People are subpoenaed for depositions. They are forced to come against their will, hire lawyers at $300 an hour.

I just want Members to know this is not theoretical. I have seen people have to go hire lawyers, take time off from work, prepare for these depositions, go through the anxiety of it all to be questioned by staff people.

Just a couple days ago, we had a deposition in Los Angeles of one of these four people that we gave immunity to. It started at 1:00. It went until 8:30. This witness had almost nothing to say.

We have had staff people ask witnesses about their personal lives, whether they have ever been tested for drug abuse. We had one witness in a deposition who was asked whether they could tell about a colleague, whether that colleague had done something illegal.

This power can be abused. If there are hearings, at least the public will know what is asked. But if they are depositions, it is a staff person who can abuse that power, run roughshod over the rights of Americans by allowing them to, in closed door session, be asked any kind of question.

Be wary whenever we give deposition authority. In some cases, it is appropriate, but we know it can be abused because we have seen it abused in this Congress already.

Mrs. MINK of Hawaii. Madam Speaker, I know that all Members on the majority are always very cognizant of their responsibilities to protect individual rights. They are firm against big government coming in and intruding in this way, so I am personally shocked at this reckless venture into the invasion of these individuals. Forty people whose names I do not even know, and I am the ranking member, I do not know of any abuse with regard to the pension funds that has come to the attention of our subcommittee.

This is really a fishing expedition, reckless disregard of individuals who are going to have to hire attorneys at tremendous cost to themselves. We are not prepared to pay for it. I want to see the individual rights of this Union protected; and, if we really believe in their democracy and their individual rights to run their Union, by golly, we ought to allow them to have an election for their leadership.

Mr. SOLOMON. Madam Speaker, I will just say to the gentlewoman that, yes, the rights of the Union should be protected; but, even more so, so should the individual rights of the individual rank and file members of that Union.

Madam Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. NORWOOD), who has never won a green jacket in the Masters but has won my deep respect for the job he has done as a Congressman.

Mr. NORWOOD. I thank the gentleman from New York for yielding me the time.

Madam Speaker, I yield to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Madam Speaker, let us take a look at the record. Let us take a look at the judge who has had supervision of the consent decree for the last 9 years, since 1989. How does he feel about the Teamsters and Teamster leadership in 1998? Here is what he said to the Teamster lawyers in court on Tuesday:

''I believe it is time for the good members of this Union to rise up in revolt. This Union has been run by a small group for their own benefit. I want to hear what the membership thinks. It is time for the good members to rise up and revolt against the self-serving, little men in charge.''

To the attorney, ''You don't really speak for the Union. You speak for a small minority,'' Edelstein told Weich. ''I can understand the wrath of Congress. They don't trust the Teamsters because of the Union's history of squandering taxpayer money. I'm going to get to the root of this evil. And if you don't have Sever here by noon, I will send the marshals for him.''

□ 1345

The same type of stonewalling that this union leadership is imposing in New York in the Federal court is the same pattern of stonewalling that they are doing to this congressional committee, and the shame of it is we have funded this union and we have spent approximately $20 million and this is their thank you to the American taxpayer.

Mr. NORWOOD. Madam Speaker, reclaiming my time, I rise in strong support of H. Res. 507. I would say to my friend from California when it comes to being abused perhaps that we ought to be concerned a minute or two about the taxpayers of this country that have been abused to the tune of $20 million. Maybe we ought to be concerned about the members of the Teamsters Union that have been abused to the point where their treasury reduced from $155 million down to less than $1 million. There are all kind of things and people we ought to be concerned about in their abuse and our point of view in the oversight committee and our job in the oversight committee is to find out what went wrong in these illegal elections.

The Committee on Education and the Workforce needs deposition authority because the Carey administration at the Teamsters is stonewalling our investigation. It is just sort of that simple. Now, that is an unfortunate situation, but Congress has a duty, a constitutional duty to investigate a union that tramples its members' rights and flouts the very laws we have passed in this body.

Our investigation has been going on for almost a year now. We are starting to get the picture of how this union has been run. Frankly, Madam Speaker, it is not very pretty. The most recent development, of course, is that the president of the Teamsters, Ron Carey, has been barred from the union for life as has his former government affairs director William Hamilton. That is not fiction. In an election that cost the American taxpayers almost $20 million, Carey took his members' dues to pay for his reelection campaign. Clearly he was more interested in keeping his job than protecting the rank-and-file Teamster.

The record of evidence compiled by the subcommittee thus far indicates that the Carey administration also may have manipulated the union's pension funds. That is serious stuff. Notice I said ''may have.'' We need to know for sure whether we are right or wrong. And may have made political contributions with their members' dues, which is very illegal. Obviously we need to interview all of the Teamsters employees and contractors involved in these matters to find out the extent of these problems and do our duty.

Do the people running the Teamsters Union now, who were elected in a sham election, want us to get to the bottom of this? No. No, unfortunately not. They will not allow us to interview their employees, their accountants or their actuaries about the financial shenanigans that did go on. What are they trying to hide?

I will say this about the unelected people in charge of the Teamsters today. They do have a lot of gall. Not only do they refuse to let this Congress do its job by performing an oversight investigation, but they turn around and say, ''You've got to pay for the next election.'' They will not let Congress find out how the election went wrong, but they will come to us and demand that we kick in another $10 million so they can have another election.

I for one frankly have had enough of this, of the Carey administration's stonewalling. We need to pass this resolution today so that Congress can find out what they are trying to hide from. Union officials that misuse the hard-earned dues money of their members should not be allowed to thumb their nose at this Congress.

Mr. HALL of Ohio. Madam Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Madam Speaker, first I would like to insert in the RECORD the transcript later in that proceedings where Mr. Sever did appear in court and the judge indicated that he could not order the IBT to pay for the election.

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

PLAINTIFF

V.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, ET AL.,

DEFENDANTS

July 29, 1998, 12 p.m.

(Hearing resumed)

(In open court)

THE COURT: Good afternoon, ladies and gentlemen.

The first item I will discuss is my request for a referendum. When I made that request, I had in mind that it was completely for the benefit of IBT. I call your attention to an item in their memorandum, which is very convincing and persuasive. The GEB's decision is consistent with the Court's statement on the record on June 29, 1998 that voluntary payment by IBT officers of the costs of supervision would be a ''breach of a fiduciary relationship and something that is forbidden actually to do by law.''

The thought occurred to me that the union could send a message to the IBT hierarchy that they would agree and it would not be considered by them a breach of a fiduciary relationship if they were voluntarily to agree to contribute some money to a rerun election. However, the memorandum is very persuasive that the cost and the effort involved in such an undertaking would be futile. So my good intention has come practically to naught.

I did say that voluntary contributions by the IBT in light of the decision by the Court of Appeals, dissent noted, would be a violation of their trust. Again, I repeat ad nauseam that it occurred to me that if they had a word from the membership that they would not be held to such an account they could then go ahead and make voluntary payments. So my request for a referendum is no longer in order. I am sorry it did not work out the way I thought it might.

I still am of the opinion, although I am not sure that I have the authority to order it, that instead of a referendum a poll of a very small but vital universe of 500 would give some indication to the hierarchy whether contributions could be made without being in default of their duty. I leave that to the entire discretion of the union itself.

Now let me address some verities. I think we all know that of all the many cases that are filed in this court and, indeed, in all the courts in all the land, if all those cases were to go to trial, the system would come to a creaking halt. Certainly it is not new news for you as practicing lawyers to know that compromises and agreements occur even after verdicts for a plaintiff and a defendant. And it also is not great news for you to understand that when one files an appeal, every effort is made by an instrument of that court to resolve the issue before the need of the decision.

I think common sense ought to be considered here. Is it your view that an unsupervised election does not have to put in place any assurance, any guarantee, any rules to demonstrate that a nonsupervised election will still be a democratic election, a free election, and that every effort will be made in a nonsupervised election, of which there have been many in the history of this union, that such an election should not raise any concern or fears that corruption would become the order of the day?

That is my concern. As I said, an unsupervised election sounds more fearsome than it can actually be. And what I want here today, and I took the liberty of asking Mr. Sever, a member of the executive team, to come and see if I can employ reason and amicability and some stability to a problem that should be settled, does this unsupervised election, and I am intending to go ahead with that, mean that I have to be concerned with chaos?

Mr. WEICH: Your Honor, I'm quite confident that an unsupervised election would not be chaotic. Almost every union in the country conducts an unsupervised election under federal labor law. And, of course, this union is additionally bound by the consent decree and its own constitution. I am very confident that safeguards would be in place to insure that corruption does not occur and that the election is carried out in an open and democratic manner.

THE COURT: Would a supervised election give more assurance of orderly procedure? Would it relieve us of certain, perhaps unrealistic, apprehensions that the election would go forward in a more orderly process?

Mr. WEICH: It's a very difficult question to answer under current circumstances. I can only say, your Honor, that the IBT supports the supervision process. We have said in every public statement and reiterate again today that we would like to see supervision. We insist, though, that the United States be made to meet its obligations under the consent decree to pay for that supervision if it is to occur.

THE COURT: Do you understand my reason for a referendum?

Mr. WEICH: I do understand.

THE COURT: I was trying to relieve you of the danger of irresponsibility in the event you voluntarily agreed to make contribution.

Mr. WEICH: I do understand that, your Honor.

THE COURT: And I thought the only way I could deal with that problem on your behalf and somewhat on the Court's behalf was to have the voice of the union say no, you will not be guilty of any betrayal of a fiduciary relationship if you make a voluntary contribution. That was my reason.

Mr. WEICH: I understand that.

THE COURT: And now that you have convinced me that there is no point to it, I withdraw that request.

Let's go on.

Ms. KONIGSBERG: Your Honor—

THE COURT: You say order the Congress to do something, in this case, to provide funds. Think about this clearly and analyze it. Here is this district court judge telling the mighty sovereign Congress, Do something. And if they say no, what is my next step? Dealing with an old truism, that no court should enter an order which ends up in futility, am I to say I am going to hold the entire Congress in contempt? To think about it shows it is absurd.

The same thing holds true, as I said, if I say to the government, Pay. It is your obligation. And if they say, We cannot, what do I do? Hold the United States of America in contempt? I do not think I could possibly survive that.

Now the focus here is, Oh, the Attorney General is not inhibited by anything that the committees have said about inhibiting the use of the funds. That is your interpretation. But if I were the Attorney General, I would want more to rely upon than an interpretation. It is not a matter of what we think the inhibition proscribes or what the Court may think or even what the government may think. But before I, as an Attorney General, would be free to do ahead and make my interpretation that the government is free to use certain funds, I would want more assurance than that, than face possible contempt by the House Appropriations Committee.

I implore you, why can't we be reasonable about this? Why can't we continue to have a supervised election by some contribution?

Mr. WEICH: Your Honor, we continue——

THE COURT: Am I off the wall when I say probably in your own experience that you have entered into compromises even when a verdict has been in your favor?

Mr. WEICH: Yes, your Honor, that's certainly true. I can only observe that we still await word from the United States whether it is prepared to put any money into this process. It strikes me that on this record, given the union's history of being willing to compromise in the past, it's the decision that the Court of Appeals handed down that at this time would be appropriate for the government to state whether it has any money before the question is put to the union.

THE COURT: You mean money that is absolutely free and clear and under no restrictions?

Mr. WEICH: Yes. Well, your Honor, you know our position, that there is money that the Court could order the government to pay. Our position there is not an extraordinary one. It's often the case that a government agency tells a federal court that it believes it doesn't have authority to do something or doesn't believe it's required to do something, the Court orders that agency to do it. And, as always, the United States complies.

But my point, in response——

THE COURT: Let's assume you are right, and I do not see how your logic can stand up, I say to the government, Pay, and they say, We cannot, we do not have the funds, whether under restrictions or not. What do I do, hold the United States in contempt? Well, what do I do? I have issued an order. I have said to the government, Pay, and they have said, We cannot. What do I do? Where does that lead us?

Mr. WEICH: The first place it would lead us——

THE COURT: Did you ever hear of sovereign immunity?

Mr. WEICH: Yes, I have.

THE COURT: Do you know what that means?

Mr. WEICH: Yes, I do.

THE COURT: Who would I hold in contempt? U.S. of America, you are held in contempt. Oh? Either you comply or I will send you to jail. Who will I send to jail, the U.S. of America? Isn't that what a lawyer is supposed to unravel in his thinking when he makes an argument? Is that order that I make now silly? Who would I hold in contempt?

Mr. WEICH: Your Honor, I——

THE COURT: Who would I drag into court? Uncle Sam, who is the symbol of America? Who would I hold in contempt? The Appropriations Committee? The subcommittee? The entire House of Representatives? The entire Senate? Whom would I hold in contempt? Do I fill the jailhouse with all these dignified representatives of their constituents?

You know, thought is a very important process. It is easy enough to embark on ideas that are grandiose and win favor with a constituency, but you have got to parse it and analyze it. No court is supposed to enter an order which is futile.

I have been dealing with this specter. Maybe the symbol of America is Uncle Sam and I will have Uncle Sam, I will even have his beard trimmed for television purposes, and I will put Uncle Sam in jail. The more you think of it, the less appealing it becomes. So unappealing that it is not even worth all the discussion and thought and sleepless nights I have given to this.

I have no hesitation where contempt is proper, and again I must remind you that contempt must be by trial to another judge. Do you know that?

Mr. WEICH: Yes, your Honor.

THE COURT: I am sure my colleagues would applaud my effort to ask them to try a case of contempt against the United States of America. I think that should convince you that it is an idea whose time has now come.

Now, can't we deal with this the way lawyers do all the time? Try to reach some understanding and agreement. I have had many cases resolved after a verdict by 12 men and women, good and tried, who found in a civil

case by a preponderance, in a criminal case beyond a reasonable doubt, some negotiation. Why can't we do that here? Is there a motive why there is so much obstinacy here and obdurateness about coming to any understanding or realization?

Mr. WEICH. Your Honor, I ask again that you put the question to the United States if there is money.

THE COURT. What do I do if they say no? You beg the question. You are a lawyer. I have asked you a question. Give me some help. Who do I hold in contempt?

Mr. WEICH. I'm confident that if you put the question to Ms. Konigsberg whether the United States would obey a lawful order of this Court her answer would be yes, therefore contempt would be unnecessary. If contempt were necessary——

THE COURT. Is there a danger that I ought to consider sanctions against any lawyer who tries to bring an action or a cause that is absolutely absurd in its very, very root? Again, I have asked you ten times: Whom do I ask another judge to hold in contempt?

Mr. WEICH. If contempt were necessary——

THE COURT. Contempt is always necessary if an order is not obeyed.

Mr. WEICH. Yes. If contempt were necessary, your Honor, there are officers of the United States who stand in for the United States——

THE COURT. All the officers of the United States?

Mr. WEICH. No. Ms. Konigsberg——

THE COURT. Aren't you a little bit ashamed of your begging the question?

Mr. WEICH. No, your Honor.

THE COURT. All right. That would be quite a newspaper item, having all the 50 states and their senators and representatives hauled to court and put to jail. That would be novel. Instead of history of the law, it would be the hysterics of the law.

Again, can I bring you to the peace table?

Mr. WEICH. Your Honor, we've been at the peace table. We ask whether the United States is intending to come to the peace table.

THE COURT. I want to hear from the United States. Shall I hold you in contempt?

Ms. KONIGSBERG. No, your Honor.

THE COURT. As long as we are in the amusement circle, let me tell you my own personal experience, without much name. At one time in my career I was special assistant to the Attorney General of the United States, a rather important job. There was a case before a very distinguished justice and he wanted the government to produce certain documents. I told the judge I did not have these documents, I did not have control of them, I had never seen them, that they were exclusively in the possession of the Attorney General, who resided in Washington.

The judge gave me a brief period of time to produce those documents or to be held in contempt and possibly jailed.

I spoke to the Attorney General. I have never seen the documents. I did not know their relevance. I did not even know that they would lead to relevant evidence, and he said, You may not have them. And you must go before the court and say that I will not release them.

And then he said, with a broad Texas drawl, David, jail is not too bad at all. They feed you three meals a day.

Fortunately, the judge had some generosity and heart and did not hold me in contempt, which would certainly have hurt my career. He certainly did not jail me, but the documents were never produced and there was really nothing that he could do. That was my own personal experience.

I am, as the record will show, a very reluctant judge when it comes to dealing either with sanctions or with contempt because that has the very treacherous danger of doing substantial irreparable harm to a lawyer who might be more zealous than smart.

Ms. KONIGSBERG. Good afternoon, your Honor.

Let me first address the issue about whether or not it could be perceived as a breach of fiduciary duty for the union's leadership to agree to pay the costs, some of the costs, of the rerun election. It, in the government's view, would not be a breach of fiduciary duty and though the government supports the Court's idea of having a referendum, it would not take a referendum in order to reach that conclusion.

THE COURT.Wouldn't a poll do just as well? I have had some experience in that area. A poll could be done. A universe of 500 is sufficient. It could be done in two or three days.

Ms. KONIGSBERG. That is possible.

THE COURT. By telephone.

Ms. KONIGSBERG. That is possible, your Honor. But whether—irrespective of any referendum and irrespective of any poll, it cannot be considered a breach of the union's fiduciary duty to pay these costs, and let me explain why. Though I know the Court mentioned that at the prior hearing, I don't consider that a finding by this Court; that was not a matter that was briefed. The union indisputably is going to have to bear the cost anyway of an unsupervised election.

THE COURT. Has anybody an estimate of what that cost would be?

Ms. KONIGSBERG. I would like to know from the IBT what they project that cost to be. I mean, I would suspect it is at least the same amount of money, if not more so, than the amount of money that the union would pay if they share the costs of the election. I think it would be helpful if the Court, if we, could inquire of the IBT what that would cost. But I would suspect it is, at a minimum, $4 million for them to have to pay in any event if they have to conduct their own election.

Second of all, it is in the interests of the union membership to have a fair election and to have a supervised election. The union has said itself that they are in favor of a supervised election, and everybody here agrees that the best way to insure a fair, free, democratic election, that all the members and all the public can have confidence in, is to have election officer supervision. So regardless of the relative costs of an unsupervised election versus what they would contribute, the union leadership can decide that this is something that's in the members' interests to have an independent, court-appointed election officer supervise this so that the union membership can be assured of having a fair, free, democratic election.

Really what this can be, I suppose, likened to is, is the union saying that it would refuse, in effect, if the government is able to secure the agreement of Congress to pay $4 million, or plus, toward the cost of this rerun election supervised by an election officer, is the union saying that it would refuse to accept the government's money in order to be able to have a supervised election? Because we all agree that they're going to have to pay these costs anyway in an unsupervised election, and we all agree that the election officer supervision is necessary.

I mean, I would submit to the Court there is at least a question whether it could be perceived as a breach of fiduciary duty not to agree to pay the costs in order to have a supervised election. So, I think it would be helpful to take the question of a breach of fiduciary duty off the table here. I don't think there is any question that the union leadership can agree to pay this. What the Second Circuit's decision was about was whether the union could be obligated to pay.

THE COURT. The Second Circuit decision completely ignores the very powerful dissent, and although that dissent did not carry the day, it sends a powerful message. Nobody even refers to that. That is bad argument. The dissent did not carry the day. It did not persuade the majority. But it is a very powerful message and should not be ignored.

Ms. KONIGSBERG. We agree, your Honor. But even accepting the majority's opinion, which, of course, we accept, all it says is that the union cannot be compelled——

THE COURT. That's right.

Ms. KONIGSBERG [continuing]. Based on the misconduct. It does not say that the union voluntarily cannot agree. It also does not say the government is required to continue supervision. But it does not say that they cannot voluntarily agree. And it is clearly in the union members' interests, as the IBT has conceded, to have a supervised rerun election, so that it would not be a breach of fiduciary duty.

THE COURT. I brought you here, Mr. Sever, to lend a helping hand based on your long experience to resolve this problem. Maybe your lawyer will feel a little freer if he has some notion from you that you are willing to help.

Mr. SEVER. Your Honor——

THE COURT. You are no longer with the Mets, are you?

Mr. SEVER. Your Honor——

Mr. WEICH. It's Tom Sever, your Honor, not Tom Seaver.

Mr. SEVER. Your Honor, in due respect, you know, I must indicate that we do have a decision by the Second Circuit of the court. In light of that decision, I did proceed on to the general executive board on July the 20th, and the general executive board rejected to pay for any costs in light of that decision, and, you know, I believe that we ought to—I believe in the judicial system, your Honor. And I believe that we ought to abide by the courts and follow the appropriate procedures of appeal, if necessary. But certainly that's where we stand at this point, your Honor.

THE COURT. All right. But I am asking you: Can you not consider that there may be some room for compromise and negotiations?

Mr. SEVER. If there would be any room for compromise, your Honor, I would be more than happy to take that back to our general executive board.

THE COURT. Will you do that, please.

Mr. SEVER. I would take a poll with the board. I would do that if we could have a compromise.

THE COURT. And will you also say it is my——

Mr. SEVER. Would you repeat.

THE COURT. It is my passionate desire to see that this matter be resolved.

Mr. SEVER. It would—I would like to see it resolved, your Honor. However, you know, with respect to my fiduciary responsibility as the general secretary-treasurer, and with the due respect of the cost that may be associated, I believe that, you know, if there could be some kind of a compromise, such as maybe sending out the ballots, that I might be able to recommend that. And that cost would be somewhere around $2 million. I might be able to recommend that to the general executive board.

THE COURT. All right. That is something.

Mr. SEVER. Thank you, your Honor.

THE COURT. Did you want to say anything? Did you want to say anything?

Mr. WEICH. No your Honor.

THE COURT. I want this election to go forward. We have had some delays and I think it is time to fish or cut bait.

Now, in anticipation that we are going to have an unsupervised election, will you please give me some details of how you plan this election to go. I think my inherent power in terms of my need to manage my own caseload suggests that I can require you to give me some view of your plans.

I also think that hope does spring eternal. I think that perhaps the Senate, by its appropriate committees and their wisdom, might decide to allow the Attorney General some freedom in the use of funds. I just do not know how we can urge them to come forward with a yes-or-no answer, but perhaps they will.

Is there anything else?

Ms. KONIGSBERG: Yes, your Honor.

As the government set forth in its papers, the government believes that the Court has the authority to set a plan for this election, particularly given that the IBT——

THE COURT: You know their argument about the plan that you suggested, that this is just a disguise, using rhetoric, but to accomplish exactly the same thing that would occur in the hands of the supervised election.

Isn't that your argument?

Mr. WEICH: Yes, your Honor.

Ms. KONIGSBERG: I'm aware of their argument, your Honor.

THE COURT: You have a chance to answer. I think your date is Monday.

Ms. KONIGSBERG: That's right, and we will respond to that on Monday, your Honor.

THE COURT: But the IBT makes a very persuasive argument that this is merely a camouflage and that the Court does not have inherent power to do anything by way of accepting a substitute monitored election.

Ms. KONIGSBERG: We will address that. We disagree.

THE COURT: That is the problem with appointing a special master.

Ms. KONIGSBERG: Your Honor, the government disagrees very strongly with that characterization; that is to say, that there can be no court-appointed election officer in the absence of a supervised election doesn't mean that you throw the baby out with the bath water and that all of the learning under the consent decree about how to have a democratic election——

THE COURT: I will read your papers and I will study your papers, and I hope to get another version of how an unsupervised election will proceed.

Ms. KONIGSBERG: Thank you, your Honor.

Mr. CHERKASKY: Your Honor, just very briefly, if I might. We also feel strongly that any——

THE COURT: Keep your voice up. Everybody wants to hear you.

Mr. CHERKASKY [continuing]. That any contribution that would be made by the International Brotherhood of Teamsters would not be a breach of their fiduciary duty.

THE COURT: Would not be what?

Mr. CHERKASKY: A breach of their fiduciary duty. I think all the parties agree——

THE COURT: I was trying to give you some assurance that under no circumstances would they be crucified on the cross for the sustaining of the fiduciary relationship.

Mr. CHERKASKY: I understand that, Judge. Certainly, it's—I think they've taken out of context your remarks at previous hearings. They have said previously that they would contribute some sums, so they didn't feel it was a breach of their fiduciary duty or they wouldn't have agreed to contribute anything.

Secondly, we would think that, we firmly believe that the Teamsters union, as was indicated yesterday, is a union that has every right to have a fair and free election as quickly as possible and that the membership, we believe, demand that. We also believe there are ways to do polling, ways that you could do polling going to each of the different locals and have a weighting voting process which could be done very quickly, very efficiently, and very inexpensively, so that in fact we could have a very quick read of what in fact the union felt as to the proposition of their making a contribution or not.

Finally, as unpleasant as it may be for us, we have to face the fact that this may be an unsupervised election and, your Honor, we will in fact be filing with your Honor a proposal of how to would wind down the matters of the election office. We, in fact, are continuing to spend money, continuing to do work. We have a number of very significant protest matters before us which, in fact, we think urgently need to be completed, and we would in fact by next Monday have a proposal for you if in fact it's necessary, if the draconian happens, how to wind down the election office.

THE COURT: I have a note from my worthy staff:

''You need to give the IBT a timetable for giving more definite statements for unsupervised election.''

Thank you. What would I do without you? What timetable do you need?

Mr. WEICH: Respectfully, your Honor, it seems to us premature when the government has not, to date, withdrawn its election to supervise to order the IBT to do more than it has done, which is to set forth with a fair bit of specificity how it would conduct an unsupervised election in accordance with federal labor law, the IBT constitution and the consent decree. I really think that as a matter of logic and timing, the United States should conclude its efforts and say, finally, that it does not intend to supervise, if indeed that's the conclusion it reaches, despite our view that it should not be permitted to withdraw that.

THE COURT: If public relations and goodwill have any strong reason, and believe me they do, you cannot possibly estimate the goodwill and public relations game for the IBT to come forward generously to make some contribution.

I repeat this ad nauseam: In the ten years that I have been on this case, the union has spent millions upon millions of dollars fighting every single revision of this decree. Millions. Some of it so silly that it has been a mockery and a telltale at cocktail parties. The quarreling over my order for the IBT to provide a $50 secondhand cabinet file, in one matter where there were just a number of limited appearances, one law firm garnered $6 million in fees. I think from my point of view a forthcoming spirit of generosity does not have to wait for Christmas.

Yes. Go on.

Ms. KONIGSBERG: Your Honor, because there is such a strong interest in having a prompt rerun election, we believe that there should be a schedule set for the IBT to submit a plan that these two things can occur at the same time and we think that would make sense to do. In addition, I wonder if the IBT has an estimate of what they think it would cost them to conduct an unsupervised election.

Mr. WEICH: Your Honor, we're prepared to submit additional details about how we would conduct additional details about how we would conduct an unsupervised election next Wednesday, August 5.

THE COURT: Can you give us an estimate of what the cost would be?

Mr. WEICH: We will do our best.

THE COURT: You will do that?

Mr. WEICH: Yes, your Honor.

THE COURT: Is there anything else?

Ms. KONIGSBERG: That's it, your Honor.

THE COURT: Nothing else?

Mr. WEICH: No, your Honor.

THE COURT: Please come up with something. I think after ten years on this case I deserve a break. And I think we have done one tremendous job of ridding this union of a lot of corruption and we are still on it.

Madam Speaker, I rise in opposition to the resolution and particularly the portion of the resolution which allows nonattorneys to conduct depositions behind closed doors and without any member of the committee present. That authority is virtually unprecedented. The authority of having a nonattorney staff conduct the depositions was not given to the Committee on Government Reform and Oversight where we heard abuses even with attorneys doing it. The House did grant that authority in the committee on the transfer of technology to China, a select committee on which I sit, but it was understood by the members of the select committee and the Members of the whole House that an issue of that magnitude required swift but thorough investigation, staffed with personnel skilled with the nuances of deposing witnesses with sensitive and potentially classified material. We also recognized that some of the material and witnesses sought for that investigation would require travel to China and experienced staff must be allowed to pursue those matters when Members' schedules might preclude their attendance. The staff members hired for that purpose, the 6-month duration of the committee, will obviously be hired with the appropriate skills for taking depositions. In contrast, this investigation into the 1996 Teamsters election will not address matters of national security but the members of the subcommittee must apply equal vigilance to the rights of witnesses and the appropriate conduct of the investigation. Already the Subcommittee on Oversight and Investigations has come very close to interfering with an ongoing investigation by the U.S. Attorney's office into the Teamsters election, and we experienced a potentially damaging incident concerning the shocking modification of subpoenas without the approval of the committee. All of this occurred under the watchful eye of the consultants to the committee, whose professional credentials cannot be challenged.

In fact, the committee hired these consultants for the majority because the majority stated that it did not have qualified staff with the background, knowledge or experience to conduct the investigation. Now these consultants have given notice that they will be leaving the investigation, so I hesitate to think what will happen when staff who are not attorneys, not experienced in deposing witnesses and who are not required to abide by any codes of professional responsibility are allowed to continue where the consultants left off.

This subcommittee must be vigilant in its investigation into the Teamsters election. The rules of conduct must not allow the reckless endangerment of a process designed to prevent another failed election. In the end we must be responsible not only to the Teamsters but also to the taxpayers who paid for the 1996 election and who continue to pay for this investigation. We should not allow nonattorneys who have already been labeled by the majority as

incapable of conducting the investigation to be granted the exceptional power to conduct depositions behind closed doors.

Mr. HALL of Ohio. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Madam Speaker, I thank the gentleman for yielding time to me. I think it is appropriate for the committee of the Congress to do an investigation. I think it is important to get to the bottom of the issues at stake. I also think in theory it is sometimes appropriate to have deposition authority. But when you look how this authority has been abused by the Republican majority in this very Congress, I think you have to step back and ask whether this is a wise thing to do.

If a committee is doing an investigation and they want to hear from a witness, bring a witness before the committee. If the witness will not come, subpoena the witness to come before the committee. Let members in an open session ask questions. But when you give deposition authority, it allows staff to bring in these people, behind closed doors, without the public even knowing what questions are being asked, and to abuse those people by making them hire attorneys, making them take time off from work, making them answer questions over and over and over again while the clock is ticking away and the costs are going up.

I can tell Members that in the Committee on Government Reform and Oversight, the staff has deposed 158 individuals. One-third of these people were compelled to give testimony under this threat of being held in contempt of Congress. Of these 158 depositions, 650 hours of testimony was taken. This is burdensome on people. It is a power that can and has been abused.

We have come now to a point where it is simply a partisan fishing expedition. Of 158 witnesses, 156 have only been asked about Democratic fundraising abuses while the committee has ignored substantial evidence of Republican campaign finance abuses. It becomes a partisan witch-hunt without any accountability to the American people.

Accountability is important. When you are in an open session, you have to be accountable because the public can see what you are doing. But when it is a deposition, behind closed doors, there is too much power and that power can be abused.

Mr. SOLOMON. Madam Speaker, I yield myself such time as I may consume. I hesitate to get involved in this at this time, but the gentleman is complaining that the committees were only investigating Democrat abuses on campaign finance. This gets under my skin a little bit, because no Republican has ever been accused of selling out our country. No Republican has ever been accused of accepting campaign money and then giving away the strategic interests of our country. Now that we have more than 18 intercontinental ballistic missiles aimed at America, we ought to get to the bottom of it.

Never before have we ever had an administration, whether Democrat or Republican and I go all the way back to Harry Truman's day when I was a Marine guard in this town never have we had a President, either Republican or Democrat, who deliberately withheld information and did not try to level with the American people. That is why we have had to have staff depositions in the past.

Madam Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. I thank the gentleman for yielding time. Just to clarify some of the remarks from my colleague who sits on the subcommittee. ''Close to impairing an investigation.'' Give me a break. We went through negotiations and discussions with the Southern District in New York. We never came close to impairing an investigation. We went through that process. We went through that process with them in a very diligent way and never even came close to impairing that investigation.

Talking about these amateurs that are going to interrogate witnesses. The minority knows very well the kind of people that we need to have interviews and discussions with. What are we taking a look at? We are taking a look at very technical information. Where did $150 million of net worth from the Teamsters go over a period of 5 years? Rank-and-file Teamsters would like to know. We would like to know. How did they launder $1 million? How did they manipulate pension funds? We have got a specialist who was hired to do exactly that. It is a forensic auditor. We want a forensic auditor to go through it in detail. The forensic auditor and the staff needs to go through piles and piles of data, very technical data so that we can move forward.

We had a hearing where the IBT and Grant Thornton and the auditors brought in their people. They would not allow us to talk to them before the hearing. They came in and they had wonderful answers. ''Oh, you were interested in that kind of information? Boy, you really ought to talk to so and so. I can't answer that question.'' The end result is they delay and they set back our progress at getting to this kind of information.

Mr. HALL of Ohio. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the gentleman for yielding time. I just want to point out the statement made by the gentleman from New York (Mr. SOLOMON) was completely irresponsible. No one has evidence to substantiate an accusation that the Administration sold out national security for campaign contributions. But we can substantiate the following: The Republicans have taken foreign money. We can substantiate the allegations that they have used illegal conduit payments, that money has been raised on government property.

□ 1400

And today is the anniversary of the Trent Lott–Newt Gingrich $50 billion tax break for the tobacco companies snuck into a bill in the middle of the night after they received millions of dollars of campaign contributions from the tobacco industry.

Why are we not investigating those issues? Because the Republican Congress is on a partisan witch-hunt.

Do not do the same thing in this committee that we are seeing on the Burton committee: a one-sided, partisan witch-hunt where Republican abuses are ignored and Democrat abuses are blown out of all proportion, where the evidence does not lend credibility to the conclusions that are stated.

Mr. HALL of Ohio. Madam Speaker, I yield 30 seconds to the gentleman from Missouri (Mr. CLAY) to respond.

Mr. CLAY. Madam Speaker, I just want to challenge the statement about whether the forensic auditor is paid. He is a paid consultant of that committee, and he made a statement about fraud, pension fraud, that the Department of Labor has challenged and criticized him, and the independent auditors of the Teamsters have challenged him. And there is no evidence of any pension fraud, and my colleague ought to stop saying it.

Mr. HALL of Ohio. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Madam Speaker, I rise today as a member of the subcommittee not only to oppose this resolution but also to express my severe disappointment in the way this process has been conducted and also to indicate that I think that, by giving this unprecedented power to the subcommittee, we may end up doing more harm than good under the circumstances.

I am a former prosecutor. I know a little bit about conducting investigations. Subpoena power can be extremely useful in getting at the truth and uncovering the facts in a particular matter, if it is necessary and if it is done right.

But as member of the subcommittee, I do not see the necessity in it. I do not see this great conspiracy of obstruction and reluctance of Teamster members to appear before the committee. In fact, our subcommittee chair referenced Mr. Sever and stonewalling that he apparently was committing when, in fact, he had appeared before our committee May of this year, was subjected to our numerous questions from across both aisles, and unless there is other information that they are not sharing with us, I do not see the stonewalling tactic taking place. Also, if it is done right, Madam Speaker.

Now, giving deposition power or authority to Members who do not have

training on how to conduct a proper deposition is very dangerous. There is no easier thing to do if you are not trained than to muck up a deposition in a transcript, especially with witnesses who may be under some other criminal investigation, and that exactly was being proposed in this resolution: for nonattorneys to come in behind closed doors with witnesses and to subject them to an array of questioning when they do not know whether to ask a leading question or an open-ended question, when it is appropriate, they do not know how to give proper documents into evidence as part of the transcript, and this is just a recipe for disaster.

But perhaps my greatest concern about this resolution today, Madam Speaker, is the fact that we may be impeding upon an ongoing criminal investigation in the Southern District of New York, the U.S. Attorney's Office. This is an issue that I have repeatedly raised in committee. As a former prosecutor, there was no greater fear for me when I was conducting an investigation than for outside forces to come in and start messing around with the conduct and the process of the criminal investigation and to start interfering with what we are trying do accomplish.

Madam Speaker, I just conclude by urging my colleagues to oppose this resolution.

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

Again, Madam Speaker, the gentleman spoke about the fact that staff deposition authority is unprecedented. I think he said it three times; I wrote down three times. And I know he was not a Member of this Body when the Democrats controlled it for 40 years, but I would advise him to go back and do a little study about how many times the Democrats gave staff deposition authority.

And he also mentioned stonewalling four times. He ought to read his hometown newspapers and that of the New York Times and the Washington Post and all the other papers across the country; they will headline who has been stonewalling all of these investigations.

Madam Speaker, I yield 1 minute to the gentleman from Holland, Michigan (Mr. HOEKSTRA), the subcommittee chairman.

Mr. HOEKSTRA. Madam Speaker, I thank the gentleman from New York for yielding this time to me.

I would like to just insert for the RECORD a July 23, 1998, letter from Anthony Sutin, who is the Acting Assistant Attorney General, who highlights in his letter that we have not jeopardized investigations. As a matter of fact, his quote:

> We appreciate the subcommittee's cooperation in accommodating our law enforcement interests in the conduct of this oversight investigation.

We have consistently made sure in our efforts that we do not jeopardize what is going on in the courts, and we are complementing that effort, not jeopardizing that effort. We have been very, very conscious, and I think the gentleman from Wisconsin knows that because he has been in some of the discussions whenever there has been a conflict or when the Southern District has raised a concern. I think the one time they raised a concern we actually sat down with the minority and talked about that and jointly reached a decision that we would not proceed along that direction.

The letter in its entirety is as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, July 23, 1998.

Hon. PETER HOEKSTRA,
Chairman, Subcommittee on Oversight and Investigations, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your letter, dated July 15, 1998, regarding the Subcommittee's oversight investigation about the International Brotherhood of Teamsters (IBT) and, particularly, the Committee's subpoena to the Department for tapes relating to our on-going law enforcement action regarding IBT. As you know, the tapes were produced late on July 9, 1998, after service of the subpoena earlier on that date.

We appreciate the Subcommittee's cooperation in accommodating our law enforcement interests in the conduct of this oversight investigation. We also would like to resolve the apparent misunderstanding about the Department's actions in response to the subpoena. The Department undertook substantial efforts to assess our interests in this matter, which is consistent with our usual processes in response to congressional subpoenas. It is our long-standing practice to consider Department interests, such as law enforcement and individual privacy, among others, as well as a congressional committee's needs in responding to requests for information, including subpoenas. While the process in this instance included consultation with the United States Attorney in the Southern District of New York, the Department's response to the Subcommittee was neither dictated nor delayed by that Office. Indeed, the Department's same day response to the subpoena could not have occurred without the significant efforts of that Office.

It also should be noted that the United States Attorney obtained the tapes for law enforcement purposes and to facilitate the Committee's access by producing copies of them, and certainly not to thwart the Committee's access to them in any way. Because the IBT was to receive a complete copy of the tapes, production of the tapes to the United States Attorney and the Federal Bureau of Investigation could not possibly relieve the IBT of any obligation to respond to the Subcommittee's subpoena.

Congressional subpoenas are taken very seriously by the Department in every instance and we recognize a committee's authority to issue compulsory process when required in the exercise of its legitimate oversight functions. In some cases, subpoenas represent a collision of interests between the executive and legislative branches. Such a collision often can be mitigated through informal discussions designed to accommodate the needs of both branches, predicated upon an appropriate sense of comity between them. This also permits their representatives to scrutinize carefully the interests and needs of both branches so that satisfactory agreements can be reached. We regret that this particular subpoena did not permit us an opportunity to pursue such informal discussions; indeed, as far as we are aware, forthwith subpoenas are unprecedented in our relationship with Congress. Based upon our subsequent conversations with counsel, we look forward to working with the Subcommittee productively as this inquiry proceeds and hope that the misunderstandings of this experience can be avoided in the future.

Please do not hesitate to contact me if you would like additional information about this or any other matter.

Sincerely,

L. ANTHONY SUTIN,
Acting Assistant Attorney General.

Mr. HALL of Ohio. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

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

Mr. OWENS. Madam Speaker, we have a situation here where they are requesting overwhelming, extraordinary powers, and whereas sometimes that might be appropriate, for example, when Oliver North in the basement of the White House was committing treason by disobeying the laws of Congress and selling weapons to an obvious enemy of America. Then that was time to use these kinds of powers, and I think those kinds of powers were assumed, and we had an appropriate investigation.

When the savings and loan swindle was under way, we should have used those kinds of powers, but we did not. We had Silverado Bank in Denver, Colorado, where the directors told the client, ''You need $13 million, we'll give you $26 million, and you deposit half of that back into the bank so that when the auditors come it will look good.'' Not a single director on that bank's board went to jail, and half a trillion dollars the taxpayers were out of as a result of the swindle by the savings and loans banks. We did not use those kinds of powers.

Here we have a situation where, yes, some wrong deeds have been committed. As my colleagues know, the Teamsters' elections are important. Irregularities in elections are not to be sneezed at. They are important. But we do not need these kinds of powers to deal with election irregularities.

Teamsters have a long history, and there was a time when millions of dollars were being stolen. Dave Beck, Jimmy Hoffa—Jimmy Hoffa ended up being convicted and sent to jail, and later on he disappeared and it was assumed that he was murdered. Some terrible things have happened. Ron Carey came in as a result of reform that this government supported, and if he has done something wrong in respect to elections, he deserves to be punished. He does not deserve the mobilizaton of these kinds of overwhelming powers.

Madam Speaker, this is a partisan grab for power because they want to use it in a very partisan way. They want to continue what they have been doing all along, trying to destroy the unions in America, the labor movement in America. Working families

have a lot to fear from this kind of abuse of power because it is going to be used in a very one-sided way, as it has up to now. They are not going to use this power to get to the bottom of the situation in an objective manner. We know from past history that that is not what is going to be happening.

So it should be denied. We should not let these kinds of overwhelming powers be utilized by a committee that has already demonstrated they only want to use it for very bipartisan purposes. This is not Oliver North in the basement of the White House committing treason.

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

Madam Speaker, it is a good thing that this Member of Congress is on his good behavior here today because I heard my former good friend—I better not say that—my good friend from New York (Mr. OWENS) referring to Marine Colonel Oliver North as conducting treasonous activities. Let me tell the Members of this Body that there is no greater hero in this country than Marine Colonel Ollie North, who risked his life for my colleagues and I and every other American citizen. It was he and Ronald Reagan, our President, who stopped communism dead in its tracks in Central America. Otherwise, we might have the same kind of government there that we have in Vietnam today. We are going to be taking up a resolution on that in just a few minutes. Or we might have the same kind of a government in Central America that we have in China or North Korea or some of these other countries.

So, let me sing the praises of Colonel Oliver North and thank God that my grandchildren will have a free, democratic country to live in.

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Madam Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding this time to me.

Madam Speaker, I rise today serving on both of the committees, and I thank my leadership for these assignments as a member of the Committee on Education and the Workforce and the Committee on Government Reform and Oversight. I serve on this oversight investigations committee and have had a firsthand view at how we have conducted ourselves as committee members and, more importantly, how the chairman of this subcommittee has conducted this committee.

This Congress has spent more than 20 or close to $20 million on 50 investigations, 50 different investigations.

Ken Starr DAN BURTON, the gentleman from Michigan (Mr. HOEKSTRA), the gentleman from Pennsylvania (Mr. GOODLING); all of them have something in common, for they go after their political enemies. For, as we rise today, those on this side of the aisle, and I would hope that we would be joined by some of our colleagues on the other side of the aisle, asking simply for fairness, asking simply for us to follow the rules in which this Congress, and as a first-term Member I am not privy nor do I have practical experience in all the rules of this Body, but I do know my history:

Madam Speaker, the extraordinary power our colleagues seek to grant this committee, we set precedent by giving it to the committee of the gentleman from Indiana (Mr. BURTON). The gentleman from California (Mr. WAXMAN) spoke so eloquently about the abuses on that committee.

I would urge and caution my very dear friend, the gentleman from Michigan (Mr. HOEKSTRA) to pay close attention to how that committee conducted itself, to pay close attention to all the abuses and failures of that committee. We can get to the bottom of this Teamsters' investigation by simply following the rules.

I concur with my dear friend, the gentleman from Wisconsin (Mr. KIND) and all of my colleagues on this side of the aisle and hopefully some on their side of the aisle who firmly believe that we can, indeed, do our job, and I might add that we have spent $2 million, and I would ask that the gentleman from New York (Mr. SOLOMON) ask the gentleman from Michigan (Mr. HOEKSTRA) to provide us with the correct and accurate accounting of what we have spent. Then perhaps we can move from that point, I say to my colleagues, and make some valid and accurate decisions about where we go.

Mr. KIND. Madam Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Wisconsin.

Mr. KIND. Madam Speaker, I hate to disagree with the chairman of the subcommittee, but there have been two specific witnesses who have been called before us where the U.S. Attorney's Office was not consulted with, and they are very upset that they have been called and subject to our questioning who are part of the criminal investigation.

There are other examples like that, Madam Speaker. That is the concern that I have.

Mr. HALL of Ohio. Madam Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT).

(Mr. SCOTT asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. SCOTT. Madam Speaker, I include for the RECORD a letter from the U.S. Attorney's Office, Southern District of New York, which stated that taking testimony from certain witnesses who had been subpoenaed and scheduled to testify would impede an ongoing criminal investigation.

The letter referred to is as follows:

DEPARTMENT OF JUSTICE,
SOUTHERN DISTRICT OF NEW YORK,
April 28, 1998.

Re Teamsters investigation.

Hon. PETE HOEKSTRA,
Chairman, House Subcommittee on Oversight and Investigation, House of Representatives.

DEAR MR. CHAIRMAN: I am writing to you as Chairman of the House Subcommittee on Oversight and Investigations (the ''Subcommittee'') to request that the Subcommittee not seek to question Brad Burton and Susan Mackie concerning involvement by individuals affiliated with the AFL in fundraising for the 1996 Ronald Carey campaign for re-election as general President of the International Brotherhood of Teamsters (''IBT''), a subject which is under criminal investigation by my Office and the Federal Bureau of Investigation. In my carefully considered judgment, such testimony taken at this time could seriously undermine and compromise this very active criminal investigation. While I fully recognize the importance of your Subcommittee's investigation, I respectfully urge you and your fellow members to balance the harm that the proposed testimony on this particular subject may cause to this important criminal investigation and prospective trials against any benefits that could come from the proposed examinations on this topic.

We understand that last week the Subcommittee sent letters requesting that these individuals appear to testify before the Subcommittee. We have no objection to testimony being taken from these witnesses, but only as to testimony regarding fundraising for the Carey campaign, which is the focus of the criminal investigation. At the request of Majority counsel, Deputy United States Attorney Shirah Neiman met with you and Congressman Norwood last week to explain, from our point of view, the negative impact we believe questioning these witnesses on this topic could have on the criminal investigation. Ms. Neiman also offered—consistent with grand jury secrecy obligations, and the integrity of the criminal investigation—to brief the Subcommittee or its counsel on matters of interest to the Subcommittee. Mr. Neiman also outlined the matters already in the public record regarding AFL involvement in the Carey campaign which might be of use to you in your hearings.

Today, the criminal investigation has resulted in felony prosecutions and guilty pleas of three individuals who are cooperating with the ongoing investigation and an indictment yesterday against the former Director of the IBT's Governmental Affairs Department. We have tried to be as cooperative as possible with all ongoing Congressional inquiries, Election Officer Investigations and Independent Review Board investigations, while at the same time ensuring the integrity of the ongoing criminal investigation and prosecutions. We are making this request because we believe that the criminal investigation and any potential criminal trials will suffer if witnesses are forced prematurely to go forward with deposition and/or public testimony. In addition, should the substance of interviews or testimony become public, the course of the criminal investigation could be irreparably damaged. We appreciate your weighing these factors in making your decision in this matter.

Thank you for your consideration.

Respectfully,

MARY JO WHITE,
U.S. Attorney.

Mr. HALL of Ohio. Madam Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Madam Speaker, I rise in opposition to this resolution.

During the past two years, the American working families have experienced some success in defending the minimum wage increase, protecting Medicare/Medicaid, saved Federal job safety protections, threw anti-worker legislators out of office and held back the Fast Track proposal that would have made it easier for jobs to leave for overseas.

Many of my colleagues and their corporate allies opposed every one of those victories for working families because they put more value on profits than on people. Now, it seems as though some of my Republican colleagues and their anti-union allies say it's payback time.

Madam Speaker, a million dollars and one year later the Republican Members of the House have devised another devious plot to destroy the unions and the people who they represent—our Nation's working families.

The Republican Members passed out of committee a resolution to allow the Education and Workforce Committee to take depositions behind closed doors, without a Member of Congress present as a part of the Teamsters Union investigation. Actions such as this have only been implemented during threats to national security.

Madam Speaker, this resolution is duplicative in nature and is an abuse of congressional power that tramples the civil liberties of our Nation's working families.

This is a simple backdoor attack on unions and working families. This is an unfair and unjustified attack on democracy; but I was told at an Acorn rally in Milwaukee this past week that, a people united will never be defeated.

I urge that we unite on behalf of working families, I urge that we unite and defeat this resolution.

Mr. HALL of Ohio. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. BECERRA).

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

Mr. BECERRA. Madam Speaker, I rise in opposition to House Resolution 507.

Mr. HALL of Ohio. Madam Speaker, I yield 1 minute to the gentleman from Michigan (Mr. BONIOR), our leader.

Mr. BONIOR. Madam Speaker, this is just a continuation of the same old thing that we have seen for this whole Congress: Investigate, duplicate, waste taxpayers' dollars.

Madam Speaker, close to $20 million, 17 investigations; they want to go through this again.

We spent a million dollars on this investigation already; now they want to expand the powers. What they want to do is in secret, under oath, with no Member present they want to interrogate witnesses.

It is out of control. They cannot face the reality of the issues of education and of health care and the things that the people care about in this country. This Congress is exclusively, exclusively designed to deal with investigations of the political enemies of the other side of the aisle.

That is what this is about, make no mistake about it.

I urge my colleagues to vote no on this irresponsible resolution.

Mr. SOLOMON. Madam Speaker, we have just a closing statement, so I reserve the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would simply say that this is bad legislation. It is certainly to me very much of a power grab. It is not necessary because the Justice Department is already investigating.

I would urge a no vote, and I will ask for a vote on this particular resolution.

Madam Speaker, I yield back the balance of my time.

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Mr. SOLOMON. Madam Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Ms. EMERSON). The gentleman from New York (Mr. SOLOMON) has 6½ minutes remaining.

PARLIAMENTARY INQUIRY

Mr. HOEKSTRA. Madam Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Michigan will state his parliamentary inquiry.

Mr. HOEKSTRA. Madam Speaker, is it a rule of the House that documents that are to be entered in the record should be in the House?

The SPEAKER pro tempore. The House has authority by unanimous consent to admit those documents for printing.

Mr. HOEKSTRA. Madam Speaker, if they have asked for unanimous consent, should I not have access to those documents when they are inserted?

The SPEAKER pro tempore. The documents are available with the Official Reporters of Debate.

Mr. HOEKSTRA. Madam Speaker, if the document has been inserted for the record, should the Clerk or someone have the document?

Mr. BECERRA. Madam Speaker, regular order.

The SPEAKER pro tempore. The documents should be delivered to the Official Reporters of Debate.

Mr. BECERRA. Madam Speaker, there was no objection raised earlier to any unanimous consent made before.

The SPEAKER pro tempore. The Chair is merely responding to a parliamentary inquiry.

The documents submitted by unanimous consent are delivered to the Official Reporters of Debates.

Mr. HOEKSTRA. Madam Speaker, have they been delivered?

The SPEAKER pro tempore. The gentleman may inquire of the Official Reporters.

Mr. HOEKSTRA. We have inquired, and the documents are not available.

The SPEAKER pro tempore. They should be submitted to the Official Reporters, or they will not appear in the record.

Mr. HOEKSTRA. Madam Speaker, I would just like a copy as soon as they ever get delivered to the House.

Mr. SOLOMON. Madam Speaker, do I understand that the balance of the time was yielded back by my good friend, the gentleman from Ohio (Mr. HALL)?

The SPEAKER pro tempore. That is correct. The gentleman from New York (Mr. SOLOMON) has 6½ minutes remaining.

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

Madam Speaker, before recognizing our last speaker to sum up, let me just point out that this Congress always has its job to do in oversight. That is what we are attempting to do here.

Madam Speaker, I yield 6½ minutes to my good friend, the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Madam Speaker, I thank the gentleman for yielding to me.

I thank the gentleman for leading the effort on this change to the rules. Let us just go through the process. In 1989, the IBT, because of massive influence by organized crime, was put under a consent decree with the Justice Department.

In 1996, they held an election. In the summer of 1997, there were severe questions about the validity of that election. I stood up and said, do not certify that election until all the objections have been investigated. The minority did not participate.

Shortly after that, the election was overturned. It was an election that cost the American taxpayer $20 million, was administered by an election officer under a consent decree at the same time that an independent review board was looking at the Teamsters. There, maybe, would be some questions about how, with all this oversight, could we not even run a fair election. But, no, the other side does not believe that that is an important question to ask.

Shortly after that, in August of 1997, the election was overturned. At that point in time, I suggested that the winner of that election, the now disqualified president, maybe, should resign or remove himself from office. Some on the other side thought that that was a radical step, a witch-hunt.

On Monday of this week, the independent review board removed that official, Mr. Carey, from the Teamsters for life.

Early in 1998, one of the new improvements that was put in place was to make sure that the Teamsters were acting in the best interest of their members. Why? Because we had exposed that their net worth had decreased from $157 million to $700,000. Why? Because we had identified that, perhaps, there had been pension fraud. Why? Because there had been three people who had plead guilty to laundering a million dollars of Teamsters rank

and file money through the process back to benefit Mr. Carey.

This independent financial auditor, what did we find out? We found out that he was not much more than a bookkeeper. Very qualified, but not empowered to do the kind of work that needed to be done. It only cost the rank and file Teamsters around $60,000 a month, I believe.

What else do we know? What would we like to know? Have you heard reports that documents are being shredded at the IBT headquarters on a recent weekend? That was this past weekend. We have been informed that two IBT employees wearing green uniforms delivered an industry size shredder to the office of the IBT communications director, Matt Witt, during the week of July 13, 1998, and that the noise of the shredder operating in that office could be heard on Saturday, July 18, when Mr. Witt was in the building.

There is no corruption going on at the Teamsters. These people are acting in the best interest of the rank and file. They are acting in the best interest of the taxpayers since we have paid for this. Sorry. Wrong.

What did Mr. Edelstein say, the judge who has been watching these people for 9 years? He believes it is time for the good members of this union to rise up and revolt. Rather than aggressively going after and exercising our responsibilities, the minority says, no, let us not go too fast. This is a witch-hunt.

This is protecting the rank and file interest of the Teamsters. The nice thing about this investigation is that rank and file Teamsters are rising up in revolt, and they are sending us documents. They are sending us complaints because many of them believe that the only people who have been acting in their best interests is this subcommittee, because we have been focused on rank and file, and we are not focused on the people in the marble palace over here who are not a rightfully elected leadership, but who are all part of a failed leadership, and they are all part of a discredited election. We are not indebted to the people who write the political action committee checks out of that building to people in this building.

It is time for us to move forward. It is time for us to take a look at why all of this that has been put in place on the Teamsters, all this government intervention is not working the way that it should be.

Staff deposition authority, there are all kinds of protections built into the rules of our committee. The witnesses will be protected. They will be accompanied by counsel. The counsel will have the opportunity to review all transcripts. The minority will be advised 3 days before any staff depositions are taken.

This power is needed because, even though Mr. Severs came in and said I will do everything that I can to help move this investigation forward as quickly as possible, what does that mean that he does? It does not mean that he voluntarily sends people to interview with our staff prior to a hearing.

He says, I will only let people come if it is in a formal hearing setting. No, I am not going to help you go through these piles of documents to find out where $157 million went. I am not going to help you find out how we laundered a million dollars. As a matter of fact, he is not helping us. He is not even helping his own rank and file.

When we ask Mr. Severs, what investigation do you have going on? He said, I am not doing anything. Three people have plead guilty. His former bosses has been expelled from the union. This leadership is doing absolutely nothing. It is time for Congress to continue and let this committee move forward with its work.

Mr. COSTELLO. Mr. Speaker, I rise today in opposition to H.Res. 507. This resolution grants unprecedented powers to the House Education and Workforce Committee to take depositions behind closed doors, without a Member of Congress present. Prior to this Republican-led Congress, the power for Committee staff to take depositions in closed-door sessions was granted on only two occasions—to the Judiciary Committee for impeachment proceedings and to the nonpartisan Ethics Committee.

Today, however, the Republican leaders of this House want to continue their witch hunt regarding the Teamsters presidential election. The Republican leaders want to use their partisan advantage to stomp on the civil liberties of union-associated individuals. By giving the power to Republican staff members of the Education and Workforce Committee to take depositions behind closed doors, this resolution prevents Democrats from having any role in this investigation. Shamefully, the public is shut out completely.

The Republican leaders in this House claim that this resolution is need because the Teamsters Union has been uncooperative. The Teamsters have complied with Committee requests and have already produced more than 50,000 documents for the Committee to review. Further, the Teamsters have not refused a request to testify before the Committee. Why must depositions be taken behind closed doors by Republican staff? What do the Republicans have to hide?

This resolution represents a back-handed attempt to circumvent an open process of investigation. This entire investigation has been duplicative and wasteful. After more than 18 months, more than a million taxpayer dollars have been spent on this investigation—with little to show for the effort. How much longer must we continue this partisan charade? Mr. Speaker, I urge my colleagues to vote against this resolution.

Mr. SOLOMON. Madam Speaker, I move the previous question on the amendment and the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment recommended by the Committee on Rules.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

Mr. HALL of Ohio. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this question are postponed until later today.

The point of no quorum is considered withdrawn.

DISAPPROVING EXTENSION OF WAIVER AUTHORITY WITH RESPECT TO VIETNAM

Mr. CRANE. Madam Speaker, pursuant to the previous order of the House of Wednesday, July 29, 1998, I call up the joint resolution (H.J. Res. 120) disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 120 is as follows:

H.J. RES. 120

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to Congress on June 3, 1998, with respect to Vietnam.

The SPEAKER pro tempore. Pursuant to the order of the House on Wednesday, July 29, 1998, the gentleman from Illinois (Mr. CRANE) and the gentlewoman from California (Ms. LOFGREN) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. CRANE).

GENERAL LEAVE

Mr. CRANE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Joint Resolution 120.

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

There was no objection.

Mr. CRANE. Madam Speaker, I ask unanimous consent to yield one-half of my time to our distinguished colleague, the gentleman from California (Mr. ROHRABACHER) in support of the resolution. I further ask that the gentleman from California be permitted to yield blocks of time.

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

There was no objection.

Ms. LOFGREN. Madam Speaker, I ask unanimous consent that half of the time yielded to me be yielded further to the gentleman from California (Mr. MATSUI) and that he be permitted to yield blocks of time and that I would be permitted to yield blocks of time.

The SPEAKER pro tempore. Is there objection to the gentlewoman from California?