STEPHEN HORN,

As additional conferees from the Committee on House Oversight, for consideration of section 543 of the Senate amendment, and modifications committed to conference:

WILLIAM M. THOMAS,
BOB NEY,

As additional conferees from the Committee on the Judiciary, for consideration of sections 374, 1057, 3521, 3522, and 3541 of the House bill, and sections 831, 1073, 1075, 1106, and 1201–1216 of the Senate amendment, and modifications committed to conference:

HENRY J. HYDE,
LAMAR SMITH,

As additional conferees from the Committee on Resources for consideration of sections 214, 601, 653, 1021, 2835, 2901–2914 and 3404 of the House bill, and sections 234, 381–392, 601, 706, 2819, and 3158 of the Senate amendment, and modifications committed to conference:

DON YOUNG,
BILLY TAUZIN,

Provided that Mr. Delahunt is appointed in lieu of Mr. Miller of California for consideration of sections 2901–2914 of the House bill, and sections 381-392 of the Senate amendment.

WILLIAM DELAHUNT,

As additional conferees from the Committee on Science for consideration of sections 214 and 3148 of the House bill, and sections 234 and 1064 of the Senate amendment, and modifications committed to conference:

F. JAMES SENSENBRENNER, Jr.,
KEN CALVERT,
GEORGE E. BROWN, Jr.,

Provided that Mr. Rohrabacher is appointed in lieu of Mr. Calvert for consideration of section 1064 of the Senate amendment.

DANA ROHRABACHER,

As additional conferees from the Committee on Transportation and Infrastructure for consideration of sections 345, 563, 601, 1021, 2861, and 3606 of the House bill, and section 601 of the Senate amendment, and modifications committed to conference:

BUD SHUSTER,
WAYNE T. GILCHREST,
ROBERT A. BORSKI,

As additional conferees from the Committee on Veterans' Affairs for consideration of sections 751, 752, and 759 of the House bill, and sections 220, 542, 751, 752, 758, 1069, 1074, and 1076 of the Senate amendment, and modifications committed to conference:

CHRISTOPHER H. SMITH,
MICHAEL BILIRAKIS,
JOSEPH P. KENNEDY,

*Managers on the Part of the House.*

STROM THURMOND,
JOHN WARNER,
JOHN MCCAIN,
DAN COATS,
BOB SMITH,
DIRK KEMPTHORNE,
JIM INHOFE,
RICK SANTORUM,
OLYMPIA SNOWE,
PAT ROBERTS,
CARL LEVIN,
TED KENNEDY,
JEFF BINGAMAN,
JOHN GLENN,
ROBERT C. BYRD,
CHUCK ROBB,
JOE LIEBERMAN,
MAX CLELAND,

*Managers on the Part of the Senate.*

## PRIVILEGES OF THE HOUSE—DISMISSING CONTEST IN 46TH DISTRICT OF CALIFORNIA UPON THE EXPIRATION OF OCTOBER 29, 1997

Mr. GEPHARDT. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 276), pursuant to rule IX, and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 276

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th district of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and has not met since that time; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th district of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th district and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

*Resolved,* That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 29, 1997.

□ 1600

The SPEAKER pro tempore (Mr. LAHOOD). The resolution constitutes a question of the privileges of the House, and must be considered at this time.

Pursuant to rule IX, the gentleman from Missouri [Mr. GEPHARDT] and the gentleman from California [Mr. THOMAS] will each control 30 minutes.

The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT].

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

Mr. Speaker, this resolution which is brought on the privileges of the House is designed to try to bring to a conclusion now the question of whether or not LORETTA SANCHEZ was elected in the 46th District of California.

Mr. Speaker, this contest has been going on now for all of this year and almost 11 months into the proceedings there has not been evidence or proof presented by the committee or the task force which would indicate that Ms. SANCHEZ was not elected by a majority of the people voting in the 46th District in November 1996.

Mr. Speaker, in the last few days, at my request, the Speaker and the chairman of the Committee on House Oversight has submitted a memorandum of understanding that would bring us to a point where we would attempt to bring this case to a close before we finish this year's session of Congress. I must report to the Members that in my view this memorandum of understanding is not acceptable and not appropriate.

Mr. Speaker, it suggests that we turn a whole set of records that have come from the Immigration Service to try to determine if a whole great number of residents of the 46th District, and people outside the 46th District, were registered citizens and legal citizens of the United States and whether they voted in this race, and turn it over to the Secretary of State of California to make a determination as to whether or not everybody who voted was a citizen.

First, let me say that it is totally unacceptable to turn this decision about whether or not this election was valid, and whether LORETTA SANCHEZ was elected, over to the Secretary of State of California. I understand what the Committee on House Oversight may be trying to say. They would like to turn this over to a third party. Unfortunately, the Constitution gives the responsibility and the obligation to the House of Representatives, and only the House of Representatives, to decide and

to judge the election of its Members, not to the Secretary of State of California or any other State or any other group or any other body. In fact, the Secretary of State of California has certified Ms. SANCHEZ's election to this body many, many months ago.

Second, I want to reiterate that after almost 11 months of inquiry, the committee has not presented to the House of Representatives, or to the public, facts, proof, evidence which would show that Ms. SANCHEZ was not validly elected in the 46th District of California. The burden of proof is on the contestant. The contestant is the former Member, Bob Dornan.

Mr. Speaker, Bob Dornan made certain representations to the committee. The committee has had these 10 months to look at those representations and to date, no facts, no proof, no evidence has been presented that indicates that Ms. SANCHEZ was not elected or any proof that would indicate that we should look beyond the certification of the State of California that Ms. SANCHEZ was elected.

Third, the procedure that the House Committee on House Oversight majority is suggesting is an unreasonable procedure. If we go forward and agree to a procedure that looks at the citizenship of everyone who votes in any election in the United States, I must tell my colleagues the work of the Congress on any other subject will have to end because we will have to spend all of our time searching through the citizenship papers of everybody who has voted in any certainly close election, maybe in every election, to make sure that everybody who voted was a citizen.

Now, this is maybe a thing we would want to do. I do not think this is the way we want to spend our time. The records of the Immigration Service, and they have said this to the committee, will not indicate on their face whether or not people were actually citizens on the date that they voted. It is not the job of the Immigration Service to produce such information. They do not always have it in each case. That is not their duty. It is not their responsibility.

So if we send to the Secretary of State all of the papers that have been amassed on the however many people that are suspected by somebody of not being citizens on the date the vote was taken, neither the Secretary of State, nor anyone else, can find out from looking at the paper whether or not everybody who voted was a citizen or who they voted for. So, Mr. Speaker, we would be sending off materials to the Secretary of State that could lead to no further conclusion than the committee has been able to reach. Why in God's green Earth would we want to do that?

Mr. Speaker, I am told that the only way we could finally make that determination would be to actually physically go door to door to everybody who is suspected of not being a citizen on the day they voted and making them prove their citizenship. Again, if this is the precedent we are going to follow in any close or contested election in the future, these issues can be raised and we will then have to either go personally or hire people to go and make this kind of a determination over months and months and months of work. And even after all of that is done, we are not sure we are going to know the facts on the citizenship of everybody that voted in a particular race in any particular congressional election.

Finally, Mr. Speaker, let me say that what is going on here is totally unique, unprecedented. It has never been done before in any election contest case. If we send these records off as has been suggested, which I think is totally inappropriate, against the Constitution of the United States, this thing could be going on in May, June, July of next year. It could be going on after the election in 1998.

Now, I appreciate the concern of the majority that we should be concerned that every Member of this House should have validly won their election to come here and represent approximately a half a million people in every district in the country. The most important thing we have to do is to make sure that every one of us got validly elected and that there was not fraud or there was not abuse or there were not inappropriate procedures that went on in an election. That is our responsibility and that is our job and we take it seriously. I know the majority takes it seriously.

But, Mr. Speaker, after 11 months and numerous hearings and thousands of records and numerous meetings and communications all over the country and the world, if we cannot now finally decide whether or not LORETTA SANCHEZ was elected in the 46th District, I do not believe sending off the records to somebody else and letting them start off on this wild goose chase is going to make it any different or any better.

Mr. Speaker, the time has come to let this go. The time has come to do the right thing. The time has come to decide that the facts are not there that anything went wrong in this election. The time has come to say to the people of the 46th District of California, ''You ran a valid election. LORETTA SANCHEZ was elected in this district.'' It is time to let this go and stop this unreasonable procedure.

Sending these records to the Secretary of State of California will accomplish no end of any kind whatsoever. Let us make sure that we can say to the people of this country that we have discharged our responsibility, we have looked at the facts, the facts are not there.

Mr. Speaker, I urge my colleagues to vote for this resolution. Let Ms. SANCHEZ serve her constituents as she came here to do and let her do it beginning tonight. Vote for this resolution.

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

Mr. THOMAS. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, first of all, let me thank the majority leader for bringing the resolution to the floor. We frankly have had some difficulty in getting a number of people to understand exactly what is going on. It is difficult when we try to follow the rules and the procedures properly; we cannot go out and demagog what we are trying to do. So this is an opportunity for us to once again review the facts, and I appreciate the minority leader providing us with the opportunity.

Mr. Speaker, the minority leader suggested the possible alternative of going door to door. He knows and I know and all of us know that going door to door is wrong. It is just as wrong as offering a resolution which will shut down the process before it is completed.

We owe it to those people who know they cast legal votes in this contested election to make sure that all the people who cast illegal votes are determined. Would we have liked to have done it in the first week of the contested election? Of course. Would we like to do it in the time frame that he is indicating? Of course. In fact, we offered an agreement that would have facilities doing just that.

Mr. Speaker, the gentleman from Missouri also knows that we are not turning over the determination of who legally voted in California's 46th to the Secretary of State. He knows that, but that is a useful rhetorical argument.

What we thought might help us advance the finding of the facts was to use those people who are involved in this process every day. In fact, that is what their job is. The Secretary of State is the chief election officer of California.

Interesting enough, in the first ''whereas'' they cite the Secretary of State having issued a certificate. My assumption is they believe he does a pretty good job of carrying out his role as the chief election officer. We thought we could use him as an assist in making decisions; that is, there already has been a discussion as to who can vote when one becomes a citizen.

We believe that the decision should be made under California law, not under some agreement agreed to by a partisan majority or even a unanimous task force, to take from California its legal laws under their election code and substitute an artificial one, which has been done in the past.

Mr. Speaker, the gentleman from Missouri says this is unprecedented. The gentleman is right. What we are trying to do here is reverse past history, and that is do not make a political decision on how we count the votes, but rely on the people who are legally charged in the State to do it.

The gentleman from Missouri says we are going to have the Secretary of State determine the citizenship. He knows that is not true. The document we gave him showed that the INS

would be involved. In fact, the INS has already been involved in the Western region because the Western region took the names that the Orange County district attorney had subpoenaed and the Los Angeles region of the INS examined them and, working with the Secretary of State, determined that approximately 300 people were not citizens but were on the voting roll. That was done with a sample.

Mr. Speaker, what we are suggesting is perhaps they should look at a large sample. That does not mean that we have to agree to what they say, but it would certainly be nice to use people who were professionals and who do that job every day as a resource so that this committee could use that information as it sees fit under the Constitution.

Mr. Speaker, anyone who knows me or who knows the gentleman from Michigan [Mr. EHLERS] or the gentleman from Ohio [Mr. NEY] knows we would not turn any final decision over to someone else. That decision is ours and we guard it jealously. But what is wrong, for heaven's sake, in using people who are professionals in what they do to help us make a determination?

Let us look at the resolution that is in front of us. The first ''whereas'' indicates that the Secretary of State is someone who issued the certificate. I already indicated that if he is held in high esteem by virtue of what he did before there was any hint of fraud or illegal voting in this particular race, what would be wrong with using him to help us come to a conclusion?

□ 1615

It is interesting also that in the third whereas they talk about the fact that the task force met early and it has not met recently. As a matter of fact, the task force, I understand from the chairman, is going to meet on Friday.

Let us review briefly why the task force has not met. There were people, including the Congresswoman, who refused to comply with the Federal Contested Election Act in terms of the subpoenas that were issued under that act. She believed they were unconstitutional and wanted to fight it all the way to the Supreme Court.

I supported her right to fight it all the way to the Supreme Court, if she thought it was wrong. But I doubt if you folks would, based upon this resolution, wait until she fought that all the way to the Supreme Court. We did have the judge who issued the subpoenas indicate that he certainly thought that the law was valid and subpoenas could be issued. So the committee issued interrogatories. It was the committee that had to move in and begin to act under the committee power.

The gentlewoman from Orange County has, in fact, responded to the interrogatory. There are people who have not responded to the interrogatory. We have communications from Nativo Lopez, who said he will not respond to the interrogatory. In all probability we will have to subpoena him to get the information. You folks do not know and apparently you do not want to know what he is going to be forced to say.

The Orange County district attorney currently has a criminal investigation of conspiracy against Hermandad and Nativo Lopez is the head of that organization. You do not care what happens there. You want to end it. I think those people who cast their votes legally and who would like to know if their votes were canceled out by illegal votes would not want to.

The whereases go on to indicate in the sixth whereas that the INS has complied with the committee's request. As a matter of fact, if you really knew what was going on, you would know that the INS has not complied. They still have names. They turned in 200 just this week additional. They have hundreds more to turn in. They have not given us the complete list. Remember, they only began giving us the lists when the committee subpoenaed the Immigration and naturalization Service to begin providing us with those documents. That was not 9 months ago. We only have begun the process and we have not completed it.

When you take a look at the whereas No. 7, indicating that we already have all the records because we placed a subpoena on the evidence that the district attorney gathered, remember, our subpoena was on top of the district attorney's subpoena to protect that material so that we would not lose it. We did not issue the initial subpoena.

The district attorney did. it was a limited subpoena. kit was only for the materials that were in the offices of Hermandad. it is not all of the records. That whereas is simply factually inaccurate. There could very well be more records out there. We need to find out what Nativo Lopez knew and when he knew it. He refuses to respond to the committee. We will continue to make sure that he does not defy the committee.

We would love to have the minority join us in supporting the Constitution and the laws in requiring people who we have decided need to provide information to us, that if they refuse to do it, we compel them to do it. There I would love to have you join us in supporting the Constitution and the laws.

It seems to me that when you say that, in whereas No. 8, we are seeking duplicative and dilatory review of material already in the committee's possession, that you mean we want to really make sure that we achieve the highest level of verification where someone's vote is concerned. hey, I do not think that is bad. I think double-checking is good. I think being accurate is proper.

I have a hard time understanding why that is bad. if we are dealing in such an area of sensitivity that you have indicated your concern, what is wrong with checking the list twice or three times or using those officials who do it every day to help us in coming to a decision? I think that is good. I do not think it is bad. you seem to think that it drives to a conclusion that we should end all of this.

What amazes me is that you now indicate in whereas No. 9 that we have got all the evidence that there needs to be gathered. Fairly ironic that you could come to that conclusion, since not one staff member of the minority has been willing to sign a confidentiality statement to share, to look at the materials that we have. None of them have been willing to sign. They will not enter into a confidentiality agreement not to leak the material. So how in the world do they know what we have been doing? They refuse to sign a confidentiality statement to join with us without leaking. At least I admire their honesty in not signing the statement.

It just seems to me that if you come to the conclusion that we ought to end this on October 29 based upon those whereases, you are saying you want to dismiss us, even if the INS has not provided all the records, even if material people who may be indicted for criminal conspiracy have not provided information to the committee, that you want to end it even if we do not know how many people voted illegally. It is not ''if,'' do not think it is ''if.'' It is how many. And to do ti right and to do ti properly takes time.

I appreciate the gentleman offering the resolution. I think it is fairly clear that based upon the facts of the case as we have moved forward that this resolution is not timely. The call for dismissal on October 29 is premature, and I look forward to joining with you, notwithstanding the fact that you reject use of experts to assist us in determining what actually happened, in signing confidentially statements so we can work together to get to the bottom of it.

Mr. GEPHARDT. Mr. Speaker, I yield 4 minutes to the gentlewoman from California [Ms. SANCHEZ].

Ms. SANCHEZ. Mr. Speaker, my thanks to the Democratic leader for giving me this opportunity to appear before the full House to set aside any doubts about my full cooperation in this election contest.

A few uninformed individuals have made accusations of stonewalling. In my case, the sooner this ordeal is ended, the better. That is why I took the affirmative action back in February to invite the task force to Orange County for a field hearing. At that 9-hour hearing, I voluntarily appeared and testified under oath. I answered each and every question put to me by the majority and by the minority. Ten days later, I provided this task force with the complete results of my own field investigation of the so-called 303 voters that the Secretary of State of California alleged were not lawful voters.

I gave the names, the addresses, and voter registration information on nearly 200 of those individuals that we were able to interview or research and we

had proof, they showed us proof that they were naturalized or native born U.S. citizens, some for many decades.

In a detailed brief, I showed the task force each and every instance where our field investigation demonstrated that the INS data is simply wrong, wrong, wrong. I have complied with Mr. Dornan's subpoenas except those that the Committee on House Oversight quashed as not relevant to this election contest. My campaign has turned over thousands of pages of financial records.

We filed thousands of pages of briefs and evidence which have refuted every one of Mr. Dornan's allegations, including his charge that U.S. Marines and Catholic nuns residing in my district were illegal or suspicious voters, and the committee has never issued a subpoena to me or to my campaign. The only subpoena the committee has issued has been to the INS.

A few weeks ago the committee asked me, my campaign manager, and my campaign chairman to respond under oath to a handful of questions. We fully complied in the time frame the committee requested with over 1,800 pages of sworn statements and evidence. I have cooperated with this committee at every step, even while I exercised my right to argue before the district court, which had issued subpoenas about the constitutionality of this process and the burden that it has placed on innocent parties.

Even though the Federal Contested Election Act requires that all parties, that all parties file with the Clerk of the House copies of all depositions in compliance with all subpoenas, neither Mr. Dornan nor the committee has filed any evidence with the Clerk or has shown it to me. Eleven months into this investigation and months after the INS has complied with the committee subpoena, I have not been provided with one ounce of information on a single individual on this list of over 5,000 people you continue to talk about.

The committee has never offered me or my lawyers the opportunity to sign any confidentiality agreements necessary so we can take a look at any of the lists, let alone any evidence or details you might have about the truth. The investigation has been conducted in secret, despite the fact that the statute calls for full and open sharing of discovery in filings with the Clerk of the House that must be shared and should be shared with all parties in this dispute.

This is a status report of what I have done and this is what I offer to my colleagues in the House. I hope this fully sets aside the notion of any effort on my part to stonewall this investigation.

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. HOYER] be allowed to manage the rest of my time.

The SPEAKER pro tempore (Mr. LAHOOD]. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. THOMAS. Mr. Speaker, it is my privilege to yield 3 minutes to the gentleman from Texas [Mr. BONILLA].

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

Mr. BONILLA. Mr. Speaker, I do not think anyone can dispute the fact that the gentlewoman from California [Ms. SANCHEZ] has served this institution with honor and dignity. She is hardworking, by all accounts, and I think she should be commended for that in her remarks that she has just made before this body. But this dispute is not about the gentlewoman from California [Ms. SANCHEZ], or Mr. Dornan, the former Member that used to hold this seat.

This is about potential voter fraud that has existed in this particular congressional district.

I come from south Texas. It is notoriously known for elections that have been stolen over the years and we all know, we have read our history books, about how LBJ got his first Senate victory and zoomed up to the White House rather quickly because dead people voted for him in Duval County in south Texas.

In 1990, we had a situation of a judicial race. A Republican candidate won. The Republican candidate goes to bed one night thinking that she had won, waking up the next day where they suddenly found in a border town that they had discovered 1,000 ballots that somehow did not get counted the night before.

Then my colleague, the gentleman from Louisiana [Mr. TAUZIN] cited the other day a Louisiana newspaper that tried to find out how easy is it to register false names, names that are just made up to see if they can register people to vote, had 25 names that they submitted to the local election officials, 19 qualified somehow to be registered voters; one was a dog.

In each of these cases, somehow local communities turn their back and say, hey, well, let us just forget about it and move on. LBJ won the Senate race. The judicial seat was decided one way. In Louisiana, there are 19 new registered voters.

But should we as Americans turn our back on the possibility that there was enough fraud committed in this particular race to just turn our backs on it? This is 1997. You would think that this kind of occurrence that has happened, could have happened in California, could not happen in this day and age when we have high-technology operations, when we have the ability to police what people are doing in elections, when we should have the technical expertise to find out who is really qualified to vote in this country.

□ 1630

We cannot turn our backs on that.

I ask my colleagues what is wrong with getting to the bottom of this investigation? And if we find out one day that there were enough legitimate voters in this election to say that the gentlewoman from California [Ms. SANCHEZ] should remain in Congress and serve her constituents the way she has been doing, hardworking, with integrity and conviction, like she has demonstrated so far, then more power to her. And, hopefully, she will have a long time here, if she continues to serve her constituents well.

But what is wrong? What are we afraid of in finding out the truth and getting to the bottom of it? Before we get to that point, we should explore every opportunity to make sure that every voter was qualified in this election.

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

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

Mr. HOYER. The answer to the gentleman's question, Mr. Speaker, is there is absolutely nothing wrong, and we want to make sure that we get to the bottom of it. However, as the resolution points out, I tell my friend from Texas, we have been at this 11 months, with all the information necessary.

We know everybody who voted and we can check every one of them. That has not been done.

Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut [Mr. GEJDENSON], the ranking member of the Committee on House Oversight.

Mr. GEJDENSON. Mr. Speaker, I regret that Speaker GINGRICH is not in the Chair today. He was here earlier and left. But Speaker GINGRICH was elected to this Chamber with fewer votes than the gentlewoman from California [Ms. SANCHEZ]. It was a democratically controlled House. We let Speaker GINGRICH be seated without question.

If Bob Dornan had won this seat by 10 votes, I daresay we would not be here today, a year after the election, having an inquisition about the citizens of that district. Let somebody on that side stand up and say they would vote to keep this thing going if Bob Dornan had won by 10 votes not by 1,000 as the gentlewoman from California has.

What is this all about? I think it is about paranoia of the Hispanic-Americans coming over the border and voting illegally and taking over our country. Give me a break. Anybody in this country that is on the lam is not running down to get registered to have the whole world look at them. They are trying to avoid official contact.

And following procedures, the gentleman from California [Mr. THOMAS] and the committee are now, I think, incapable of a fair decision in this process. The law says Mr. Dornan has to prove his case. What we have here is the committee on a course trying to do all of the work and going after the gentlewoman from California.

Illegal voters? We talk about illegal voters. There is no evidence that is near the significant nature to reverse this election. Here is one of their illegal voters, one of those notorious 305,

with her naturalization certificate, an American citizen who voted legally in that election.

What are we all about here? We are going to try to create enough smoke to steal this election. If we cannot do it here, maybe we can get the Secretary of State to do it. There may be even debtors from the past, anger over previous actions of this House. We are here talking about this race today.

And, frankly, I address the Members of the House who have not been involved in this effort. We need 12 honest men and women on the other side to stand up and join with us to put this mockery to an end.

The Constitution says we make this decision. The Constitution says we have to make this decision here and now. In America there is an old saying that justice delayed is justice denied. We are now through almost 12 months of her term. When will we make a decision? Will we make a decision after the next election? Will we have to create enough turmoil to intimidate other Hispanics from voting so that Republicans can win that election because they are afraid to show up?

We have to end this now. It brings disgrace on this House.

Mr. THOMAS. Mr. Speaker, I yield myself 15 seconds.

I tell my friend from Connecticut, he brought the same lady on the floor the other day, she is no longer on the list, obviously. That is why we need to go through and carefully check. But in trying to preserve people's privacy, does she really need to be exhibited this often, as some kind of a poster child?

Mr. Speaker, I yield 7 minutes to the gentleman from Michigan [Mr. EHLERS], chairman of the task force.

And I am sorry the minority leader is not on the floor. He was here earlier but I guess he left, because I would have liked for him to be here so he could hear the chairman of the task force.

Mr. EHLERS. Mr. Speaker, I share the regret expressed by the chairman of the Committee on House Oversight that the minority leader is not here, because not only would I like to have him hear my remarks but, frankly, I wanted to compliment him on the manner in which he presented his statement and his case, in a very straightforward manner, dealing with the facts. And that is what we are trying to do in this case.

In response to the gentleman from Connecticut, I will answer just one of his questions. He asked if someone here would stand up and say how we would deal if Mr. Dornan had won by 10 votes. I do not care how many votes he might have won by, he would have been treated the same way as the present coutestee and the case would have been handled the same way.

In regard to the contestee in the case, the gentlewoman from California [Ms. SANCHEZ], I commend her for her statement, and I want to assure her and assure every Member of Congress that I do not in any way question her actions. I have never accused her of stonewalling. I do not intend to. I am sure she wants to resolve this. I want to resolve it. And I think we will both be well served if we can resolve it as quickly as possible.

However, it is not that simple when one has to deal with all the details we have had to deal with, and I will try to outline a few of the aspects of that.

First of all, a few comments on the resolution presented. The chairman of the committee has already indicated a number of issues that we would disagree with. I simply want to say, although the task force has only had a few official meetings since the start of the year, we have had several informal meetings discussing the quashing or modification of subpoenas and, furthermore, we have had four meetings of the full committee where we have dealt with those same questions. So we have not been inactive on the meeting front.

In addition to that, we have been very active in analyzing the data and information, and I will, if time permits, get into some of the details of that later.

I do also want to comment on the ''whereas'' clause which states that the Committee on House Oversight has issued unprecedented subpoenas to the INS; and also that this is the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters.

First of all, I do not believe the subpoenas are unprecedented, and, frankly, the reason they were issued is that, although the INS initially agreed to cooperate at the local level, they were stopped by the officials in Washington, and we had to resort to subpoenas because they simply refused to cooperate with us. I believe if my colleagues look back through the records, they would find the INS has been more cooperative in the past.

Furthermore, they have been asked a number of times, or their predecessors have been asked, to verify citizenship not just of voters but of candidates for the office. I find it interesting, looking through some of the previous files in the last century, more of the questions about citizenship were raised about the winners of the contest than about the voters in the contest. But, clearly, this is an important issue and they have been involved in this issue before.

Furthermore, I happen to think it is not bad to verify citizenship of voters. I think that it is extremely important, because the law requires that voters be citizens. I have no problem whatsoever with ensuring that voters of this Nation are citizens of this Nation.

Just a comment about the resolution's phrase that we are now seeking a duplicate and dilatory review of materials already in the committee's possession by the secretary of the State of California. We are not asking for a duplicate or dilatory review. We have done enough work on these. Rather, we are seeking verification, because we want to have as few errors as possible.

And that is why we are presenting what we have uncovered in the investigation, in great confidentiality, to the Secretary of State and to the INS, with whom we have been working, asking for verification of various factors there.

Another comment, that no credible evidence has been provided. Well, first of all, I would relate to everyone that our task is somewhat similar to that of the Committee on Standards of Official Conduct. The Committee on Standards of Official Conduct has to work in a confidential atmosphere. We do, too. We do not release information. And that is why we have confidentiality agreements for anyone who works on the information.

Some numbers are public, and I will mention those. My colleagues have heard them referred to. The California Secretary of State initially stated that 303 out of the list of 1,150 registrants, the list from Hermandad, had voted illegally. The Secretary of State's office has taken the information provided by the minority. We have worked with them. The California Secretary of State has now, through careful scrutiny of the entire list, verified that 305 individuals voted illegally. In other words, these are noncitizens who voted.

In addition to that, the Registrar of Elections in Orange County has verified that 124 individuals voted illegally. This has nothing to do with a noncitizen issue. It is illegal use of absentee ballots. So we have approximately 430 known, publicized illegal votes in that district.

Furthermore, one other number that has become public is that our examination of INS and Orange County reveals there are approximately 4,100 potential noncitizen voters. That is, of course, a huge number. And we have, through months and months of staff effort, tried very diligently to try to find out which of those individuals might possibly have citizenship that did not show on the initial search of the INS records.

After all this work, that number of potential noncitizen voters is now much smaller. And we are asking the California Secretary of State to verify our work so that we can have the most precise possible number. Verification is what we are seeking from the California Secretary of State, and I think it is very important to do that.

I believe it is also very important to note that this Congress did seat the gentlewoman from California [Ms. SANCHEZ]. She has performed her duties, insofar as I can tell, and she has performed them well. She has all the rights and duties of a Congressperson and she is exercising them. There was no attempt to deny her the seat. There is no attempt to unseat her without sufficient information. We want to make sure that we have verified all the facts in this case before we act.

Is it taking too long? It is certainly taking longer than I would like. I had hoped we could resolve it sooner, but there is a great deal of detailed work that needs to be done and we are nearing the end of that process.

We are trying to keep it nonpolitical, and I know that is very, very difficult in this atmosphere. I have chided one member of our committee for wearing an orange ribbon in committee meetings and on the floor. I think that is inappropriate, but that is his choice. I am just saying that I have tried to be very evenhanded in my handling of this issue.

We simply have turned to the chief election officer of the State of California to verify what we have done. That official issued a Certificate of Election, which we accepted, but we also want further verification of the numbers we are dealing with.

Mr. HOYER. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey [Mr. MENENDEZ].

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

Mr. MENENDEZ. Mr. Speaker, a year was more than enough for the Iran-contra investigation to gather documents, issue subpoenas, call witnesses, hold hearings, and issue a final report on a probe that stretched into the White House, the CIA, the military and over several continents. Here it is, all 42 chapters, 690 pages of it, covering everything from detailed constitutional analysis to the tracing of complicated covert arms shipments involving several foreign governments.

But the majority on the Committee on House Oversight would have us and the American people believe that nearly 1 year, the same time it took to do this, is not enough time; and after hundreds of thousands of taxpayer dollars, that it is not enough funding to conclude their investigation into the 46th Congressional District election. We do not accept that assertion.

If Bob Dornan and the Republicans want to challenge the election, it is their burden to prove the election should be invalidated, not the burden of the gentlewoman from California [Ms. SANCHEZ] to prove she won the election.

□ 1645

The Republicans and Mr. Dornan have had nearly a year to meet that burden of proof. Yes, she has been seated, but what you are doing is bleeding her of thousands and hundreds of thousands of dollars. She has spent nearly a half a million dollars in legal costs just simply to maintain her process, her rights in this process. That is what you are doing to her. If you had cold, hard evidence to overturn the election, it would be in all of our hands, each and every Member of the House. But you do not. You do not have a list of voters who you can give and prove beyond a shadow of a doubt or even a preponderance of the evidence that voted illegally. Because if you did, you would not only have to invalidate her election but you would have to invalidate the election of the two assembly seats won by Republicans at the same time. One won by 93 votes in California. You would have to invalidate the municipal elections in 3 major cities. You would have to invalidate the judicial elections that were held, school board races that were held would be held in question, and even initiatives that were passed in California. Yet it is interesting that you pick on Ms. SANCHEZ but we remain silent about all those Republicans who won those elections and you do not question the names of individuals who allegedly voted in those elections as well. It is okay to count them towards the victory but not towards her victory.

The fact of the matter is you say we do not care about finding the truth. We do. We are willing to depend upon the U.S. Attorney to pursue Hermandad and find out whatever the truth is. You say that we were not going to shift this to the Secretary of State, yet the list that you want the committee members to adhere to that you are going to provide the Secretary of State is flawed. It inaccurately portrays who is a citizen. It cannot prove who is native born or naturalized. It cannot prove that I as born in this country who might be on that list, it cannot prove my citizenship because only my birth certificate can prove that citizenship. You know, the only way to do this is to go door to door, but that would be an outrage, and so you are going to make this last forever.

Everyone in this Chamber should consider the precedent that would be set if this resolution does not carry, that any Member, Republican or Democrat, engaged in a close race could spend their entire 2-year term defending a victory duly certified by their home State. The simple justice for Congresswoman SANCHEZ, for the people of the 46th District of California she represents and for millions of Hispanic Americans who are watching across the country, what you are doing to her and to us as a community who are waiting and watching, is to simply vote for this resolution, which says either put up or shut up. Show us the proof or end the charade. That is what the resolution asks for. That is what our colleagues should be voting for.

Mr. THOMAS. Mr. Speaker, I yield myself 30 seconds. I appreciate the machismo of the gentleman from New Jersey, and of course challenging us to provide names or to create some kind of a fatally flawed decision is something that is devoutly wished on his side. We will not. Our job under the Constitution is to examine the congressional race that came to us as contested. If in fact the results of that indicate that there are other races that come under question, then that should be dealt with by the proper authorities. That is never an argument nor should it ever be an argument not to find out who voted legally or who voted illegally.

Mr. Speaker, I yield 1 minute to the gentleman from Long Beach, CA [Mr. HORN].

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

Mr. HORN. Mr. Speaker, with the exception of Representative SANCHEZ, I have heard a lot of shouting on the other side of the aisle. Because one shouts does not mean that one is seeking the truth.

I think most people in this Chamber know that I would vote for the person who has the evidence on their side and it would have nothing to do with their party. I would not do as a Democratic colleague of mine and friend of longstanding did a decade ago when the evidence was very clear that a Republican had won and he voted strictly the party line against that Republican. I do not tend to follow that kind of a precedent.

Ms. SANCHEZ has not been denied her seat. She sits in this Chamber. The gentleman from Texas [Mr. BONILLA] said quite well what a lot of us feel.

We have heard a lot about what is appropriate. What is not appropriate is this resolution.

The Gephardt resolution is simply an attempt to deny the truth to this House, and everyone here knows it. Frankly, the resolution shows that maybe this investigation is on the right track. Let us wait and let us get at the truth.

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. THOMAS. Mr. Speaker, I yield 15 seconds to the gentleman from California [Mr. FAZIO].

The SPEAKER pro tempore (Mr. LaHood). The gentleman from California [Mr. FAZIO] is recognized for 2¼ minutes.

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

Mr. FAZIO of California. I yield to the gentleman from California.

Mr. THOMAS. I thank the gentleman for yielding. I tell the gentleman from New Jersey that in my term of ''machismo,'' being from the Southwest in terms of the way we describe feelings that in fact if that did come across, as someone came up to me and indicated, a remark that is not acceptable on your side, I would then substitute the words ''emotion'' and ''passion,'' because I rely on the gentleman from Massachusetts [Mr. FRANK] to assist me at times in terms of sensitivity, and in my reaction if he would allow me I would not use the term ''machismo,'' I would use the term ''emotion'' and ''passion.''

Mr. FAZIO of California. Mr. Speaker, I would like to remove the emotion and the passion for a minute and use a bit of analysis that appeared in a California newspaper about two weeks ago on this subject. The article was entitled, ''Who Abandoned Dornan? Republican Voters.''

Ever since the election, Bob Dornan has insisted that unregistered Latinos voted illegally enough to provide LORETTA SANCHEZ's margin of victory. An analysis of that race done for Republicans, however, asserts that Dornan lost not because of surplus Latino voters but because Republicans stopped voting for him.

The analysis goes on to point out that Bob Dornan ran 6 percentage points behind two Republican assembly victors who ran in a coterminous area, 96 percent of which was in his congressional district, his at the time, LORETTA SANCHEZ's today. Had he racked up among Republicans the same percentage that they achieved, he would have won by some 10,000 votes.

The fact is in the strongest Republican precincts, assembly candidate Jim Morrissey got 75 percent, Bob Dornan got 56 percent. He ran in the strongest Republican districts 20 percent behind his own colleague on the ballot. The bottom line is the people of Orange County, certainly the Republicans, were tired of his buffoonery. They got tired of him calling people lesbian spear chuckers. They got tired of his explaining bounced checks at the House bank and his interminable presidential campaigns.

Bob Dornan ran out of support in his own party in Orange County, and I think he has run out in this precinct as well tonight because as we look at the Republican side of the aisle, there may be five Members here to defend him. Democrats are here in large numbers to defend LORETTA SANCHEZ and her right to claim this seat. Yes, Bob Dornan has lost Republican support in Orange County and in Washington, DC.

Mr. Speaker, the editorial referred to in my remarks is as follows:

[From the Sacramento Bee, Oct. 7, 1997]

WHO ABANDONED DORNAN? REPUBLICAN VOTERS

(By John Jacobs)

One of the enduring images of the recently concluded Republican state convention in Anaheim was of former Rep. Robert Dornan, a wild-eyed look about him, careening around the convention hall hounding reporters and anyone else who would listen with tales of how he has been wronged.

Dornan, a bombastic conservative who once called feminists ''lesbian spear-chuckers'' and who ''explained'' his bounced check from the House bank by saying he used the money to build a shrine to the Virgin Mary in his backyard, has finally become a buffoon, even to the many formerly sympathetic Republicans.

Dornan went on so long at his press conference that the local PBS camera crew assigned to cover him that day ran out of videotape. At that point, Boston Globe columnist Marty Nolan asked the crew, only half-jokingly, ''Which PBS show are you from, Nova?''

Dornan was defeated by 984 votes last November when he ran for what would have been his 10th term in Congress from the very Disneyland district in which the state convention was held. The victor was Loretta Sanchez, a Latina Republican-turned-Democrat now serving her first term.

Ever since the election, Dornan has insisted that unregistered Latinos voted illegally in that election, enough to provide Sanchez's margin of victory. An analysis of that race done for Republicans, however (more on the analysis later), asserts that Dornan lost not because of surplus Latino votes but because Republicans stopped voting for him.

Even though he had no national base and no chance, Dornan spent most of 1995 and early 1996 running for the Republican nomination for president. It was his second futile attempt. He was far more interested in ideological combat elsewhere than in serving his constituents. Ultimately, they got tired of his act.

Dornan is demanding that the House of Representatives invalidate the election and set a Dornan-Sanchez rematch. The House Oversight Committee has so far spent some $300,000 to investigate the charges that noncitizens voted.

Investigators have concluded that there may have been some voter fraud and are continuing to examine it. Whether it's enough to make a difference, no one, besides Dornan, is prepared to say. At the convention, Dornan charged that he has ''bulletproof'' evidence that between 1,200 and 1,500 people voted illegally, but he did not offer it.

''As far as I'm concerned, we've won,'' he announced at an Orange County lunch Thursday. ''I don't want to step on anybody's glory, although it's my life and I have the seat and I won and I am the congressman-elect, the longest congressman-elect in the history of our country 11 months and three days.''

House Democrats say they are outraged that Dornan has had such a sympathetic hearing before the Republican-controlled committee, including the use of subpoenas. Sanchez says she is some $400,000 in debt for legal fees defending himself. Many Republicans say they don't want to fall on their sword defending a man whose very existence exacerbates their electoral problems with women and Latinos, even if they do have a duty to probe potential voter fraud.

But a detailed statistical analysis of the Sanchez-Dornan election concluded that Republicans in Republican precincts abandoned Dornan in droves.

Overall, Dornan ran 6 percentage points below the two Assembly Republicans, Curt Pringle and Jim Morrissey, whose Assembly districts include more than 95 percent of Dornan's 46th congressional district. Among Democrats and Republicans, Dornan got 49.46 percent of the vote. Among Democrats and Republicans, Pringle and Morrissey got 55.55 percent of the vote.

If Dornan had racked up the same vote totals in his race that fellow Republicans Pringle and Morrissey got in their Assembly races, according to this analysis, Dornan would have defeated Sanchez by 9,365 votes. Because he lost by 984 votes, Pringle and Morrissey ran more than 10,000 votes better than Dornan.

This analysis also looked at the strongest (and weakest) Republican precincts in the congressional district. In precinct 68069, which has a Republican registration of 58.51 percent, Dornan got 56.6 percent of the vote. Morrissey got more than 75 percent.

Precinct 68106 is the weakest Republican district in Santa Ana, with a GOP voter registration of just 11.44 percent. Morrissey got just a few more votes here than Dornan, 16.8 percent to Dornan's 15 percent. But Morrissey was able to win re-election with huge majorities in the Republican precincts, something Dornan couldn't do,

The conclusion: The seat is still winnable for a Republican. Three Republicans are interested in the June 1998 primary: Pro-choice divorce lawyer Lisa Hughes; Superior Court Judge Jim Gray; and Anaheim City Councilman Robert Zemel, who has retained former Christian Coalition executive director Ralph Reed to run his campaign.

If the House calls for a special election before June, Dornan, because of superior name recognition, has the best shot of winning. Then he will likely lose again to Sanchez. That's why some Republicans would like to see Dornan step aside for another Republican.

Good luck. They don't call him ''B–1 Bob'' for nothing.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA], a member of the committee.

Mr. MICA. Mr. Speaker, this debate and this matter is not about Bob Dornan and it is not about Ms. Sanchez. This debate is really about the Committee on House Oversight, on which I serve, finding the facts in this case.

Why could this matter not and why can this matter not be concluded? It is simple. We found as a committee that agencies have dragged their feet in compliance with requests that we have made, simple requests to get to the facts. This House just a few weeks ago, September 30, passed a resolution to the Department of Justice asking the U.S. Attorney to do their jobs, to help us get the facts. So what we have been faced with is stalling, delay, a lack of information.

This is not a complex issue if our committee has the facts. The facts that we have in fact indicate that a significant number of voters who voted illegally. We heard the minority leader say that we need the facts, we need the proof, and we need the evidence, and that is exactly what we need and that is all we are asking for.

There is no intent to go through the citizenship of every voter. However, we have reason to be concerned about the validity of a significant number of voters in a contested election.

Ms. Sanchez has been seated and treated fairly by this side of the aisle and by our committee. Again, this is not about Ms. Sanchez, it is not about Mr. Dornan. I agree that the time has come to conclude this process with one caveat, that we have the facts.

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BECERRA].

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

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time. There are a lot of folks in Orange County who are going to have a chance to watch this. I am glad. I hope this is well-reported, because it is time for the voters in Orange County to know what evidence there is that their Congresswoman, LORETTA SANCHEZ, did not really win this election.

Unfortunately, in the hour or so that I have been listening to this debate, I must tell the voters that I have yet to hear one shred of evidence that LORETTA SANCHEZ did not win the votes of the majority of the people in Orange County.

What I have heard is that we want to move this forward and apparently now the majority, which has for 11 months and after hundreds of thousands of dollars investigated this matter, now wants to move this over to the Secretary of State to do what we can do. Well, you have had 11 months, hundreds of thousands of dollars, you have put at stake the representation of the 46th Congressional District and LORETTA SANCHEZ'S ability to represent. You have put in an indicted stage the votes of thousands of voters in Orange County. You have run this game, you have taken the ball, and now you want to punt. You are saying, this political football has been too much, let us send it to the Secretary of State.

The Secretary of State cannot do anything more than you have already done. They can only look at the same names, same numbers, same addresses and tell us what you can tell us. It is our duty. Do not punt. Let us decide. If you have got proof, show it. If you do not, close down this investigation. There are people at stake, the first of whom is LORETTA SANCHEZ, the second of whom are all the people in the 46th Congressional District who deserve representation. It has been 11 months. Let this woman go. Let her represent her district.

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

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

Mr. CAMPBELL. Mr. Speaker, as best as I have understood the debate, there are 4,100 names that match first name, last name, and date of birth from those who were registered to vote, were in the process of becoming citizens, but were not yet citizens. The next process that has to be taken is to compare these 4,100 names which match first name, last name and date of birth and see if they match up against those who voted. If as a result of that process there is a number that exceeds the difference that made the difference in the election, then it is appropriate to consider a new election. No one, certainly me least of all, is interested in seating Robert Dornan by fiat. I think it is only fair to point this out. But the numbers are very serious cause for us to concern ourselves about whether the constitutional processes were followed. The numbers are 4,100 from which we build the case that there may have been more people voting than should have to make the margin of difference in this election.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CONDIT].

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

Mr. CONDIT. Mr. Speaker, I rise today to tell Members that I think that we ought to put an end to this. The American people have lost faith with our ability to analytically and systematically look at each other and investigate issues that are important to all of us and the citizens of this country. We look at these things. This has taken 11 months, 11 months, and we have no conclusion to this.

□ 1700

I think that that is enough. We have been disruptive to the House, and we have not allowed Ms. SANCHEZ to do her job and represent the people of her district.

We can debate about the technical things, and I believe that the committee has looked at that. I think it is time that they render a decision to us and let us make that decision. I think that is important for us to do that.

Enough is enough. Let us make a decision, and let us let the committee bring it to the floor so that we can decide whether or not she should be able to represent the people of her district. That is important for us to do that.

I would just call upon my colleagues to think just for a moment about if this happened to any one of us. She has had a great financial burden. I do not think we would tolerate that, and I do not think we ought to allow it to be done to her.

Mr. THOMAS. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan [Mr. EHLERS], the chairman of the task force.

Mr. EHLERS. Mr. Speaker, just to clarify a few points and respond to a few items mentioned by the last two speakers, the two gentlemen from California on the minority side.

First of all, the statement was made that they have not seen one shred of evidence. Apparently they did not hear my comment that, independent of our work, there are 305 illegal voters identified by the Secretary of State, and 124 illegal absentee ballots identified by the Registrar of Elections in Orange County. That is a substantial number right there, certainly more than a shred. In addition to that, of course, we have the other areas we are investigating.

I also want to respond to the repeated comments, both on the floor and off the floor, about the length of time this is taking. Let us get a little reality in here. I would hope that the Members of this House would look back in history and look at what has happened in the past.

I have in my hands a chart, which I will be happy to share with anyone, going back to approximately 1930, of all the contested elections that had real substance to them, such as this one, where an investigation was required.

The first one was 22.75 months duration; then we have a series of over 12 months duration; two of 16 months duration; several more of 12 months duration; 13½ months; 16½ months; 19, 22, 16½, 18½, 19½. And you think this one is too long? Look at the history. Look at what we have had in the past.

This case has not taken too long. If we would decide this contest today, it would be one of the earliest decisions made on an issue of substance in the history of contested elections.

EXAMPLES: DURATIONS OF SUBSTANTIVE HOUSE CONTESTED ELECTIONS CASES

| Congress and contest | Outcome supports | Party of seated | Majority party | Committee action [1] | Final vote on House floor [2] | Duration in months |
|---|---|---|---|---|---|---|
| 104th—Anderson/Rose (NC) | Contestee | D | R | 10/25/95 | 9/26/96 | 22.75 |
| 98th—Archer/Packard (CA) | Contestee | R | D | 10/25/83 | 11/15/83 | 12.25 |
| 98th—Hendon/Clarke (NC) | Contestee | D | D | 10/25/83 | 11/15/83 | 12.25 |
| 96th—Wilson/Leach (LA) | Contestee | D | D | 2/12/80 | 3/4/80 | 16 |
| 96th—Thorsness/Daschle (SD) | Contestee | D | D | 2/12/80 | 3/4/80 | 16 |
| 95th—Dehr/Leggett (CA) | Contestee | D | D | 9/21/77 | 10/27/77 | 11.75 |
| 95th—Hill & Panasigui/Clay (MO) | Contestee | D | D | 10/13/77 | 10/27/77 | 11.75 |
| 95th—Lowe/Fowler (GA) | Contestee | D | D | 10/13/77 | 10/27/77 | 11.75 |
| 94th—Young/Mikva (IL) | Contestee | D | D | NA | 12/19/75 | 13.5 |
| 94th—Mack/Stokes (OH) | Contestee | D | D | NA | 12/19/75 | 13.5 |
| 94th—Wilson/Hinsh (CA) | Contestee | R | D | NA | 12/19/75 | 13.5 |
| 94th—Ziebarth/Smith (NE) | Contestee | R | D | NA | 12/19/75 | 13.5 |
| 86th—Maloney/Smith (KS) | Contestee | R | D | NA | 3/24/60 | 16.5 |
| 85th—Cater/LeCompte (IA) | Contestee | R | D | NA | 6/17/58 | 19.25 |
| 85th—Oliver/Hale (ME) | Contestee | R | D | NA | 9/12/58 | 22.25 |
| 82d—Osser/Scott (PA) | Contestee | R | D | NA | 3/19/52 | 16.5 |
| 82d—Macy/Greenwood (NY) | Contestee | D | D | NA | 3/19/52 | 16.5 |
| 81st—Stevens/Blackney (MI) | Contestee | R | D | NA | 5/23/50 | 18.5 |
| 80th—Wilson/Granger (UT) | Contestee | D | R | NA | 6/19/48 | 19.5 |
| 79th—Hicks/Dondero (MI) | Contestee | R | D | NA | 12/12/45 | 13.25 |
| 78th—Clark/Nichols (OK) | Contestee | D | D | NA | 2/16/44 | 15.25 |
| 78th—Moreland/Schuetz (IL) | Contestee | D | D | NA | 2/17/44 | 15.25 |
| 78th—McEvoy/Peterson (GA) | Contestee | D | D | NA | 5/5/44 | 18 |
| 78th—Schafer/Wasielewski (WI) | Contestee | D | D | NA | 3/29/44 | 16.75 |
| 78th—Thill/McMurray (WI) | Contestee | D | D | NA | 1/31/44 | 14.75 |
| 78th—Sullivan/Miller (MO) | Contestee | G | D | NA | 11/24/43 | 12.5 |
| 76th—Swanson/Harrigton (IA) | Contestee | D | D | NA | 3/11/40 | 16 |
| 76th—Scott/Eaton (CA) | Contestee | R | D | 3/14/40 | NA | 16.25 |
| 75th—Roy/Jenks (NH) | Contestant | D | D | 4/28/38 | 6/9/38 | 19 |

EXAMPLES: DURATIONS OF SUBSTANTIVE HOUSE CONTESTED ELECTIONS CASES—Continued

| Congress and contest | Outcome supports | Party of seated | Majority party | Committee action [1] | Final vote on House floor [2] | Duration in months |
|---|---|---|---|---|---|---|
| 74th—Lanzetta/Marcantonio (NY) [3] | Contestee | R | D | NA | 6/20/36 | 19.5 |
| 74th—McCandless/King (HI) | Contestee | R | D | NA | 6/2/36 | 18.75 |
| 74th—Miller/Cooper (OH) | Contestee | R | D | NA | 3/11/36 | 16 |
| 73d—Reese/Ellzey (MS) | Contestee | D | D | NA | 2/24/34 | 15.5 |
| 73d—Brewster/Utterback (ME) | Contestee | D | D | NA | 5/28/34 | 18.75 |
| 73d—Gormley/Goss (CT) | Contestee | R | D | NA | 4/20/34 | 17.5 |
| 73d—Chandler/Burnham (CA) | Contestee | R | D | NA | 5/15/34 | 18.25 |
| 73d—Ellis/Thurston (IA) | Contestee | R | D | NA | 4/25/34 | 17.5 |
| 73d—Fox/Higgins (CT) | Contestee | R | D | NA | 5/28/34 | 18.75 |
| 73d—Lovette/Reece (TN) | Contestee | R | D | NA | 5/25/34 | 18.5 |
| 73d—McAndrews/Britten (IL) | Contestee | R | D | NA | 4/26/34 | 17.75 |
| 73d—Weber/Simpson (IL) | Contestee | R | D | 5/4/34 | NA [4] | 18 |
| 67th—Paul/Harrison (VA) | Contestant | R | R | NA | 12/15/22 | 13.25 |

[1] Date which the Committee made its recommendation to the full House, usually in the form of a House Resolution.
[2] Date that the House voted on the resolution of the contested election case.
[3] Although the election was held Nov. 6, 1936, the case was not filed with the Clerk of the House uhtil the early part of 1936.
[4] No record of its being called up for passage found.

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

Mr. HUNTER. Mr. Speaker, I want to speak to my colleagues who have asked us to have consideration for Ms. SANCHEZ. There have been a number of debates on this issue, lots of speakers on both sides, and one thing that I think has been consistent on the Republican side is that nobody has spoken derogatorily about Ms. SANCHEZ. Nobody has spoken in a mean way, nobody has attempted to personalize this with respect to Ms. SANCHEZ. I think we have all attempted to be polite and attempted to look at the major issue, which is the voting issue.

I cannot say that with respect to what people who do not like Mr. Dornan have said on the other side. My friend, Mr. FAZIO, I am pretty disturbed that you have gotten up and simply made a personal attack on Mr. Dornan.

Both of the principals have been through a lot here for a lot of months. We should give consideration to both of these principals; not just Ms. SANCHEZ, but to Mr. Dornan. Let us decide this case on the facts, and see that the person with the most votes wins this thing.

Mr. FAZIO of California. Mr. Speaker, will the gentleman yield?

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

Mr. FAZIO of California. Mr. Speaker, this is not a personal attack on Bob Dornan. This is the result of Bob Dornan's career and reading of the voters of Orange County, CA.

Mr. THOMAS. Mr. Speaker, it is my privilege and pleasure to yield the balance of my time to the gentleman from Texas [Mr. ARMEY], the majority leader.

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

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

Mr. Speaker, this is the second time in my brief career in the House of Representatives that I have seen the House take up this responsibility, mandated on the House by the Constitution, to determine the legitimacy of the election of its Members.

When I was elected in 1984, when I came here I was a bright-eyed and naive, innocent freshman, who had never been in a legislative body, even insofar as having attended the gallery. In a very few short weeks after I was here, I saw a young gentleman from Indiana named Mr. McIntyre refused his seat in Congress and his election overturned by the actions of this body in a very short period of time.

At that time there was a heated debate on this floor. There was anger. My eyes bulged out. I had not seen people act this way toward one another, outside of a faculty lounge, in my lifetime. I knew it was exciting, and I understood there were good points made on both sides.

I remember the then majority, that was acting definitively to deny Mr. McIntyre his seat in the House, made the point that it is our solemn responsibility, given to us by the Constitution; we can do no less, we must act with discipline and integrity. And, in 3 or 4 weeks, they did so.

Now here we have a committee addressing the same kinds of question, the same kinds of issues. They are taking their time, they are being thorough.

We have the gentleman from Michigan [Mr. EHLERS]. Mr. EHLERS, I believe, is a physicist. He is some kind of hard scientist, a careful man. He wants the facts to be clear. He does not rush to judgment, checks and double-checks his work, needs all the data; we have the gentleman from Ohio [Mr. NEY], hardly a rabid partisan, a very thorough-going man; the gentleman from Maryland [Mr. HOYER], certainly none of us would think of Mr. HOYER as a partisan; all of whom have said we need to be sure we do this thoroughly, professionally, and in light of all the data.

It is not about Congresswoman SANCHEZ, it is not about former Congressman Dornan; it is not about your party, and it is not about my party; it is not about race, it is not about sex; it is about whether or not this body has the discipline to do its duty thoroughly and completely down to the last detail before they come to the determination of judgment about who does in fact have the legal, legitimate right to represent 500,000 people.

There is evidence that demands more thorough investigation. The committee has not had the full and complete and prompt response it should have had, and the work is not completed.

But make no mistake about it. For all these years I have thought about the McIntyre case. I always knew it was important. I always knew that the majority was then dedicated, but I always wondered, was it in fact the truth which was gotten to? I never knew.

I think maybe a few more months, an extra amount of time, a more full and complete verification of what it is we found and how we found it that brought us to this conclusion might have made me more comfortable throughout all these years that this body was a body of honor and duty fulfilling its obligations under the Constitution. I would like to have been comforted by no doubt on that point.

I do not want somebody sitting here on this side of the aisle as a freshman, celebrating in their own mind the wonderful responsibility and privilege of getting to be in this body, 10 years from now wondering, in 1997, even if it took us into 1998, did we dare to take the time to do the job completely, fully, thoroughly, in full respect to our duty and the wisdom of the Constitution that endowed us with that duty?

We all deserve, 10 years from now, to have no reservation about that, and I believe we all ought to dare wait for the facts to be fully known.

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

The SPEAKER pro tempore. The gentleman from Maryland [Mr. HOYER] is recognized for 4 minutes.

Mr. HOYER. Mr. Speaker, the majority leader is correct. We stand in those seats and we raise our right hand and we swear to preserve, protect, and defend the Constitution of the United States. There is no more sacred right that the people have than to select their representatives, and to select them in an election that is fair and does not dilute in any way their votes.

Therefore, I tell you that it is appropriate that if those who voted illegally affected this election, this election should be scrutinized carefully and appropriate action taken. But in the same vein, the voters of the 46th Congressional District have the right to expect us to conduct that process in a manner befitting of that oath.

I tell my friends in this House, sadly, as the minority member of this task force, that that has not been done. I asked early on that we proceed in a bipartisan fashion to establish process, to establish the way that we would reach a decision, in an orderly, fully dispositive, timely way.

I tell my friend, that has not been done. In point of fact, as the resolution points out, the task force has not met since April of this year. I asked in February in a letter to the chairman of the task force, let us meet together to come to agreement on the process. No such meeting has ever occurred.

I tell my friends that I asked to be fully apprised of the information we were seeking and the information we were receiving. I tell you sadly, that has not occurred.

In fact, my friends, this very day I found out at 4:15 that there will be the third meeting of the task force since the beginning of this year, tomorrow at 10 o'clock. No prior notice. And I tell my friend, the gentleman from Michigan [Mr. EHLERS], the chairman of the task force, he and I talked for approximately 45 minutes this morning at 10 o'clock, and I was never informed that there would be a task force meeting.

No, my friends, this process has not been fair, it has not been open, it has not been directed at fully getting out the information that is necessary to fairly determine this election.

Now, my friends, I tell you, the Republican Secretary of State in latter March or early April said there were 303 votes that were in question in this election. You heard the testimony from the gentleman from Connecticut saying many of those votes have already been found to be registered, valid voters.

The Secretary of State of California, two weeks ago, had a press conference and he said, after 6 months, he now believed there were not 303, there were 305. That is a third of a voter a month. I tell my friend from California, at that rate it would take us 160 years to get to 984, and then you would have to assume that every one of those voters voted for [Ms. SANCHEZ], and our precedents do not allow that, and logic does not compel it.

My friends, this resolution says, as the two bipartisan individuals who were counsel for the Republicans and counsel for the Democrats in March of this year said, let MARY LANDRIEU go, because they have not made a prima facia case. And, very frankly, the Republican leadership rejected that. It took them 5½ months.

I tell my friend from California, the distinguished legal professor, to come to exactly the same conclusion. Why, MARY LANDRIEU twisted in the wind and had to spend money and had to have her focus diverted to defend a case that Republican counsel and Democratic counsel 5 months ago said had no merit.

□ 1715

I ask that this resolution pass; that we decide the case on the gentlewoman from California [Mrs. SANCHEZ] or we dismiss this case, which is without merit.

Mr. GEPHARDT. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

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

Mr. GEPHARDT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 204, nays 222, answered ''present'' 1, not voting 7, as follows:

[Roll No. 525]

YEAS—204

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NAYS—222

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Sanchez

NOT VOTING—7

Cubin
Gonzalez
Houghton
McIntosh
Ryun
Schiff
Visclosky

□ 1735

Mr. BONO and Mr. GREENWOOD changed their vote from ''yea'' to ''nay.''

Mr. FROST and Mr. OBERSTAR changed their vote from ''nay'' to ''yea.''

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.