benefiting from government largesse from our research dollars but also I think we ought to have the GAO investigate what is going on with our health agencies and why this sort of appearance of chicanery exists. I am going to join with you in the GAO study, but I might want to expand it just a little bit further.

Mr. GUTKNECHT. I think the time has come. Again, as Ronald Reagan said, quoting John Adams, facts are stubborn things. All we really want is the facts. I am not getting into motives. I do not care. I do not care why they do things. To me, that is not my job. My job is to stand up and speak for those people who cannot speak for themselves. When I read that statistic that 29 percent of prescriptions written to senior citizens go unfilled, and I have stood in pharmacies and I have watched them with their little slips and seen the look on their faces. It seems to me that we have an obligation to say on behalf of them that we are not going to just sit here and allow this to go on. This has gone on too long. The worst thing is it is getting worse and worse and worse per year. The difference between what we pay and what the European pays is not getting better; it is getting worse. Shame on us. Shame on the FDA.

Mr. BURTON of Indiana. There is one last thing I would like to bring up. We passed a law in this Congress that allows people to buy imported pharmaceuticals. The gentleman recalls that. The FDA and HHS said no, because there were concerns about the safety of the imported pharmaceuticals. But the Congress of the United States, the House and Senate combined, have spoken on this issue. They want the American people to be able to buy these pharmaceuticals safely from anyplace where they can get the best price.

That is a law passed by the Congress. The only thing that is stopping it, and this is something we should have started on earlier, the only thing that is stopping it is our health agencies, who are saying, wait a minute, we want to make sure they are safe. You have proven tonight, and I think conclusively, that they are safe. There has been no indication whatsoever, no cases where people have died from imported pharmaceuticals. Even if there were a problem like that, which there is not, there is a way to make absolutely sure that the products coming into the country are safe, in a sealed container where there can be no tampering. So there is no way that we cannot make sure these products are safe. Yet the FDA continues to block it. I maintain it is because of this relationship with our pharmaceutical companies. But in any event, Congress has spoken and we need to keep beating on this issue so that the current law passed by the Congress is enforced and FDA and HHS just get the hell out of the way.

Mr. GUTKNECHT. I think that about says it all. As a matter of fact, let me just close with this. The Congress has spoken. When we voted on this matter in the House the last time, 323 of our colleagues voted with us on this.

Mr. BURTON of Indiana. 324.

Mr. GUTKNECHT. In fact, in this ad it says, look how easy Congress has made it for you to save. That is what it says. Congress has spoken. Unfortunately we, put this language into that bill, in the conference committee and at somebody's request that says as long as they can guarantee safety. Well, they cannot guarantee safety on imported strawberries or pork bellies or plantains. We import hundreds and thousands of tons of broccoli a year. They cannot guarantee the safety. According to the FDA's own studies, 2 percent of the fruits and vegetables coming into this country are contaminated with food-borne pathogens, including things like salmonella. Salmonella can kill you. It does kill Americans. Yet what does the FDA do about that? Nothing. But if you try to save $45 on a box of Coumadin, they will come after you like stink on a skunk. There is something wrong with the system. We need to fix it. It is not so much shame on the pharmaceutical industry. It is shame on us. It is time that we make certain that Americans have access to world-class drugs at world market prices. That is what we want. That is what we expect. We will not stop until we get it.

Mr. BURTON of Indiana. Let me just conclude my participation in your Special Order by saying I am proud to be a member of the Gutknecht army.

Mr. GUTKNECHT. I thank the gentleman.

TEXAS REDISTRICTING

The SPEAKER pro tempore (Mr. COLE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. SANDLIN) is recognized for 60 minutes.

Mr. SANDLIN. Mr. Speaker, the issue of redistricting has been before the Texas public now for several weeks. I think it deserves some attention here tonight. I hope we have several speakers to talk about the issue of redistricting and how it has played out in our State, the confusion it has caused and the public and political high-handedness that has occurred from the power brokers from the Republican Party in Washington.

Mr. Speaker, from 1800 on, we have redrawn our congressional lines every 10 years. That is to comply with the requirements of reapportionment. The first House, the U.S. House of Representatives, had 65 Members which reflected the population guidelines set out in the Constitution. Each 10 years thereafter, after the constitutionally mandated census, seats were added to the House to reflect the growing numbers of our population and the numbers set out in the Constitution.

By 1910, the numbers in the House had grown to more than 400. At that point, the House decided to cap the Members at 435 Members, which required a different set of criteria for redistricting from that point forward. The census would count the population leading to a formula to divide up the 435 seats among the States to fit the numbers. Then each of the States except those with only one House Member, such as Alaska or North Dakota or South Dakota, the Sunshine State, would redraw the lines to fit population shifts. According to Norman Ornstein, who wrote ''Congress Inside Out'' in Roll Call on Wednesday May 14, ''Frequently the fights in the States over redistricting have been fierce and bloody and as partisan as any in American politics.'' He writes, ''The stakes are high. The problems are not new. Remember the term gerrymander, referring to the skewed and twisted lines of congressional districts to fit partisan ends, came from Eldridge Gerry, a signer of the Declaration of Independence from his efforts in 1811 as Governor of Massachusetts to draw lines to favor Democrats over Federalists. But as a rule, the fierce fights would take place only once a decade. That has been the process from that point forward.''

Once a decade, Mr. Speaker, we reapportion, we divide the lines, and we go forward. That did not happen in Texas this year. In Texas in 2001, we had a redrawing of the lines. We had a redistricting by court order. That is because it was not done by the legislature. The court held a hearing and after extensive evidence, after a trial, after experts from both sides, from the Republicans and from the Democrats, after members of the public and elected officials testified, a map was drawn by a three-panel Federal court in Texas that has since been approved that meets the voting rights standards and was in effect during the last election.

However, due to the fact that the Republicans took control of the House and the Senate in Texas in the last election, Tom DeLay has now taken it upon himself to rewrite history, to do something unprecedented, to say, we are not going to just redistrict every 10 years, we are going to redistrict when I say we should. We are not going to respect the election of the Members of Congress. We are not going to respect what the voters said. We are not going to approve who they decided to elect for themselves; but since I, Mr. DELAY, do not like who was elected, I am going to decree who the elected officials, who the congressmen are in Texas by my own design. I do not like what happened in Texas and so I am going to change the rules.

This is unprecedented, Mr. Speaker. This has never happened before. And this is not proper. And everyone in the State and everyone in this Congress knows it. As a result of those efforts, the news has been full recently of the 51 Members who went to Oklahoma and the 53 brave members total that left the State legislature in Austin and

made themselves absent from the floor to break a quorum so redistricting could not come forward in the regular session.

□ 1945

I think it is important to look at the rules. In the State Senate, article IV, rule 4.03 talks about interruption of a member speaking; and it says: ''No member shall interrupt another Senator who has the floor or otherwise interrupt the business of the Senate, except for the purposes of making a point of order,'' and it goes on. Basically that is the rule, Mr. Speaker, that allows for a filibuster in the State Senate. That is a procedural rule in the Senate that allows for the stopping of certain pieces of legislation when it is offensive.

Our Texas House, Mr. Speaker, does not have that rule. The Texas House does provide procedurally, though, for a way to stop proceedings, for a way for the minority to stop the tyranny of the majority. There is a way to put a stop on procedures, to say, let us stop a minute, let us discuss this, let us negotiate it, let us let cooler heads prevail, let us look at what the majority is doing and see what we can do to do a better job.

Rule 5 in the Texas Constitution, this is provided for in article 3, and rule 5 of the floor procedure of the House says they must have a quorum in the House to act, and that is 100 members by their definition. There are 150 members of the House. But the rule goes on to say: ''Until a quorum appears, should the roll call fail to show one present, no business shall be transacted, except to compel the attendance of absent members or to adjourn. It shall not be in order to recess under a call of the house.''

Mr. Speaker, this is the procedure in the Texas House that allows the minority to call attention to, as Thomas Jefferson would say, the tyranny of the majority. And this is not something new. This has been used before. The ''Killer Bees'' used it in Texas, the Senate, to stop a quorum. Our Speaker of the House right now, Mr. Tom Craddick, Republican, he was a member of the ''dirty 30'' who absented themselves from the House floor. They did not break a quorum, but they absented themselves from the House floor to call attention to the high-handed maneuvers of the then Speaker of the House.

Also, in about 1990 or 1991, this happened again as 30 members left the floor and attempted to break quorum but were not able to muster the numbers necessary to do so. So it is a common and well-known and well-respected procedural maneuver that is contained within the rules of the House.

Let us look at what some of the Republican members in the Statehouse said about this maneuver. Not TOM DELAY, not the Republican power brokers in Washington dictating to our State legislature, not the folks in the United States Congress telling the Republicans and the Democrats in the Texas State legislature what to do. Let us look at what those in Texas in the legislature say. Let us look at those that were elected by their constituents that have respect for the Texas State legislature, that have respect for the elections, that have respect for the procedures of the Statehouse. Let us hear what Representative Charlie Geren, a Republican from Fort Worth, said about the Democrats breaking quorum in accordance with the rules that I just mentioned, the proper procedural rules.

Mr. Charlie Geren, Republican from Fort Worth, said the Democrats were doing what they believed they needed to do in order to represent their constituents. ''I understand what they're doing. It's just really the only tool in their toolbox,'' Geren said. ''They're passionate about the map that's in front of us not being good for their constituents.''

Later Representative Pat Haggerty, a Republican from El Paso, again in the Statehouse, elected in the Statehouse, who is familiar with the rules of the Statehouse and knows how the House operates, he said: ''It's the smartest move they could have made. Under the circumstances, it was the only alternative they had. It's been done before. It's in the rules, and they are playing by the rules.''

So, Mr. Speaker, members of the Statehouse are familiar with the rules of the Statehouse, and they know breaking a quorum is the proper procedural move to make under the circumstances to defeat the tyranny of the majority.

Let us look forward, and the media has been replete with instances criticizing the moves of the Republicans in shutting out the Democrats from the process. And, Mr. Speaker, I was there for the committee hearings. I have never seen anything like it. We talk about in this body partisanship. We talk about the lack of getting along. We talk about a political division between Republicans and Democrats.

I was at the hearing, Mr. Speaker, and as the Republican chairman of that committee held the committee hearings when the Democrat said, ''I would have a question, Mr. Chairman,'' he said, ''You are not recognized.''

''I have a Parliamentary inquiry, Mr. Chairman.''

''You are not recognized.''

It was the most outrageous procedure that I have ever seen in any legislative body.

And, Mr. Speaker, editorials from throughout Texas, I want to take just a minute to read some of those. This is from the Waco Tribune. ''Craddick,'' and that is referring to the Speaker of the House in Texas, ''Craddick has no one to blame but himself. He helped write history when he was one of 30 members of the Texas House who disappeared during the 1971 legislative season. Craddick and his 'dirty 30' colleagues were protesting the heavy-handed actions of then House Speaker Gus Mutscher and his cronies who were involved in the Sharkstown bribery conspiracy scandal. What Craddick has done is to put his friendship with U.S. majority leader TOM DELAY over the lessons of history and his own promises to run a bipartisan house.''

The Corpus Christi Caller Times said this: ''Instead of seeking conciliation and appeasement of opponents, Craddick and Governor Rick Perry have chosen to run roughshod over their opposition, all but ending any semblance of bipartisanship. The other heavy in this drama is TOM DELAY, the U.S. House majority leader, whose attempt to muscle a redistricting bill through the legislature triggered the revolt. Doesn't DELAY have more pressing business in Washington?''

The Dallas Morning News: ''House Speaker Tom Craddick can halt the work stoppage in Austin. Mr. Craddick should resist pressure from Congress to contaminate a generation's old census-based exercise by converting it into an ill-considered purely partisan power grab. He should commit to leave Texas's political boundaries alone, and protesting Democrats should promptly return to the house.''

The Houston Chronicle: ''If they,'' referring to the house Democrats, ''believe their principles are worth fighting for and they have only one means to fight for them, it's difficult to fault them for it, particularly in a fight that was thrust upon them by Washington-driven partisan politics. At the very least, Republicans pushing the redistricting effort bear a large share of the responsibility for this legislative standstill. We and many others have been saying since before the session began that Texas has too many important pieces of business to conduct to get bogged down in a needlessly partisan and divisive political and legal cat fight over redistricting.''

The San Antonio News: ''The Gingrichian hubris of the Republican-led House prompted Monday's revenge of the house flies.''

The Austin American Statesman: ''It's sad that it came to this, but the Speaker has been tested and found wanting on a number of issues. The one that sent the quorum buster toward the exits was the grossly partisan congressional redistricting bill and how Craddick let it advance in the hasty backroom way that it did. The villain in the Democratic statement is not Craddick but U.S. majority leader TOM DELAY of Sugarland, an extremely partisan Republican who wants more members of his party elected to the U.S. House from Texas. Refusing to show up for a legislative session is a desperate measure, and the fact that more than 50 Democrats, one third of the house's total membership of 150, did so is a sign of just how trampled they feel. This isn't a few disgruntled members sulking in their tents.''

Mr. Speaker, thank God we have principled legislators in Austin such as

Barry Telford, such as Mark Homer, such as Chuck Hopson who stood up for the Constitution, who stood up for their constituents. Thank God we had a leader in the committee such as Richard Raymond. Thank God we had organizers such as Jim Dunnam. Thank God for Garnet Coleman. Thank God for all of these members who stood up and said, we respect the Texas legislature. We respect the rules of the Texas legislature. We respect the House, and we will not be dictated to by power brokers in Washington, D.C., for purely partisan gain.

Mr. Speaker, the State of Texas has many pressing problems right now. Right before the elections it appeared that Texas had plenty of money to maintain and finance our State. Magically, after the elections were over, we came up with what was estimated to be a $5 billion to $7 billion deficit. That quickly grew, the next estimate, to $10 billion, and some have said now it is even $13 billion. Who in the world knows what it is? I certainly do not.

But I do know this: We have a deficit. I do know that the governor has proposed knocking a quarter of a million children off of CHIPS. I do know that there are talks of cuts in transportation, Medicare, essential services. I do know that we have education problems in Texas. We have many challenges that are faced by other States across the Nation.

And in the waning days of the legislature, rather than take up these pressing issues, rather than deal with the schoolchildren of Texas, rather than help our schoolteachers who were I think in about the 30th or 36th in their pay, rather than help them, rather than take care of this budget, rather than make sure the children of Texas have health insurance, we have decided to move forward with a partisan redistricting bill, taking up the time of the legislature.

That is why it is important these principled members stood up and said enough is enough. The rules are made to protect our constituents. The rules are made to comply with the Constitution. The rules are made to make sure that the legislative body in Austin properly represents Texas citizens. We are not to be dictated to by people in the U.S. House of Representatives who say we want another seat, who say we want to get rid of every rural representative in the U.S. House from Texas and make them urban/suburban representatives. We want to make sure power is vested in the few in the urban areas and to heck with water rights, to heck with timber rights, to heck with agriculture rights. This is to protect our constituents, and I congratulate those members that did that. I think all of Texas owes them a great debt of gratitude for standing up for the Constitution and standing up for their constituents.

Another thing has come forward, Mr. Speaker, that is very, very troubling, and this should be of concern to all Americans, regardless of where they are from, regardless of their political party, regardless of political persuasion. All Americans should be concerned about the Homeland Security cover-up that is occurring in Texas, California, and Washington, D.C.

Because, Mr. Speaker, it has now come to light that Homeland Security, the agency charged with fighting terrorism in this country and protecting our family from terrorism and protecting our borders, the Department of Homeland Security has used government assets for a political investigation, and it is now engaged in covering up the facts and refusing to release the information.

Mr. Speaker, as the Members know, efforts are now under way to find out why and how Homeland Security took part in a hunt for the Texas legislators that absented themselves from the floor and went to Oklahoma, a hunt that continued even after everyone in America saw on television that those legislators were in Oklahoma, a hunt that continued by Federal authorities while they coordinated with State authorities to terrorize the families of the Texas legislators, to follow their wives, to go into the hospitals, to go by their homes, to search their cars, when everyone in this body, everyone in the state legislature, everyone in America knew exactly where they were.

□ 2000

Now, what is the coverup? It has come to light as we have talked about this issue that a full transcript and a complete audiotape exists of contact between the Homeland Security Agency and law enforcement agencies in Texas. Let me pause and say this: we have absolutely no quarrel with the Department of Public Safety. We have the finest and most professional Department of Public Safety in the Nation. These fine agents were not acting on their own. They were not acting on their own volition. They were acting at the instructions of higher-ups. They were acting at the insistence of the Speaker of the House, Tom Craddick. They were acting at the insistence of power brokers in Washington, D.C. and had to do their jobs.

But, Mr. Speaker, it is just wrong when Department of Public Safety officers follow the wives of State legislators in their car. It is wrong when they go into the homes of State legislators, when their children are there alone, and insist on finding their father and say they are committing a felony. It is wrong for them to go forward and tell staff they are committing a felony by not saying where the members are. It is wrong of them to stake out homes when they know very well where the legislators are. This abuse of power is chilling, and it should upset every American.

Now, when it came to light that a tape existed and a transcript existed, you would think that would clear it up. And what has been Homeland Security's response? They will not release the tape, they will not release the transcript, and, Mr. Speaker, they cannot even get their story straight.

On May 13, 2003, just a few days ago, AP reported that ''TOM DELAY consulted an attorney in his office who formerly worked with the Justice Department to determine for Texas Speaker Tom Craddick whether FBI agents and U.S. marshals could be used to arrest Democratic lawmakers out of state.'' Well, now, is that not special?

On that same day, the Fort Worth Star Telegram quoted TOM DELAY as saying, ''The Speaker asked the FBI and/or U.S. Marshals to go up and get these members.'' But the Speaker, who a day earlier had suggested the possibility of Federal involvement, said he made no calls to Federal agencies.

Someone did not get their story right or straight. On the same day, a spokesman for the U.S. Attorney's Office in San Antonio said he had no ''official comment,'' but a source confirmed that an unidentified person had called to inquire about federalizing an arrest warrant.

On May 15, the AP reported ''An agency within the Homeland Security Department said Thursday it helped search for a plane believed to be carrying Texas lawmakers because a State law officer made it seem as though the plane had run into trouble and might have crashed.''

Mr. Speaker, that is just not credible. Homeland Security first reported that day that they had been requested to find a missing aircraft. Whoops. Later that day Homeland Security issued another statement, a second statement, saying that they received an urgent phone call that a plane was missing and a State rep was on board.

Which was it, the first statement, or the second? Who knows? But we do know they cannot get their stories straight, and we do know that that story just does not pass the smell test.

Do they expect us to believe that someone just called and said there is a plane missing, we think it may have crashed, and they got no details?

Mr. Speaker, it just does not make sense that law enforcement called and talked with Homeland Security and said a plane is down, and they got no more information about it than that. They had to make two statements they issued. They are not consistent with each other.

If in fact there is no problem, and if in fact it is, as is now claimed by the Department of Homeland Defense, they can fix it, they can cure it, they can clean up the inconsistencies. They can make sure that everyone in Texas and everyone in the State House and State Senate and U.S. Congress and the public knows exactly what happened. This is easy to do. All they have to do is release the tape and release the transcript.

Mr. Speaker, I am calling upon them today to do that. Release the tape; release the transcript. We want to know

what happened in Austin, we want to know what happened in Washington, we want to know what happened in California, Houston, San Antonio and everywhere else. We want those records.

Today, Tom Ridge appeared before the Select Committee on Homeland Security and was asked by the gentleman from Texas (Mr. TURNER) to turn over the tape. He claimed not to know that there was a problem, that only portions of it had been turned over, and he pledged to check on it.

Mr. Speaker, that is not enough. There is absolutely no legal authority to allow Homeland Security or Mr. Ridge to keep those tapes from a legitimate investigation. If those tapes are not turned over, they should be subpoenaed by the committee, and we should be looking at the Freedom of Information Act to get that information.

Quit hiding the information. Quit covering it up. Quit keeping from the American public exactly what happened in the use of Federal Government assets for a political purpose.

Now, after the two stories came out of Homeland Security, on May 17 the Fort Worth Star Telegram Austin Bureau reported, ''Officials in Washington have said the Air and Marine Interdiction Coordination Center, a Customs Agency that is part of Homeland Security, was merely responding to an ''urgent plea'' for help from the Texas Department of Public Safety. It said the DPS indicated that an airplane carrying legislators might have been ''missing, lost or possibly crashed.'' The California-based AMICC made phone calls to the Federal Aviation Administration offices in Fort Worth and to airports in Mineral Wells, Texas, and Plain View, Texas. However, as I mentioned, and importantly, Homeland Security has now acknowledged the existence of an audiotape and a transcript.''

According to The New York Times, on May 16, the Department of Homeland Security said that it would conduct an investigation ''to see if there was a misuse of Federal resources when the Department helped Texas law enforcement agencies in a politically inspired search for the private plane of a prominent Democratic State legislator.''

Mr. Speaker, they are saying they are conducting an investigation to see if it is improper when they did help law enforcement agencies in a politically inspired search for the private plane of a Democratic State legislator. They are saying we are trying to figure out if this is improper. We are admitting that we helped law enforcement agencies in a politically inspired search. We are admitting that. But we wanted to see if it is a misuse of Federal resources to do so.

Now, however, on May 19, I guess it was May 18 when it was written and May 19 when it was printed, 2 days later, the story changed. This is becoming a habit. The story changed. The Associated Press reported, ''The Bureau said it at no time used any Federal planes to find the Democrats, and ultimately told the law officer it could not locate the aircraft.''

So by May 19 they did not use any Federal planes. Just what is the story? What assets were used? What do the tapes say? Who knows what? When did they find out what they found out? What Federal assets were used for politically motivated purposes, as reported in the press? Why, why do we have a coverup of this, and Tom Ridge and Homeland Security changing their stories and going mum?

It has not gone unnoticed in Texas or in the Nation. Let me read what was printed in the Star Telegram on May 18 about this travesty, about this coverup, about this admission with no explanation. Let me read what someone thought when they examined that:

''To meet the threat of global terrorism, the United States is assembling enormous Federal resources focused on activities in American cities, neighborhoods and countrysides that could endanger those citizens. If we are to have this security apparatus, it must be contained to its designated purpose. There must be every safeguard, so that it does not cross the thin line between protecting innocent citizens and spying on their private lives. That these security resources were used, no matter in what manner or way, in a Texas political dispute should be alarming to us all.''

Mr. Speaker, that is what the press had to say about the use of Federal assets, the use of our security capabilities, to track private citizens, and the use of law enforcement to terrorize the families of our legislators. And I find it quite interesting that they were able to terrorize and track the wives of our legislators, but not the husbands of other legislators. I find it very interesting they were able to go where children were, but not where the head of the household was. We all know what they were doing. We all know it is improper. We all know it is illegal.

Today, Mr. Speaker, the U.S. Congress is calling on Homeland Security to release the tape, to release the transcript, to tell America what happened. If in fact there is a defense, bring forth the defense in the tape. If in fact they want to go with their third or fourth or fifth or sixth or tenth story, bring forth the tape that tells us exactly what happened.

If in fact they are as innocent as they now claim, bring forth the tape. Bring forth the transcript. Tell this Congress that they are acting with the authority given them by the United States Congress to prevent terrorism in this country; not for political purposes, not to attack political enemies, not to control the State legislature in the State of Texas, not to redraw congressional lines.

Tell us, tell us, Mr. Ridge, tell us Homeland Security. Bring forth that tape. Bring forth that tape now. We deserve it. We are entitled to it. There is no legal defense not to produce it.

Homeland Security admitted involvement. Then they did not. Then they had a tape. Now they will not release it. Transparency is required. Stop the coverup. Transparency is the word of the day. Release the tape.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding, and I would like to broaden the discussion and also reflect upon the fact that the gentleman has served as a judge in our State. We are not here to provide our portfolios to this House.

□ 2015

I think it is important when we raise these questions that we give sort of the expanded window or the expanded field in which we operate. It is clear that government has never operated as a perfectionist, though we strive to ensure that all that we do is for the benefit and the best interests of the American people.

I think the judge, the gentleman from Texas (Mr. SANDLIN), is expressing a point of view that is not for his personal position but more for the issue of answering questions on behalf of the American people.

Let me say that I have a great deal of respect for Governor Ridge, now the Secretary of the Homeland Security Department. We had the opportunity to have him before the Select Committee on Homeland Security hearing just this day. It was a very intense hearing, very thorough for the Members who posed inquiries.

It was a very important one because, as most of America knows, in the last 24 hours the FBI has indicated that there are possible, if you will, actions that may occur as it relates to terrorist incidents in the United States or on western facilities. That means that Governor Ridge's position and the Department's position are enormously important.

Just yesterday, I joined my colleagues on the Select Committee on Homeland Security and other Members of Congress at the northern border, because we wanted to assess the vulnerability or the assistance that might be needed there. I was graciously hosted in that region by the gentlewoman from New York (Ms. SLAUGHTER).

So we are working toward the bottom line responsibility of this committee, the Select Committee on Homeland Security and the Department of Homeland Security, of securing the homeland, protecting America, protecting our neighborhoods, protecting our families and our children.

So Members can imagine, Mr. Speaker, when it came to our attention by newspaper articles that in the course of their State responsibilities and their judgment as to what they should do with respect to their responsibilities, 55 members of the Texas legislature heroically left Austin in order to avoid a

catastrophe, it was shocking to be told that Federal resources, in particular staff, personnel, and equipment of the Department of Homeland Security, were asked, requested, and possibly utilized in tracking these civilians.

This afternoon, I was in the Subcommittee on the Constitution discussing the PATRIOT Act with the Department of Justice. Last week, I sent a letter to the Department of Justice, one, requesting that no interference be given by the Federal Government with respect to these legislators and indicating that I saw no Federal question, no Federal violation, and no need for Federal action.

Mr. Speaker, I am grateful that the Justice Department sent a letter back dated May 16, 2003, confirming my interpretation and indicating that they saw no Federal question and they saw no need for their involvement, and they were not involved.

Today, however, I asked the Justice Department to give a full accounting of that but also to investigate the questions dealing with the Department of Homeland Security.

I believe what we are speaking to tonight, Mr. Speaker, and I thank the gentleman from Texas (Mr. SANDLIN) for giving me the opportunity, is the question of, in the backdrop of the severest time of our history when threats of terror are abounding, when embassies are being closed by the United States, when citizens are concerned for their civil liberties as well as their security, when we have to be able to defend stricter rules and procedures and questioning the utilization of procedures that may step on the Constitution, it is extremely tragic that we would think that it would be all right to intervene in a totally civilian matter that had nothing to do with the securing of this Nation. It is as simple as that, a civilian matter that had nothing to do with the security of this Nation.

The mandate for the Select Committee on Homeland Security and the mandate for the Department of Homeland Security is clearly enunciated: the monitoring, protecting, the securing of the homeland. So this is not a frivolous exercise, Mr. Speaker.

I am grateful for the very forthright, if you will, response that the Secretary gave; one, that there is an independent investigation going; that certain personnel have recused themselves from involving themselves in the investigation because of their close kinship to the issue, or close kinship to the parties and the party involved. I believe there was a great deal of sincerity in the Secretary's representation that he would look into the reason why any congressional committee would be denied the tapes, transcripts, and any other documentation.

So I again renew our request that those documents of all kinds should be immediately delivered to the United States Congress. I would ask duly that the Department of Homeland Security proceed with its investigation, and I would ask that the Department of Justice as well proceed with an investigation.

We are hoping that this matter can be resolved, as we do in a democracy, with a fair airing of the facts and the accountability of anyone who was responsible for using resources that are deemed to be utilized to protect us to intervene on a civilian manner and also to intrude upon the Constitution by utilization of such resources; and, as well, to intimidate civilians who are doing nothing more than acting on behalf of their constituents.

It is a simple question, a simple process. We hope this country will rise to its higher angels and be able to respond to what I think are honest inquiries. We look forward to hearing expeditiously from the Department of Homeland Security so that it can get on with its business.

As I said, I believe that the Secretary was forthright, and I expect for him to respond forthwith, because I know that he has impeccable credentials and therefore is concerned, as we are, that any of his personnel and staff would be so misused.

I want to thank the gentleman from Texas (Mr. SANDLIN) for allowing us to present what I think is an enormously important question. I would just ask the gentleman a question for a moment.

I would ask the gentleman, in addition to what we have speculated or what we have heard from newspapers, we understand as well, and again, they were following orders, and I know the gentleman has seen many law enforcement personnel in his court as he has practiced law, and I have seen many in my court as I have practiced law, and the bulk of their actions are legal and done to secure the area to support law and order.

But I understand that we can also chronicle a number of uses of law enforcement around the State about the family members who were encountered, if you will; law enforcement officers going way beyond the call of duty, as I understand it.

I think it is important for our colleagues to understand, again, and I have used that word about three times, I think it is important for our colleagues to be informed, I would say, of the depth of what we are speaking and that we do not do this lightly. We are not intending to make light of the power of this body and request information for no reason whatsoever.

I am very concerned about what transpired last week, in the last 2 weeks.

Mr. SANDLIN. Mr. Speaker, I would respond to my good friend's questions, and certainly the gentlewoman from Houston, Texas (Ms. JACKSON-LEE) is an attorney and someone who respects our Constitution and legal process completely.

In response to the questions raised by my good friend, the gentlewoman from Texas (Ms. JACKSON-LEE), certainly we are all concerned about the abuse of process and the abuse and use of Federal assets for a purely political purpose, as has been acknowledged and has been reported in the press.

Closely akin to that are these issues that she has rightly brought up about our concern about the abuse of the use of law enforcement officers, whom we all respect, for undue political influence.

Again, we are not criticizing the officers. We feel like we have the finest Department of Public Safety and deputy sheriffs and sheriffs and police and law enforcement officers in the country. They merely follow their orders.

But let us look at some of these very serious things that have happened. Some I alluded to briefly in my opening remarks. Let us see exactly what we are talking about, the use of the power of the State to intimidate citizens of this country.

Craig Eiland is a State Representative from Texas. His wife recently had premature twins. They are in the neonatal intensive care unit in the hospital. The Texas Rangers were sent to the neonatal unit in the hospital to question nurses. His wife was not there but was at home, so the Texas Rangers went to her home to question her about the whereabouts of her husband.

Chuck Hopson is one of the State Representatives from east Texas in my district. He is not only a courageous public servant, a thoughtful man, someone interested in his constituents and his family and a political friend of mine, but he is a personal friend of mine, as is his wife.

His wife left Austin, the capital city of Texas. On the way home to Jacksonville, Texas, an approximately 4 to 4½ hour drive, as she left Austin, a DPS officer got on her bumper and followed her the entire way home. As she sped up, so did the officer; as she slowed down, so did the officer; when she pulled over, so would the officer, all the way to her home, purely for the purposes of intimidation.

It is important to note at this time everyone in the country knew where the legislators were. They were in Ardmore, Oklahoma. But Chuck Hopson's wife, as a result of his commitment to service to the people of the State of Texas, he placed his wife in a difficult situation.

El Paso police entered the home of Representative Joe Pickett. Joe Pickett is a State Representative. He was gone. His wife was away from the home. His 17-year-old daughter was there alone. The police came in inquiring about his whereabouts; and, as Joe said, ''They scared the holy hell out of her.'' She did not know what was going on. Again, they knew exactly where Representative Pickett was.

Representative Joe Menendez, his wife found her car vandalized after a legislative ladies luncheon. It was parked in front of the Governor's mansion. I would think it would be safe.

Law enforcement officers were dispatched, and this is particularly egregious, dispatched to terrorize the staff of the House of Representatives in Austin. A senior staff member of Representative Elliott Naishtat was told that it was a felony to withhold information on the whereabouts of the State Representative. When asked what law was broken, the staff member was shown a copy of the House rules; clearly not a felony, and clearly what they said was a lie.

These folks, these young people that give of their time and effort in poorly paid jobs to serve the people of the State of Texas were being terrorized by law enforcement officers, only for political purposes.

Representative Patrick Rose is a Democrat from Dripping Springs, where I recently had an opportunity to be. His car was searched. His car was left at a friend's house, and it was searched after the lawmakers were found in Oklahoma, after. This is no attempt to find these folks. They know exactly where they are. They are terrorizing their families, and they are terrorizing their property, trying to get them to come back or say, we can show you. We can use the power of the State to intimidate you and to make you buckle and to make you cave in. But they misjudged the character of our State Representatives.

Let me tell Members about what a Corpus Christi newspaper reported. In southeast Texas, the wife of State Representative Jaime Capelo, Democrat, Corpus Christi, looked out her kitchen window Tuesday and noticed a blue four-door vehicle driving past. The driver looked at her home as it passed. The driver pulled up next to a white Chevrolet pick-up down the street. ''I asked him why he was watching my house. The man identified himself as a State trooper,'' and he told her that officials in Austin had called his office and told the troopers to follow her.

□ 2030

Told the troopers to follow her. Using law enforcement officers, with other challenges, to follow people for those reasons.

Ms. JACKSON-LEE of Texas. If the gentleman will yield, this is incredulous what the gentleman is recounting, and probably from a list that is short by its very pronouncements, in that there were 55. As the gentleman well knows, the very incident that we are talking about involved one of the members who was flying. We have not specifically recounted, or maybe my colleague did, that particular incident, but one can imagine the panic in the air if and when those various search planes were deployed.

But the point I think I want to add, and I thank the gentleman for yielding to me, is that now we must recognize and I think it is important to note, as we have noted the particular names of our members, Representative THOMPSON, Garnet Coleman, Scott Hochberg, and Joe Moreno, Jessica Farrar, out of my area, and certainly Kevin Bailey, and so many others, I believe that I have represented them all, and then others, of course.

But this represented I think a sense of intimidation in how much money they caused to be wasted. That is why we are here on the floor. We want accuracy, truth and transparency. And to suggest that they caused a loss of money to the taxpayers of the State, I think, is clearly a bogus presentation, inasmuch as the redistricting plan that might have been put in place, had they not stepped aside, one, would have cost Federal funds in terms of the representation here in the United States Congress; two, leadership roles would have been completely eliminated, which generate Federal funds, members who are holding leadership roles; and the cost of redrawing and running elections in an off year would have cost millions of dollars.

It is my understanding that in addition to the redistricting plan, our Republican friends that are now in charge in the State legislature, after 140 years, are cutting 270,000 children of the members' districts off of the CHIPs program; they are cutting some of the members' constituents off of Medicaid by rewriting the rules; some of the members have teachers being fired in their districts, and with school districts in crisis. And I might add that no school finance plan, as I understand it, was moving through the House at this time.

So I think it is important as we stand here tonight that we emphasize the word transparency, and we emphasize this as a broader view. And it is clearly to be able to define these members not as the criminals that the actions suggest they were, not as the escaping, I hate to use the word, and I guess I will not, but people who might have done harm to the State of Texas so that homeland security needed to be out. These are legislators duly representing not the gentleman from Texas (Mr. SANDLIN) or the gentlewoman from Texas (Ms. JACKSON-LEE) or the congressional delegation, or the Congress of the United States. They were representing their constituents.

So in yielding back to the gentleman, I would just say that we are here putting this on the record and requesting this direct information. Because, if anything, the names of these brave souls need to be cleared; but more importantly, we need to clear the deck on how we use Federal resources and how we should not be able to be abusive. Just because you have the power, does not mean you can use the power.

Mr. SANDLIN. I thank the very articulate gentlewoman from Houston.

Mr. Speaker, may I inquire about the time remaining.

The SPEAKER pro tempore (Mr. COLE). The gentleman from Texas has 6 minutes remaining.

Mr. SANDLIN. Mr. Speaker, my good friend from Houston makes a good point, and it is important to note that these were not people fleeing from a responsibility but people fleeing to exercise and claim a responsibility that they had under the Constitution and under the rules of the House. These are the rules that I read from previously. They were doing what the rules required to make sure that they had an opportunity to represent their constituents. So they were fleeing to responsibility. They were fleeing and taking the hard road.

It would be easy to stay. It would be easy to stay and lose the vote and lose rural representation and make sure that children were kicked off of CHIPs and that Medicare had no funding. It would be easy to say we are not going to respect what the voters did in the election. That would be easy to do, to show up and to vote and to get outvoted. But these legislators knew the rules, they knew their responsibilities, they knew how to act; and that is exactly what they did. And they should be commended for their actions.

Now, Mr. Speaker, it has worked out. It did exactly what it was intended to do. It stopped a runaway train. It made sure that something that was about to happen that was improper would not happen. It gave time for cooler heads to prevail. And as they left the floor of the House and broke the quorum, now the Governor, the Speaker, the House, the Senate, and others have had an opportunity to get together. They are back in Austin taking care of the people's business, things that are very important.

I think it is important as we look at this to see what has driven it. Partisan politics makes people do strange things. The problem with all of this is the very foundation of it is a disrespect of the Constitution, a disrespect of the people, a disrespect of the law and putting politics above all.

Let me read in closing, Mr. Speaker, what the Republicans' own witness said about the plan presented for redistricting. This is the expert witness hired by the Republicans to testify in the court proceeding the last time. He testified on behalf of the Republicans and their plan. And when he saw the current plan recently, this is what he said. This is Rice University Professor John Alford, the Republican witness. He referred to the current plan, the attempt being driven down the throat of the Texas public, he called it this: A pro-Republican partisan gerrymander on top of an already pro-Republican existing plan. It is raw politics at its worst.

Mr. Speaker, we are asking that the tape, the transcripts be made available, and that transparency be the word of the day in the United States Congress dealing with the issue of redistricting. We congratulate those members at the State House who have been named here tonight for the principled stand they took for their constituents and for the constitution of the State of Texas.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mrs. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2. An act to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2) ''An Act to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for the fiscal year 2004,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GRASSLEY, Mr. HATCH, Mr. NICKLES, Mr. LOTT, Mr. BAUCUS, Mr. ROCKEFELLER, and Mr. BREAUX, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 46. Concurrent resolution to correct the enrollment of H.R. 1298.

HOMELAND HEROES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, tonight I want to bring to the attention of the body another member of a group that we are referring to as homeland heroes. This is a group that has not had the attention that it deserves. It is a group of people who have suffered mightily as a result of the fact that the Federal Government has chosen to abandon them. And yet they fight on, sometimes facing overwhelming odds, sometimes facing the scorn of many of the people in their own community, some of the members of the press. But, nonetheless, they fight on for their own lives, for their life-style, and for the generations behind them that have paved the way for their existence in the area around Douglas, Arizona, and on our southern border even beyond that.

Tonight I want to pay a tribute to a lady I had the opportunity, the great opportunity to meet when I visited the Douglas, Arizona, area a couple of months ago. She came at that time to tell her story, and I found it quite compelling. Her name is Olga Robles. She is a second-generation Mexican American. She lives in Douglas, Arizona. Olga Robles describes herself as an American citizen with Mexican roots. That is where she got into trouble with her Mexican neighbors about a half mile south of her home in Douglas, Arizona. Olga Robles is criticized and attacked because she does not want to be called a Mexican American. She says she is not a hyphenated American. She is 100 percent American. She was born, raised, and educated in Douglas, Arizona.

For the first 18 years of her life, she lived two blocks from the Arizona-Mexico border. Her mother still lives in that house, and Olga is a full-time caretaker for her mother, who is now 89 years old. Her own home is eight blocks from the border. She is married to Frank Robles, a retired Phelps Dodge worker, and has two sons. She is a registered nurse and has worked at Douglas Hospital as a health professional and as a health professional for EPA and Vision Quest.

From 1979 to 1984, she was an elected local official, a councilwoman in the city of Douglas. She served her community with dignity and great energy. All her life she had been a hardworking citizen, and she is widely known and respected in her community.

Why do I call Olga Robles a homeland hero? I do so because she has suffered, and she is suffering today, for standing up for her rights as a citizen and speaking out against the permissive policies that this government employs toward illegal aliens. She has been personally vilified and shunned by the advocates of unrestricted immigration and proponents of open borders. When she speaks openly and candidly about the problems caused by illegal aliens, she is attacked and told to shut up and ''be a good Mexican.''

In December, 1999, she was attacked and vilified by name in the Mexican newspaper El Clarion in the town of Agua Prieta, a town right on the border. She was called a traitor and a racist for opposing illegal immigration. She was called these things for saying that the laws of this land should be upheld, the laws that she has obeyed, the laws her family has obeyed, the laws that she has every single right to expect her neighbors and her countrymen to obey.

One illegal alien who was caught on her property told her angrily, ''We have a right to be here. Santa Ana sold it too cheap, and we want it back.''

Now, Olga Robles grew up two blocks from the border and had Mexican parents and grandparents. She said she never had a personal problem with illegal aliens until about 10 years ago, when the situation changed. And, Mr. Speaker, it is amazing to me that time after time, as I have come to this floor and introduced this topic and sort of inducted someone into the Hall of Homeland Heroes, that there is a similarity in their stories. They have all been living through very difficult times. They have all been challenged by what is happening on the border, by the flow of illegal immigration into this country, and they all say it is a relatively recent or relatively new phenomenon.

Beginning in the early 1990s, the illegal aliens started coming across the border in larger numbers, she says. About 5 years ago, the flow of illegal aliens through Douglas became really heavy and created a big increase in local crime. The illegal aliens have torn down the fences on her property seven times as they hurry to get through her yard and further away from the border. She would call police and the police would say, we cannot do anything; they are illegals. Call the border patrol.

Now, every single resident of Douglas, Arizona, and in every city in this Nation has a right to expect their local police department to come and help them if their rights are being violated, if their land is being despoiled, if their property is being destroyed. But along the border, this has become commonplace, and police departments, for one reason or another, have decided to shirk their own responsibility and duties. And I will tell you there are sheriff departments and police departments along that border that have become corrupted by the phenomenon of illegal immigration and the drug money that is attendant to it.

□ 2045

Mr. Speaker, they told a resident of the city to forget about it. They are illegal aliens. It is somebody else's problem. No, it is the problem of any law enforcement official in the United States of America. When she did call the Border Patrol, they would come too late and never capture anyone.

Because there has been a lot of attention paid to the problems in Douglas, Arizona, and because there has been a lot of attention paid to the problems with the administration in Douglas, Arizona, with the mayor and other members of the city administration, because people are becoming concerned that their city government may not be in fact as responsive as it should be on these issues and there may be reasons for that, allegations of corruption certainly abound, and because of that, things are beginning to change in Douglas.

Police now come quicker and will apprehend illegal aliens if they are breaking the law, and they will turn them over to the Border Patrol. Illegal aliens often showed up in her yard in broad daylight. If she called the Border Patrol, the aliens would threaten her and call her names.

There are people who bring people into this country illegally and get paid for that. There is a story about this kind of thing happening in the papers here recently. It is a horrible, horrible story about the death of 19 people, including a small child, as a result of the actions taken by people who were smuggling these folks into the United States illegally. They are called coyotes, who are Mexican tour guides, in quotes, who will help a group of illegal aliens get across the border for a hefty price of between $1,000 and $1,500. These coyotes scout out vacant houses in Douglas and the surrounding area and tell the illegal aliens how to find them. They become safe houses. These vacant homes and homes for sale are fair game for these criminal gangs.