

That is the same with local government. I believe that we should, as a Congress and as a Nation, at the Federal level delegate responsibility back to the States and the cities and the counties and let them make those decisions with the legislation we have here rather than making all the rules up either legislatively or administratively. I am for less regulation, less rules, more openness and more opportunity for locals to make those decisions and individuals to do it.

I think it is important in that same realm that we have tax simplification. We talk a lot about tax reform. I have since been here. I certainly do not believe we ought to have a tax on capital gains at all or double taxation on dividends or a tax on earned interest. I certainly do not think that we should have an estate or death tax or marriage penalty tax. It is important to reform those.

I think it is also important to have across-the-board tax cuts where ultimately everyone makes choices and decisions rather than targeted tax cuts where the government makes the choice only if one complies with this rule or that rule. But in the long run, the important part of tax reform is to make it simpler.

I would love to see a day, and I envision one, where every American can fill out their taxes, whatever it may be, be it income tax or sales tax or whatever, on a single sheet of paper. That is something that I would like to see. But as important as all of that is, I also believe that we have to rebuild our defenses. I believe that they have been built down way too far.

The next big challenge for this Congress, despite its differences, and it will have them, will be how do we rebuild those defenses the right way, to rebuild morale that is at its lowest point in years and years.

I urge my colleagues to do so, and I wish them well in making those decisions for our Nation's future.

PERSONAL EXPLANATION

Mr. GREEN of Texas. Mr. Speaker, yesterday, November 13, I was unavoidably detained in my district and missed rollcall vote numbers 595 and 596.

I would like the RECORD to reflect that, had I been present, I would have voted no on both rollcall vote 595 and 596.

WHO WILL BECOME THE NEXT PRESIDENT?

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. SHERMAN) is recognized for 60 minutes as the designee of the minority leader.

Mr. SHERMAN. Mr. Speaker, I know that some of my colleagues have had to

rush back to their office. One or two of them will hopefully join me here if they are of like mind and join in this discussion of what is the issue that is gripping America today; and that is the issue of who will become the next President, but more important, whether we can continue to have confidence in the democratic institutions of this country.

Now, let me deal with some of the basics first. The election last Tuesday produced a very clear winner of the popular vote. These were the results that were reported. My colleagues can read the numbers here. But GORE received almost a quarter of a million votes more than Mr. Bush. Now, I say a quarter million, because I know that the vast majority of ballots that have yet to be counted even today are absentee ballots from the State of California.

Mr. Speaker, I am from California. It is my business to know how absentee ballots and particularly late absentee ballots are likely to come in. I am confident that when those California votes are tabulated, not only will Mr. GORE have a lead of over 200,000, but a lead of 250,000.

But that is the popular vote, and we are a Nation dedicated to the rule of law. Our law calls for the electoral college to operate. But for that college to operate, there has to be a fair count and a fair vote in each State. That is why we must turn our eyes to the State of Florida where we will see a genuine contest.

One side in that contest is trying to seize power through political power, chiefly through the power of the governorship of Florida and the Secretary of State of the State of Florida, two elected officials, and is trying to malign the rule of law or rather just malign the court system, which is pretty much the same thing.

See, one can be a football coach who says I believe that football should be played by the rules, but first we have got to kick all the referees off the field. We all have been angry at a call by a referee. I have been in stadiums where people yell "kill the ref." I have never quite joined in such a statement. But imagine what football would be like if there were no referees or if there was an attempt to go to someone paid by one of the teams and have them arbitrate the disputes.

Now, our courts are not perfect. But they are far less political, let me tell my colleagues, than those of us who are elected officials.

So I would hope that the courts of Florida would ultimately and quickly resolve the issues that are before us. Now, the main issue before us is how the votes in the counties of Florida are going to be counted. But before we get there, I would like to focus a little bit on the ballot in Palm Beach County, the famous butterfly ballot.

Here is a picture of it. We have all seen it. It is confusing; 19,000 people double punched on this ballot. Some of them had voted for Buchanan by mistake and thought they could correct it by punching a hole for GORE. Some of them saw two holes to the right of the Democratic candidate and thought that, if they wanted to vote for GORE and LIEBERMAN, they needed to punch both holes to the right. Some were simply confused by an array of arrows pointing in different directions, left and right to a row of holes.

Now, it is said that the voters could have known about this ballot by looking at their sample ballot. Well, without the holes, this ballot tells one nothing. A sample ballot comes in, the names all seem to be there, the people glance at it, and decide who to vote for and then show up on election day. To say that looking at the ballot without the holes is the same as looking at it with the holes is simply absurd.

But it is not enough that the ballot is confusing. In fact, I believe that there is a Florida court decision that says that, if a ballot is merely confusing, the courts will not provide redress to those who were confused.

We are a Nation of the rule of law. But the Florida courts were very clear when the Supreme Court of the State of Florida ruled 2 years ago, in Beckstrom versus Volusia County Canvassing Board, that is Volusia County Canvassing Board, that where there is not only confusion, as there clearly was in this case, but also noncompliance with statutory procedures.

Then the court must provide redress, must adjust the election or allow for a new election if there is reasonable doubt as to whether the certified election expressed the will of voters and when that doubt extends to who won the election.

Well, there are more people in the cloakroom some of the times than the number of ballots that separates Mr. Bush from Mr. GORE in the vote in Florida. There is no doubt that any confusion in Palm Beach County could well have affected the result of the Presidency of the United States. There is no doubt that the ballot was confusing.

Many on the day of the election before they realized how important it would turn out to be started complaining about that confusion. There is no doubt that this ballot was in violation of Florida law, not just that it was confusing, not just a vague law of Florida that the ballot should be clear and unconfusing, but two very specific statutes.

The first Florida statute that is violated by this ballot is the one that requires that the names be on the left and the holes be on the right for every candidate for public office. Here, as we see, some of the names are on the left and the holes are on the right and

sometimes the name is on the right and the hole is on the left.

Now when one looks at that Florida statute, just reading through a statute book, its wisdom is not all that apparent. The reason for complying with the law may not be all that clear. But it is by violating that law that the officials in Palm Beach County created the ballot that now has the whole world watching Florida.

The second statute in Florida also requires that the first ranking on the ballot, the first listing and the first hole goes to the party that won the last gubernatorial election in Florida. That is the Republican Party. My colleagues will notice the Republican Party on this butterfly ballot has the first listing and the first hole.

The second listing and the second hole is supposed to go to the party that came in second in the last gubernatorial election. That is the Democratic Party. As my colleagues can see, well, the Democratic Party does not have the second hole; the Democratic Party has the third hole. Whether one views it as the second listing or the third listing depends upon whether one has a tendency to go from left then right or left column and then right column. But one thing is very clear, this ballot does not award the second hole to the Democratic Party.

Every voter in Florida had the right to a ballot with the names on the left and the holes on the right. Every voter in Florida had a right if they wanted to vote for the Republican Party to punch the first hole; and if one wanted to vote for the Democratic Party for any office, punch the second hole.

Yet on this ballot, the second hole is for Pat Buchanan. That is why Pat Buchanan himself says that there are quite a number of votes, hundreds or perhaps thousands in Palm Beach County alone, that were registered as being for him but were not people who intended to vote for him.

So we are told that maybe there were not that many people confused. Well, the number of people voting for Pat Buchanan in this county and in this particular precinct exceeded any imaginable count for Pat Buchanan, even imaginable by him. But there were not only the Pat Buchanan ballots, but also those that were double-punched.

Now, in every election, there are people who just skip an office, even the Presidency. They go in, they say I do not like Nader, I do not like Bush, I do not know Gore, and I do not know who the Workers World Party is; and I am not going to vote for any of them, and they skip it. I am not talking about people who completely skip the Presidency. I am talking about those who voted twice due to a confusing ballot.

Now, in the 1996 election, far fewer people voted twice. James Baker, spokesman for the Bush campaign has tried to argue that there were 14,000

people who voted twice in Palm Beach County 4 years ago. That is not just fuzzy math, that is false math. See, that 14,000 figure is the sum of everybody in 1996 who just skipped the Presidential race, did not like Dole, did not like Clinton, just skipped it, and those who double-punched.

□ 1800

In fact, the number who double-punched last election was well less than half the number who double-punched in this election. This ballot was not only confusing, it led to confusion.

So what do we do about it? That needs to be determined, and it needs to be determined in the courts of Florida. But when faced with a similar circumstance, the courts have either ordered a new election or, and I do not recommend this approach at all, but Florida courts have done it, they have just statistically, quote, "corrected the ballot count." I do not think that is the way for the courts of Florida to go in something as important as the Presidency.

So I do not know whether the people of Palm Beach County will have their right to vote trampled upon by an illegal, as well as confusing, ballot and a refusal of the Florida courts to grant a revote. I know that that issue will not be reached for a while. But before we allow our impatience with this process to govern its outcome, let us remember how many Americans have died for the right to vote, not just in the suffragette movement, not just in the Civil Rights movement; but in every war America fought, people fought and died for our democracy. We can wait another week, even another 2 weeks, even 3 weeks.

In fact, there is no particular rush at all. Mr. Speaker, on January 6 at 1 p.m. in this very room the electoral vote tallies from each of the 50 States and the District of Columbia will be presented at that desk, and they will be added up and tallied by the Senate and the House of Representatives assembled in this room. On January 6. And if it takes Florida till about then to be absolutely certain how its electoral college votes should be cast, in a way that reflects the majority of voters, what is more important, our own impatience or our dedication to honor those who died to give us and to preserve for us a democracy?

Now, in talking about a revote, which might be necessary in Palm Beach, I am jumping the gun a little bit. None of the candidates for President has called for such a revote because the focus now is just to accurately count the votes in the 67 counties of Florida. And here there has been an attempt by one politically elected partisan officeholder to thwart an accurate count. That worries me. I am talking about Katherine Harris, Sec-

retary of State of Florida, who is also co-chair of the Bush campaign in Florida. Unfortunately, she seems to be wearing her hat as co-chair of a campaign rather than as chief election officer, because I will review all of the obstacles that have been placed by the office of the Florida Secretary of State in the way of an accurate vote of Florida's counties.

I want to quote Ms. Harris on one point. Ms. Harris is quoted as saying just a few days ago, and I am reading from the Palm Beach Post, November 14, that she would be passionately interested in a Federal post in foreign affairs or the arts if the Governor of Texas wins. To that end, according to this newspaper, she not only campaigned for Bush in Florida but had gone to New Hampshire, where the associated press reports that she had been part of the "Freezin' For a Reason Campaign" of Floridians flying to New Hampshire to campaign for Mr. Bush.

Now, I think it is just fine to campaign for someone to be President. I did. But my fear is that her self-confessed and announced passion for a position in the Bush administration is clouding her ability to carry out the prime responsibility of a State's chief election officer, and that is the accurate and fair conduct of elections. Passion for winning a post in the Federal Government should not control the decision-making process, but I fear it has.

It is pretty well acknowledged that a manual vote is the right way to do a recount. Let me put to rest some of the mistaken beliefs. First, it is said, oh, this is the second recount, the third recount, the tenth recount. Not true. Under Florida law, and not at the request of the Gore campaign or anybody associated with it, the counties of Florida did do a manual recount. That is up to them. The Gore campaign requested only one recount in four of the 67 counties. In the other counties, they said, fine, go ahead, we will not even request a recount. So the Gore campaign was in a position to request a recount in every county, but it requested only four.

The Bush campaign did not request a recount in any of those counties. But that is not because, as they claim, they are so dedicated to the machinery being more accurate, because many of us in this hall have been involved in elections and recounts and close elections involving punched cards and we all know, as the Governor of Texas knows, that the most accurate way to do a recount of a punched card election system is by hand, with people from both parties examining the ballots.

Now, why is that true? We live in an age where machines are praised and people are chided. But in this case, the invention of man, the machine, is not nearly as great as the creation of God. First of all, we are dealing with 1950s

technology here. This is no Internet double-checked modem. This is a punch card. This is 1950s technology. And these machines we are talking about, even if one votes properly, doing everything according to the instructions, punch the hole hard and straight through the card, a chad can be left on that card, sometimes partially attached, sometimes hanging off the back, sometimes hanging off the back and then, in handling it, it swings back, so that the machine cannot determine.

As a matter of fact, the machine is erratic. Take a ballot that has been just slightly dimpled, run it through the machine, and sometimes it counts it, sometimes it does not. Take a ballot where there is a swinging door chad on the back. Sometimes the machine counts the ballot, sometimes not.

James Baker has cried out for standards. Of course, the counties of Florida have their standards, publish their standards, train their employees by the standards, do that training in front of a cable television camera, for those who are glued to their sets, and we know what those standards are. In fact, we can argue about those standards. I believe the Gore campaign argues in favor of counting a dimpled ballot and the people in Palm Beach, Florida may not be counting a dimpled ballot, that is to say one where there is an impression but no perforation. Well, we should know what the standards are, we ought to try to agree on those standards, and we ought to make sure that every challenged ballot is counted according to standards.

What standards does the machine have? Sometimes dimpled ballot, yes; sometimes not. Sometimes swinging door chad; sometimes not. The machine is not talking. The engineers who made that machine are deep into retirement, and they are not talking either. Counting these cards by machine may be fast, but it is not the most accurate system.

Now, it is not enough for me to explain this, because the Governor of Texas already made his decision. In 1997, he signed into law a Texas statute, he signed it with his own pen, a new clearer statute for the State of Texas. What does it say? A manual recount shall be conducted in preference to an electronic recount. What does that mean? It means in Texas, if there are two candidates and both want a recount, the candidate who wants a machine recount only has to post a bond from which the fee may be taken, he may not get back his bond, his money, of \$18 a precinct. Another candidate, more interested in accuracy, has to pay \$30 a precinct as his or her bond.

And what if two candidates both want a recount? The candidate who wants a manual recount is preferred; that is to say, not necessarily to win the election, but the request for a man-

ual recount has preference under the law of the State of Texas. Why? Because George W. Bush, when he signed this law, knew full well that a manual recount, while it may be a little more expensive, and by God I think the Presidency is worth \$30 a precinct, while a manual recount may be a little more expensive and time consuming, it has preference because it is more accurate.

So why does James Baker tell us to use machines? He tells us that Texas has standards and Florida does not. Well, first, Florida does have standards. They simply vary from county to county. But the Palm Beach standards are as good as the Texas standards, the Broward standards are as good as the Texas standards. But if James Baker was not trying to obstruct an accurate recount, if he was hoping to have the votes counted accurately, he would not be blocking a manual recount, he would be aiding it.

And how could he aid it? Let us read, please show us, because no one has seen them, those supposedly in existence Texas standards for dealing with these punch cards, which they also use in Texas. Do they count dimpled ballots in Texas? I do not know, but I would like to know. And frankly, if James Baker, if George W. Bush can provide us with better standards, let us see them. But they have no interest in improving the accuracy of a manual count. They want to block a manual count.

They refer to these machines as precision machines. These are machines that jam if the ballot is bent a little bit. The card is bent a little bit. They deride human beings as in error, even teams of three human beings working carefully with the TV cameras. They deride that as being faulty and praise a machine that cannot read a bent ballot, that would disqualify and disenfranchise one of our senior citizens who fought on Normandy or Iwo Jima for the right of America to have a democracy, for his right and our right to vote, and his vote is going to be ignored by this supposed precision machine because, well, the ballot has a crease in it.

I cannot believe that the Governor of Texas would want to dishonor the oval office by sitting there only because creased ballots are not counted. I cannot imagine that someone would want to be President in denigration of the votes of a majority of the States with a majority of the electoral college votes. I understand he wants to be President, and it is his right to be President if he does not have a majority of the popular vote nationwide. But if he does not have a majority in States representing a majority of the electoral college, then he dishonors the Presidency by demanding it; and he places his own desire for power above patriotism when he does everything possible to get a woman who is passion-

ately dedicated to holding office in his administration to deny the most accurate vote count.

□ 1815

Now, Mr. Speaker, I do want to deal with some of the other more extraneous issues that have come up, but first I want to deal with one more aspect of the argument as to what is the best type of count, the most accurate count. You see, Mr. Speaker, we serve here in the United States Congress, and four Republican candidates, let me repeat that, four Republican candidates for Congress have demanded and obtained manual recounts. They were Republicans, they wanted to sit in these chairs, and they got manual recounts.

By God, if filling one of these chairs is worthy of a manual recount, then certainly filling the chair in the Oval Office is worthy of a manual recount. You see, when JOHN ENSIGN wanted to sit in the United States Senate in 1998, we gave him a manual recount, or the State of Nevada gave him a manual recount. Bob Dornan got more than one manual recount. Peter Torkildsen, in 1996, demanded and got a manual recount. And, finally, Rick McIntyre in 1994, Republican candidate, got a manual recount, and throughout that process his cause was passionately advocated by then Congressman Dick Cheney. So Dick Cheney thinks that a manual recount is appropriate in filling a seat in this hall. George Bush signs a law in his own State saying that a manual recount has preference whether you are filling the governorship of Texas or the lowest county clerk in the smallest county, lowest or smallest county clerk in the smallest county. But somehow obstacles are placed. But I think ultimately these obstacles will be ineffective because ultimately the side of democracy will prevail, and the same divine providence that has given us a democracy for these 200 years and many more will make sure that we have democracy in this election.

Now, first they went to Federal court. They attacked and vilified courts. They have particularly attacked and vilified the Federal courts, those on the Republican side, often from this Chamber. They ran to Federal court, not for the purpose of seeking a more accurate count but for the purpose of demanding a less accurate count. And the Federal court turned them down, and they turned around and they appealed to the 11th Circuit, a very Republican, very conservative Federal court, and I am confident that they will be turned down there as well. Because not only should a court not interfere to provide for a less accurate voting system but certainly the Federal courts should not interfere in what under our Constitution is very clearly a State matter.

Then they went to the Secretary of State and demanded a 5 p.m. deadline.

Why? To make sure that in Volusia County they had to stay up all night to do the manual recount and make the deadline so then James Baker could go on TV and say, "These human beings, you can't trust them, they were tired." Why were they tired? Because your person is imposing an unreasonable recount deadline, particularly unreasonable given the fact that Florida will not finish counting the absentee ballots from overseas until 5 p.m. Friday. So there is no speed-up here of when Florida will finish its vote tally. The sole purpose is not speed. The sole purpose is inaccuracy. And they hope to achieve it.

So then a court in Florida took a look at it and said, okay, all the counties can report their results by 5 p.m. today, and then they can go back and do a manual recount should they desire, and if they are dedicated to democracy they will, and then report that as a supplemental report. It will then be up to Ms. Harris to decide whether her passion for a Federal office exceeds her dedication to an accurate vote count, because then she will be confronted with whether to ignore this report or whether to record it. But if she arbitrarily and in passion for Federal office decides to ignore an accurate count, I am confident that the courts of Florida will order her to do the right thing. This election is too important to be decided by Ms. Harris' interest in a position in the arts or in foreign affairs in the Federal Government.

There is one other point I want to make, and, that is, we are told that we should ignore the problems in Palm Beach County because the press said some things they should not have said at around 20 minutes before the polls closed in the Florida panhandle. Keep in mind, a decade or two ago, the press would routinely report all through the day their exit polls and they would call States in the 1970s and the 1980s, they would call them just as soon as they could, whether the polls had closed in part of a State or none of the State or all of the State.

I am not prepared to throw out all the elections in the 1970s and 1980s just because the press did not have the good ethics which they have tried unsuccessfully to adopt for this election. But if we are going to start equating illegal ballots on the one hand to false press reports on the other, I would ask everyone to just make a mental checklist of how many false press reports we have had prior to the election, after the election. Are we going to disqualify the election just because at least to my way of thinking the press misreported the economic effect of Bush's Social Security plan? The press has a constitutional right under the first amendment to say what it wants, when it wants, where it wants. And the fact that they violated their own internal

rules, adopted by some of them and not by others apparently, is no reason to throw out an election any more than the many times when the press violated its own rules of ethics by shifting a little bit this way or a little bit that way in a news report that should have been straight down the middle.

I see that I have been joined by the gentlewoman from Texas. Before I yield to her, I will ask how much time I have remaining.

The SPEAKER pro tempore (Mr. VITTER). The gentleman has 26 minutes remaining.

Mr. SHERMAN. With that, I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from California for yielding. He has always been so articulate on issues dealing with taxation, and I am delighted that he has begun an explanation to the American people that is really, I believe, a key to understanding where we are on this day. This is Tuesday. It is now 7 days past the November 7 election that was held. I have several points that I would like to make clear. First of all, let us all acknowledge that we hold dear the right to elect the single candidate or the single person that represents all of the people of the United States. The House of Representatives is a people's House. We represent our respective congressional districts. The United States Senate has two Senators per State. But when it comes to the person that represents all Americans, it is in fact the President of the United States. Secondarily, we are a country that is guided by laws. We are governed by law, and we accept the governance of law as men and women under the laws and the flag of the United States of America. So we are not a country so much run by people, and when I say that, run by the whims that one group may have over another. We have laws that may govern decisions that are made. And the people concede to the laws, and the people express their voices about the laws or political choices through the vote.

Now, in a newspaper article that was dated on Thursday, November 9, we find that 105 million voters set a record turnout. Some 76 percent of the registered voters went to the polls. Interestingly enough, Vice President GORE is now at this juncture the leader in the popular vote and, of course, the electoral count, even though we realize that Florida is still in play. Now, I respect all of the local officials that we have come to know in Florida, the local canvassing committees, the superintendent of elections. Each and every one of them has made their best effort. And like my colleague from California, I acknowledge that there were counts or calls being made before the eastern time zone of Florida, the panhandle area, was able to vote. But we know that they voted. Hopefully

they voted. And I agree that the kind of calling of numbers should be considered when we do not want to disenfranchise voters. But might I say that the calling, the original call for GORE was based upon exit polling. People went out of the polls thinking, particularly in Palm Beach County, that they had voted for the Vice President.

Now, I went to Nashville, obviously after we had concluded our work in Texas, and let me congratulate the elected officials in Texas and all the workers in Texas because we certainly worked very hard and we worked in agreement and disagreement, meaning that there were those who went and voted strongly for Governor Bush and those who voted for Vice President GORE, and we accept our differences and realize that this is democracy.

I went on to Nashville after they had called Florida for the Vice President. Let me make it perfectly clear, the Vice President was in no way eager to delay or to not respect the fact that this may have been a win for the Governor of the State of Texas. It was those individuals who were keeping watch that encouraged the Vice President to hold his decision to move forward with a concession speech because all had not been counted. This is not an instance where one man is grabbing power to create disarray in this country. And it is important to note that there is no constitutional crisis. In fact, the transfer of power does not occur until January 20, 2001. In fact, December 18 is more than 3 to 4 weeks away.

So what do we need to do in this period that we have? We need to allow Volusia County, Palm Beach County, Miami-Dade County I understand is proceeding with a recount, and I believe Broward County is reconsidering. We need to have the kind of manual recount that the 1997 law that Governor Bush signed into law for the State of Texas brings about. And I think the decision that Judge Lewis rendered today should be emphasized, and that is that the court held that the Secretary of State cannot arbitrarily declare that she will not permit votes to be counted that are received after 5 p.m. but that she must receive and be prepared to consider vote counts that are reported after that time. That was the principal objective of all of those who were arguing that the Secretary of State's decision was arbitrary in the first place not to allow the recount to occur.

This is not a decision from the top down. This is a decision or a desire from the bottom up. The people of Palm Beach County and other counties desire to have a manual recount. Yes, it was asked for officially within the time frame by the Gore camp but rightfully so in light of those who had argued that they were sorely confused when they went in and saw a ballot that had the areas to poke in contradiction to the memo that was sent

out that all of those holes that should be pointed should have been to the right as opposed to some to the left.

So what we have at hand is an opportunity to have the Presidency earned and not handed to one candidate over another. You can be assured that the history of this Nation, some 400 years strong, will be a history that will warrant and will bring about a unified Nation that will rally around the ultimate winner of this Presidential election.

Why are we fearful? Why are we frightened? Why are we hesitant to know the actual winner? Why do we disallow the State of Florida, which is in play, and someone has said to the distinguished gentleman from California, well, we have got troubles in Iowa and troubles in Wisconsin and troubles in Illinois and troubles in New Mexico. If the people speak in those respective States, we will listen. But in the State of Florida, Florida is the key State that deals with whether or not either of the gentlemen will be the next President of the United States. That is the 25 electoral votes that are now in question. And it is the people of that State who have argued that they were confused and that a series of violations thwarted their being able to fully and justly vote their conscience.

□ 1830

If you have people coming out of the polls saying, I thought I had voted for Gore, but now I believe I voted for someone else, and this State is a State that will put whatever candidate it is over the top to make that person the President of all of the Nation, with 105 million voters of all walks of life, and the controversy in Florida being representative of people from all walks of life, this is not a black or white issue, or Hispanic or white issue, or any kind of issue, other than an American issue and a voters issue.

I recall that in some of our early histories, we were not all counted as voters. Non-property owners were not counted as voters. African Americans in the early census were three-fifths of a person and certainly not counted as a voter. Women were not allowed to vote.

We have a new America today, and I believe that this is a rush to judgment, and I hope we present our case where it is not being personalized. It may be that I am a Democrat and someone else is a Republican, but I can assure those who might listen that if these issues were in the forefront of the Bush camp, they would be pursued as vigorously by their constituency base as others.

I also note that I do not think any of us, I would say to the gentleman from California (Mr. SHERMAN), I do not think any of us have rejected any call for recounts by Governor Bush. I have not heard anyone say that they did not want it or we would stand in the way of it. I think whatever the rules are of the

State of Florida, he has every right to call for such.

Mr. SHERMAN. If I can interject here, the Governor of Texas had, for most counties, 72 hours. If he was dedicated to an accurate count, he could have in all the counties or some of the counties, he could have asked for a manual recount. He knew a manual recount was the more accurate way to do it. He signed the law for the State of Texas, your State, that says that that is the preferred method of a recount.

But they were so dedicated to using political push to try to shame anybody into asking, to try to use this political spin to prevent an accurate count, that they themselves allowed the deadline to go by and did not ask for a recount by hand in any of the counties of Florida. Then they complain that right now there are only four counties of Florida planning to do a manual recount. It is as a direct result of their decision, which they had plenty of time to consider, not to ask for a recount by hand.

But I would say that neither you nor I nor the Vice President have said that we would oppose a manual recount in any county in Florida, notwithstanding the point that, on the one hand, Governor Bush wants to have his cake by being able to pound the table and try to use political spin to prevent an accurate recount; and then he might, we hope, change his mind and ask for an accurate recount in some of the counties that he is concerned with. I do not think I would oppose it, and I do not think you would oppose it.

Ms. JACKSON-LEE of Texas. If I might do so in order to close on the comment I made, and I thank the gentleman for his kindness, in fact it has been brought to my attention that Mr. Baker had indicated that hand counts have only occurred in Democratic precincts. It has come to my attention that seven counties have done some form of hand counts, and Bush has carried six of those counties. They did that on their own.

Mr. SHERMAN. Exactly. In Seminole County, for example, there was a hand recount that provided Bush with an additional 90-some votes. He is claiming the Presidency; he wants it awarded to him immediately on the basis of a lead of about 300 votes. Over 100 of those come from the hand count in just one county where he can say he did not ask for it, but he wants the votes from it.

Ms. JACKSON-LEE of Texas. It occurred. I think that point is very important. Of course, when you get sort of global news reporting, those finite points do not get offered because it appears, of course, that the voices that speak are only partisan.

As a member of the Committee on the Judiciary, I can assure you that, obviously, we may be looking at these issues, these sort of issues that have been brought to our attention maybe for months and months to come. That

certainly will not be the time frame that the Presidency will be extended or the question of who will be President, but I just do not want us to give short shrift to some of the important issues that have been raised.

I do want to note that a large number of Voting Rights Act violations have been cited that will have to be addressed. That is why we have the Voting Rights Act of 1965. The lack of bilingual individuals at the poll, the fact that minority voters were being stopped in certain polling places, first-time voters who sent in voter registration forms prior to the State's deadline for registration were denied the right to vote because their registration forms had not been processed, not their fault. Citizens properly registered were denied to vote because election officials could not find their names. These are very large issues in a Presidential election.

I am looking at several pieces of legislation, one to study the impact of the electoral college. I know there is existing legislation to eliminate it. I do not know if we can make these immediate judgment calls right now; but, again, let me emphasize that the Vice President is the beneficiary of the votes of large numbers of Americans. 105 million came out to vote. So his efforts, I would hope, would be more focused or be perceived to be focused, as I believe they are, on getting an accurate and fair count for a position as important as the Presidency of the United States.

With the Voter Rights Act violations in play, with the whole idea of the people themselves wanting to have a recount, Palm Beach County in particular, with 19,000 ballots being thrown out in a county smaller than my county in Harris County, which only had 6,000. We had 995,000 voters, 6,000 discarded ballots as I understand it, and in that county in Palm Beach, 19,000, with people saying I thought I had voted for Mr. Gore, and as well with the ballot irregularity that I think my colleague will speak about in the continuation of this discussion, I can only say that what we should be doing is applauding what is happening in the State of Florida to the extent that there is such diligence to ensure that there is a fair and accurate count.

I would ask the Secretary of State, duly obligated to the people of the State of Florida, to lay aside any desires for partisanship that may be viewed necessary at this time, and to allow the people that she represents to carry forth with the manual recount that is now going on.

I would also ask her discretion in bearing with these unpaid, I do not know how many of them are paid, but I know in my community they are volunteers, that if by chance Friday night they are not finished and Saturday evening they are not finished, that there be some opportunity for this to be followed through.

I thank the gentleman very much for allowing me the opportunity to join him in what I think should be an explanation that is a sincere explanation for the betterment of this country.

Mr. SHERMAN. I thank the gentlewoman. I appreciate the comments of the gentlewoman from Texas and the wisdom she brings us from her service on the Committee on the Judiciary.

I want to expand on one thing the gentlewoman pointed out, and that is the perception that someone who happens to want an appointment in the Bush administration, and says so to the press, and who chairs his campaign in Florida, would be making these decisions. The ultimate decision should be made by the courts.

Now, they are not perfect either; but I have spent the last several years in partisan politics, and to leave this in the hands of a partisan politician is a big mistake. Instead, the courts of the State of Florida should carefully review the discretion of the Secretary of State and make sure that she does not act in a capricious or arbitrary manner.

Now, I want to refocus our attention on the ballot in Palm Beach County and remind the House that in 1998 the Florida Supreme Court ruled in Beckstrom versus Volusia County Canvassing Board that if the court finds substantial noncompliance with statutory election procedures and makes a factual determination that a reasonable doubt exists as to whether a certified election expresses the will of the voters, then the court is to void the contested election, even in the absence of fraud or intentional wrongdoing.

I do not allege any fraud or intentional wrongdoing in Palm Beach, Florida, but the court decision of the Supreme Court of Florida is clear: substantial noncompliance with the statutory election procedures. This ballot violates those two Florida statutes, for example, the one that requires the name on the left and the hole to be on the right.

But the real confusion caused by this ballot became apparent on election day. The Washington Post reported last Saturday that by mid-morning of election day, voters were calling county commissioners, State legislators and other elected officials to complain about the confusing butterfly ballot and request that something be done. By mid-afternoon, local radio talk shows were bombarded with calls by people complaining about the ballot. Then a hastily written memo late in the afternoon was distributed from the county supervisor of elections to the various polling places, but they arrived after the vast majority of voters had already voted.

Those who want to say that the complaints about this ballot began only

when the pivotal nature of the vote in Palm Beach County was apparent to the world are wrong. The protest began on election morning, when the first voters left the polls confused by this ballot, this illegal ballot.

Now, for example, you had one individual, Kurt Wise, who is president of the United Civic Organization at the Century Village Retirement Community, who said elderly voters confusion with the butterfly ballot was brought to his attention. People were crying. They were coming to us asking questions. The ballot form was lousy. They did not even know who they had voted for.

That is the report of the Washington Post from last Saturday. Tears the very morning of the election, not the morning after.

Then when some elderly voters became aware that the ballot had caused them to make a mistake, they were not given a second ballot, as is their right under Florida law if they turn in their damaged ballot. Bernard Holtzer, a retirement community inhabitant, said that after he unintentionally voted for Pat Buchanan, and after looking at this ballot you can see how he would make that mistake, a clerk refused his request for a second ballot. "I told the clerk I made a boo-boo and that I wanted a new ballot, and she told me there was nothing I could do about it." That was the New York Times, reporting last Saturday.

Then there were the poll workers who were told not to help voters with the problem, or any problem. They were under strict instructions to turn away voters who came to them with questions. Louise Austin, a precinct worker in Bolston Beach, said after getting beseeched by questions, she and other workers turned the voters away who were seeking assistance. "People were coming up to me, and I had to follow the directive, do not help anyone, do not talk to anyone." That is the report of the New York Times from last Saturday.

So we see that there were a lot of problems in Palm Beach; a confusing ballot, a ballot in violation of Florida statute, and a Florida Supreme Court decision from 2 years ago that makes it clear that, under these circumstances, a new vote in Palm Beach is called for.

But before we get to whether there is a new vote in Palm Beach, we have to get an accurate count of the votes cast on election day, and that is why I am so disappointed and saddened that the Governor of Texas is trying so hard to prevent an accurate count.

Again, let me turn to the statute he signed into law in Texas. A manual recount shall be conducted in preference to an electronic recount. When confronted by this, James Baker had to

stop talking about precision machines, because the machines in Florida and those in Texas are identical, and in Texas Governor Bush signed the law that said the human being outranks the machine.

He instead had to talk about standards. He has not shown us the standards in Texas; but what is worse, he has not suggested particular standards to any county in Florida. If James Baker has good standards, if George W. Bush has good standards, if somewhere in the deep bowels of the bureaucracy of Texas there are standards that could be helpful in providing the best possible manual recount, we ought to see them.

Instead, we are told that the machines are better than the human being. A machine that would take the ballot of a veteran of World War II and disenfranchise that veteran because there was a crease in the ballot, that is not a machine that should determine the Presidency of the United States.

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So to sum up, Mr. Speaker, we have a misleading ballot in one county that was illegal and under Florida law should lead to a new election in that county. We have a recount that should ultimately, under the laws of the State of Florida, lead to being the tally of manual recounts in the 40 counties in which those manual recounts were duly applied for, and if Mr. Bush wants to announce to the world that he is suddenly in favor of manual recounts, then I do not see anyone who would oppose him if he tried to get a manual recount in some of those other counties. I would point out, though, that I think James Baker would have a tough time being his spokesperson on that issue.

Speaking of Mr. Baker's acting as spokesperson, there is one small aspect of this I really want to focus on, and that is the tendency of those on the Bush side to insult the parents of the campaign chairman on the Gore side. We have many heated debates here in the House, but I have never insulted the father of any Member, and I never thought that even if the father of a Member of this House had done something erroneous or wrong, that that would be a reason to discard and discount what that Member had to say. So why is it that James Baker finds it necessary to insult Bill Daley by insulting his father, as if insulting a man's father proves the rightness of one's case. If the best debater they have, James Baker, has nothing to say but "so is your old man", then they have run out of things to say on the Republican side.

With that, Mr. Speaker, I am hopeful that democracy will prevail in this country.