

major ports serve as a key gateway into the United States. Moreover, these ports play a crucial role in transportation of ammunition, supplies and military equipment to our men and women fighting all over the world.

The Bush administration has been telling the American public that they are checking, let us say, about 4 percent of the cargo that comes into the ports. But, in reality, they are only checking the manifests that list the inventory of the ships.

Now, I think the American people are smart enough to know that if you are reading a piece of paper provided by the shippers and what is passing for port security in this Nation, then we are all in a lot of trouble.

In addition, the administration's concentration of terrorist prevention funds in only the aviation industry has jeopardized the safety of other modes of transportation as well. For example, TSA is spending \$4.4 billion alone on aviation security while only \$36 million, let me repeat, \$36 million is spent on all surface transportation security. And with respect to our Nation's ports, which serve as the main economic engine for many of the areas in which they are found, an attack would not only be extremely dangerous for the local citizens, but economically disastrous as well.

This is absolutely the wrong time for our government to make a decision that could give the impression of vulnerability in the security of our ports or our infrastructure system as a whole.

The increased attention on our Nation's security infrastructure has come to the surface on the heels of the possible Dubai sale. I hope that the mass resistance to the sale will at least bring a discussion of the importance of increasing funding for our Nation's infrastructure security in the near future.

In other words, security discussions should serve as a "stand up" for our Nation's security. I repeat, I hope this is a "stand up" for our Nation's security.

#### COUNTING VOTES CORRECTLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. GOODE) is recognized for 5 minutes.

Mr. GOODE. Mr. Speaker, today I want to share material prepared by former Ambassador William B. Jones to the nation of Haiti. He is currently the Johns Professor of Political Science at Hampden-Sydney College, which is located in the Fifth District of Virginia.

It is the opinion of Ambassador Jones and of myself that citizens of foreign countries illegally in the United States should not be counted to determine congressional representation nor for the Electoral College.

The Framers of our Constitution would not have sanctioned illegality as

a basis for determining congressional representation and certainly not in fixing the numbers of Presidential electors. The extensive debates on congressional representation were focused on slavery resulting in the three-fifths of a person rationale. It is ridiculous to assume that any of the Framers, given the tenor of their debate and their dedication to establishing a rule of law, would ever have considered allowing citizens of foreign countries illegally in the United States to play a role in determining control in the Congress and the election of the President. To assume otherwise would construe the Constitution as protecting and sanctioning illegality.

It was not until the post-Civil War amendments that the issue of defining citizenship arose. The 13th, 14th, and 15th amendments were drafted to redress the inequities of slavery. They were never intended to give blanket sanctions to illegality. "Persons," as used in those amendments, clearly were intended to mean persons who were legally in the country.

It would be ridiculous to assume that the Framers of those amendments, which were intended to safeguard the rights of former slaves or who had been in the country since its founding, intended in any way, shape or form to sanction illegality. The purpose was to enshrine a legal concept of equality, not to twist that concept to sustain, support, sanction or condone illegality.

Once it is determined that the Constitution cannot be used to sanction, authorize, protect or promote illegality, the issue is, what is the remedy to correct the wrongs that have been done to our system of determining congressional representation in fixing the numbers of the Electoral College?

As every citizen has the right to fair and equitable representation and to know that his or her vote is of the same weight as that of any other citizen, then any citizen who has lost representation as a result of the counting of citizens of foreign countries illegally in the United States for the purposes of congressional and electoral representation has standing and can bring action to redress the grievance.

Also, and perhaps most important, States that have lost congressional seats and have had their electoral vote reduced as a result of the counting of citizens of foreign countries illegally in the United States may have standing to bring action to redress their grievance. It is quite possible that a fair evaluation of the results of counting citizens of foreign states illegally in the United States would actually show that in States that have had their congressional and electoral power increased, there may have actually been an outflow of U.S. citizens and the entire increase in their political power is due to the influx of citizens of foreign countries illegally in this country.

Therefore, a constitutional amendment may not be necessary to redress the inequalities caused by citizens of

the United States by counting of citizens of foreign countries illegally in the United States for purposes of apportioning congressional and electoral college members.

The Framers of our Constitution, in their great wisdom, enshrined the rule of law into our highest compact. To ignore the rule of law and to allow its subversion to shift and determine political power is totally contrary to the intent of the Framers of the Constitution and of the Framers of the Civil War amendments.

The practicality of determining accurate numbers for congressional and electoral representation is not a deterrent. Modern technology provides many ways of assessing numbers. In fact, almost on a daily basis the number of persons who are citizens of foreign countries illegally in the United States is estimated. Demographics, residential patterns, linguistic realities make it relatively simple to accurately determine numbers and redress the inequities that have resulted in accepting and even supporting illegality.

The fact that those persons may pay some taxes is not relevant and nothing in the Constitution lists payment of taxes as a guarantor of the right to be counted for the purpose of fixing congressional and electoral representation.

The Constitution does insist that political power be equitably divided among the States and no State should have advantage based on illegality.

States have an obligation to protect and defend the rights of their citizens. Those states that have lost Congressional seats and Electoral College votes should bring appropriate legal action to ensure the equitable and constitutional distribution of political power. The United States Supreme Court should be ultimate determiner of the meaning and intent of the Constitution not the Census Bureau.

#### RECOGNIZING THE DAY OF REMEMBRANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HONDA) is recognized for 5 minutes.

Mr. HONDA. Mr. Speaker, I rise today to recognize the 64th anniversary of the Day of Remembrance, a day that commemorates the signing of Executive Order 9066 on February 19, 1942, by President Franklin D. Roosevelt.

Executive Order 9066 authorized exclusion and internment of all Japanese Americans living on the West Coast during World War II. Rather than focus on the plight of Japanese Americans in this country during World War II, I would like to place the internment experience into a broader historical context.

□ 1645

Our Nation has always battled the dual sentiments of openness and freedom, on the one hand, and fear and apprehension of perceived outsiders on the other.