HOUSE OF REPRESENTATIVES—*Monday, April 22, 1985*

The House met at 3 p.m. and was called to order by the Speaker pro tempore [Mr. WRIGHT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, *April 18, 1985.*

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Monday, April 22, 1985.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Righteousness exalts a nation, but sin is a reproach to any people.—Psalm 14:34.

We are conscious, O God, of the blessings You have given our Nation. We thank You for the faith of those who have gone before, in their trust in You, and for their vision of a just society. May we be worthy of the responsibilities we have in our day and time to promote those things that bring justice and peace to all people, and may we, in the spirit of mercy be diligent in our tasks that justice will roll down as waters and righteousness like an ever flowing stream. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. FRENZEL. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 200, nays 61, answered "present" 8, not voting 164, as follows:

[Roll No. 59]

YEAS—200

Addabbo	Gejdenson	Pepper
Akaka	Gekas	Perkins
Alexander	Gibbons	Pickle
Andrews	Gonzalez	Price
Annunzio	Gradison	Quillen
Anthony	Gray (IL)	Rahall
Aspin	Gray (PA)	Rangel
Atkins	Guarini	Ray
Barnard	Hall, Ralph	Reid
Barnes	Hall, Sam	Rinaldo
Beilenson	Hamilton	Robinson
Bennett	Hartnett	Roe
Berman	Hawkins	Rose
Bevill	Hayes	Roth
Boland	Hertel	Rowland (GA)
Boner (TN)	Howard	Roybal
Bonior (MI)	Hoyer	Russo
Bonker	Hughes	Sabo
Borski	Jenkins	Savage
Boucher	Jones (NC)	Scheuer
Boxer	Jones (TN)	Schneider
Breaux	Kanjorski	Sharp
Brooks	Kaptur	Shuster
Broomfield	Kastenmeier	Skelton
Brown (CA)	Kennelly	Smith (FL)
Bryant	Kildee	Smith (IA)
Burton (CA)	Kleczka	Smith (NJ)
Carper	Kolter	Smith, Robert
Carr	Kostmayer	Solarz
Chappell	Lantos	Spratt
Coelho	Lehman (CA)	Staggers
Coleman (TX)	Lehman (FL)	Stallings
Collins	Leland	Stenholm
Cooper	Levin (MI)	Stokes
Coyne	Levine (CA)	Stratton
Crockett	Lipinski	Studds
Darden	Long	Sweeney
Daschle	Lowry (WA)	Swift
de la Garza	MacKay	Synar
Derrick	Manton	Tallon
Dicks	Martinez	Tauzin
Dingell	Mavroules	Thomas (GA)
Dixon	Mazzoli	Torres
Donnelly	McCurdy	Traficant
Dorgan (ND)	McHugh	Traxler
Downey	Mica	Udall
Dwyer	Miller (CA)	Valentine
Dyson	Mineta	Vento
Early	Moakley	Visclosky
Eckart (OH)	Mollohan	Walgren
Edgar	Montgomery	Watkins
Edwards (CA)	Moody	Weaver
English	Moore	Weiss
Erdreich	Morrison (CT)	Wheat
Evans (IL)	Mrazek	Whitley
Fascell	Murphy	Whitten
Fazio	Murtha	Wilson
Feighan	Natcher	Wirth
Flippo	Neal	Wise
Florio	Nowak	Wolpe
Foglietta	Oakar	Wright
Foley	Obey	Wyden
Fowler	Olin	Yates
Frank	Owens	Yatron
Frost	Panetta	Young (FL)
Garcia	Pashayan	Young (MO)
Gaydos	Pease	

NAYS—61

Archer	Coleman (MO)	Dreier
Bilirakis	Combest	Duncan
Boehlert	Conte	Durbin
Brown (CO)	Courter	Evans (IA)
Carney	Crane	Fawell
Chandler	Daub	Fields
Chappie	Davis	Goodling
Clay	Dickinson	Gregg
Grotberg	McCain	Sensenbrenner
Hendon	McEwen	Shumway
Hillis	Mitchell	Sikorski
Holt	Moorhead	Siljander
Hopkins	Penny	Solomon
Jacobs	Pursell	Sundquist
Jeffords	Regula	Swindall
Kramer	Ritter	Vucanovich
Latta	Roemer	Wolf
Livingston	Roukema	Wortley
Lujan	Saxton	Young (AK)
Madigan	Schroeder	
Martin (NY)	Schulze	

ANSWERED "PRESENT"—8

Dornan (CA)	Mikulski	Tauke
Dymally	Oberstar	Taylor
Gordon	Sisisky	

NOT VOTING—164

Ackerman	Green	Monson
Anderson	Gunderson	Morrison (WA)
Applegate	Hall (OH)	Myers
Armey	Hammerschmidt	Nelson
AuCoin	Hansen	Nichols
Badham	Hatcher	Nielson
Bartlett	Hefner	O'Brien
Barton	Heftel	Ortiz
Bateman	Henry	Oxley
Bates	Hiler	Packard
Bedell	Horton	Parris
Bentley	Hubbard	Petri
Bereuter	Huckaby	Porter
Biaggi	Hunter	Richardson
Blilley	Hutto	Ridge
Boggs	Hyde	Roberts
Bosco	Ireland	Rodino
Boulter	Johnson	Rogers
Broyhill	Jones (OK)	Rostenkowski
Bruce	Kasich	Rowland (CT)
Burton (IN)	Kemp	Rudd
Bustamante	Kindness	Schaefer
Byron	Kolbe	Schuette
Callahan	LaFalce	Schumer
Campbell	Lagomarsino	Seiberling
Cheney	Leach (IA)	Shaw
Clinger	Leath (TX)	Shelby
Coats	Lent	Skeen
Cobey	Lewis (CA)	Slattery
Coble	Lewis (FL)	Slaughter
Conyers	Lightfoot	Smith (NE)
Coughlin	Lloyd	Smith (NH)
Craig	Loeffler	Smith, Denny
Daniel	Lott	Snowe
Dannemeyer	Lowery (CA)	Snyder
DeLay	Luken	Spence
Dellums	Lundine	St Germain
DeWine	Lungren	Stangeland
DioGuardi	Mack	Stark
Dowdy	Markey	Strang
Eckert (NY)	Marlenee	Stump
Edwards (OK)	Martin (IL)	Thomas (CA)
Emerson	Matsui	Torricelli
Fiedler	McCandless	Towns
Fish	McCollum	Vander Jagt
Ford (MI)	McDade	Volkmer
Ford (TN)	McGrath	Walker
Franklin	McKernan	Waxman
Frenzel	McKinney	Weber
Fuqua	McMillan	Whitehurst
Gallo	Meyers	Whittaker
Gephardt	Michel	Williams
Gilman	Miller (OH)	Wylie
Gingrich	Miller (WA)	Zschau
Glickman	Molinari	

□ 1130

Mr. BROWN of Colorado changed his vote from "yea" to "nay."

Mr. SOLOMON changed his vote from "present" to "nay."

So the Journal was approved.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. RUDD. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference that had to do with what has happened in the Eighth District of Indiana.

Had I been present, I would have voted "yea" on rollcall 59.

PERSONAL EXPLANATION

Mr. LAGOMARSINO. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference on the McIntyre election in the Eighth Congressional District of Indiana.

Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. PARRIS. Mr. Speaker, I was unavoidably absent while attending a very important conference this afternoon on the future of participatory democracy and I missed rollcall 59. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. HENRY. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending, again, the same Republican Conference dealing with the contested election in Indiana's Eighth District.

Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important Republican Conference. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. BARTON of Texas. Mr. Speaker, on rollcall vote 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference to discuss what action we should take with regard to the Rick McIntyre situation. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. ECKERT of New York, Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the Republican Conference about the developments in Indiana. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. McMILLAN. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference on the election results in the Eighth District of Indiana. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. SLAUGHTER. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a meeting of the House Republican Conference on the results of the Eighth Congressional District election in Indiana. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. BARTLETT. Mr. Speaker, on rollcall 59, I was also unavoidably absent while attending a very important meeting of the House Republican Conference on the McIntyre case in Indiana. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. STRANG. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference on the unfortunate McIntyre situation. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. KOLBE. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference. To discuss the future of representative government in this country. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. MONSON. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference. Discussing important constitutional issues. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. DELAY. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference on the meaning of democracy. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mrs. BENTLEY. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference to discuss very important constitutional issues. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. MACK. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. BOULTER. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference dealing with the rights of the people of the Eighth District of Indiana. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. CHENEY. Mr. Speaker, on rollcall 59 today, I was unavoidably detained while attending a very important meeting of the House Republican Conference to discuss the pending matter in the Eighth Congressional District of Indiana. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. DIOGUARDI. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference on a constitutional issue. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Ms. FIEDLER. Mr. Speaker on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. HILER. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference to discuss the current electoral difficulty in the Eighth Congressional District of Indiana. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. McCANDLESS. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. LEWIS of Florida. Mr. Speaker, during rollcall 59 I was unavoidably absent as I was attending a very important meeting of the Republican Conference regarding a constitutional matter in Indiana's Eighth District. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. LUNGREN. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. DENNY SMITH. Mr. Speaker, on rollcall 59 today I was unavoidably absent for the vote while attending a very important meeting of the House Republican Conference on a constitutional matter about seating Mr. McIntyre of the Eight Congressional District of Indiana. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. BLILEY. Mr. Speaker, on rollcall 59 today I was unavoidably absent for the vote while attending a very important meeting of the House Republican Conference. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. GUNDERSON. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference on the McIntyre issue. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. ROWLAND of Connecticut. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference on the McIntyre situation. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. LIGHTFOOT. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending an important meeting of the House Republican Conference. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. WHITTAKER. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. EMERSON. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. SCHUETTE. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. ARMEY. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. KEMP. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending and chairing a very important meeting of our House Republican Conference. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. HUNTER. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. WALKER. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference where we discussed the outrageous performance of the House Task Force on the McIntyre matter where they had seated an uncertified Member of Congress. Had I been present for that particular vote I would have voted "nay."

PERSONAL EXPLANATION

Mr. SHAW. Mr. Speaker, today on rollcall 59, I chose to be absent and instead attended a very important meeting of the House Republican Conference. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. KINDNESS. Mr. Speaker, on rollcall 59 today I was absent while attending a very important meeting of the House Republican Conference at which there was discussion of the very unfortunate matter of the House Administration Committee's dealing with the seating of the Eighth Congressional District of Indiana's Representative. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. DEWINE. Mr. Speaker, on rollcall 59 today I was absent while attending a very important meeting of the House Republican Conference. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. WEBER. Mr. Speaker, on rollcall 59 today I was absent while attending a very important meeting of the House Republican Conference. That conference was necessary because of the constitutional crisis toward which this body is being pushed by the irresponsible actions of the Democratic majority on the House Administration Committee. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. GALLO. Mr. Speaker, on rollcall 59 today I was absent while attending a very important meeting of the House Republican Conference dealing with a very serious matter, a constitutional matter dealing with the McIntyre vote. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. McCOLLUM. Mr. Speaker, on rollcall 59 today I was absent while attending a very important meeting of the House Republican Conference on the seating question in the McIntyre matter in the Indiana Eighth District. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. O'BRIEN. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending an important meeting of the Republican Conference dealing with the McIntyre matter. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. COBEY. Mr. Speaker, on rollcall 59 today, I was unavoidably detained

because I was on an airplane en route to here. But had I been here, I would have been unavoidably detained in an important Republican Conference on the McIntyre issue. Had I been present here, I would have voted "nay."

PERSONAL EXPLANATION

Mr. BATEMAN. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending and participating in an important conference of the Republican Party for discussion of the unconstitutional implications of the treatment of the dispute with respect to the Eighth Congressional District in Indiana. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mrs. MEYERS of Kansas. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference concerning a very important constitutional question having to do with the seating of Rick McIntyre. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. PETRI. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a meeting of the House Republican Conference. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. SMITH of New Hampshire. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference discussing a very serious constitutional question regarding the seating of Rick McIntyre. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. MILLER of Washington. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference on the refusal of this body to seat Rick McIntyre. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mrs. MARTIN of Illinois. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while being the vice chair of an important meeting of the House Republican Conference. The only vice I have found is the way that the election in Indiana's Eighth District is being treated. Had I been present for the rollcall vote, I would have voted "nay."

PERSONAL EXPLANATION

Mr. KASICH. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. LOWERY of California. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference on the Eighth District of Indiana. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. McKINNEY. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference. I must say, Mr. Speaker, one of the reasons that I had to stay there is that I wondered if a recent decision in the Eighth District of Indiana had not brought this House to a meaningless conclusion. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. CRAIG. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference on the election issue in the Eighth District of Indiana. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. ZSCHAU. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference on the issue of the seating of Rick McIntyre in the Eighth District of Indiana. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. LEWIS of California. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference regarding the McIntyre matter. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. COATS. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. BADHAM. Mr. Speaker, on rollcall 59 today I was avoidably absent while attending a very important meeting of the Republican Conference on the subject of the McIntyre seat. Had I been present I would have voted "nay."

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, By Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 813. An act to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations for fiscal years 1986 and 1987, and for other purposes.

ESTABLISHMENT OF NATIONAL TASK FORCE TO ADDRESS LONG-TERM FUTURE OF AMERICAN AGRICULTURE

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

Mr. RAY. Mr. Speaker, on Thursday, I am going to introduce a concurrent resolution urging the President to establish a national task force to address the long-term future of American agriculture.

A bipartisan group of over 50 of my colleagues will be joining me as original cosponsors of this resolution.

We are genuinely concerned that American agriculture as we know it is rapidly deteriorating and the vigorous farm economy that we once enjoyed is disappearing.

Anticipating this situation, we urge the President to call together expert farmers from around the country, representatives of various aspects of agribusiness, agricultural economists, marketing and forecasting experts, agricultural educators, and others to address the long-range concerns of the American agricultural industry.

We think our agricultural problems can best be handled by a united effort, and I urge my colleagues who are concerned about the future of American agriculture to join me in introducing this legislation on Thursday.

NICARAGUA AND TRADE

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

Mr. BROOMFIELD. Mr. Speaker, last Friday, I sent the President a letter requesting that he consider the immediate cutoff of trade with Marxist-Leninist Nicaragua.

Why should America help a government which is exporting revolution to its neighbors and denying basic right to its people?

Why help a country that is shipping illegal drugs to the United States?

An executive order stopping trade with Nicaragua is sound policy. This nonviolent, yet significant pressure, is a step in the right direction.

Should the Sandinistas really want peace and show their sincerity in this area, the trade ban could be lifted.

Last year, our country brought 57 million dollars worth of Nicaraguan exports. We sent Nicaragua over $100 million in U.S. products, much of it, including spare parts, helps to sustain that Marxist-Leninist regime.

I continue to be deeply concerned about that government and its plans for this region. the time for a trade cutoff is now.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 77

Mr. SILJANDER. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 77.

The SPEAKER pro tempore (Mr. TORRES). Is there objection to the request of the gentleman from Michigan?

There was no objection.

PRESIDENT REAGAN'S VISIT TO GERMAN MILITARY CEMETERY

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

Mr. DARDEN. Mr. Speaker, as a Democrat who believes strongly in a bipartisan foreign policy, I have supported virtually all of President Reagan's defense and foreign policy initiatives. In fact, I intend, tomorrow, to support his proposal for aid to the Nicaraguan resistance.

I do not, however, believe that the President of the United States—our head of state, the person who is the spokesman for our Nation—should participate in a ceremony honoring troops who committed one of the greatest atrocities in the history of the human race. Furthermore, I do not believe that the American people want him to participate in the ceremony.

This is especially true of the many World War II veterans who fought against Nazi Germany. These are men who saw their comrades killed by perhaps the same men who are buried in that cemetery.

Just this weekend, an English class at Marietta High School in Cobb County, GA—a county that gave 77 percent of its votes to President Reagan last November—sent me a packet of over 60 letters from students, almost all of whom opposed Mr. Reagan's proposed visit to Bitburg cemetery.

Mr. Speaker, I want the President to know that I support reconciliation with Germany, but I do believe that there is a better way than by paying inadvertent tribute to war criminals.

□ 1530

WILL WE HELP THE DEMOCRATIC RESISTANCE FORCES OR THE NINE COMMUNIST COMANDANTES IN MANAGUA?

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute.)

Mr. DORNAN of California. Mr. Speaker, a quarter of a century ago on the steps of the east front of our Capitol an American President forcefully spoke the following words:

To our sister republics south of the border, we offer a special pledge: to convert our good words into good deeds in a new alliance for progress, to assist free man and free governments in casting off the chains of poverty. But this peaceful resolution of hope cannot become the prey of hostile powers. Let all neighbors know that we shall join with them to oppose aggression or subversion anywhere in the Americas. And let every other power know that this hemisphere intends to remain the master of its own house.

Do you still hear the echo of those challenging words, my colleagues? I do.

Are we going to remain the master of our house as President John F. Kennedy suggested that we should? Are we going to help the democratic resistance forces in Nicaragua or embolden the nine pro-Communist Comandantes in Managua?

Now, if you are terrified by the sight of liberation theology nuns picketing your district office demanding that you knuckle under to the Managua nine, then read the front page of today's Washington Times and get your backbone restiffened. On the left side on that front page is a reprint of a warning letter to Congressman HENRY HYDE by one of the foremost Catholic scholars writing today, Michael Novak. I submit for our RECORD Mr. Novak's brilliant and clear advice on why we should help the resistance in Nicaragua. Read his words and then for freedom vote to help the democratic resistance, in Central America or live with the consequences.

Mr. Novak's letter follows:

WARNING TO CONGRESS FROM MICHAEL NOVAK

(Michael Novak, resident scholar in religion and public policy at the American Enterprise Institute, urges Rep. Henry Hyde, R-Ill., to support Nicaragua's anti-Sandinista democratic resistance in the following letter, dated April 18. It is reprinted in full.)

DEAR CONGRESSMAN HYDE: A number of congressmen have expressed to me their doubts about voting to cut off funds to the revolutionaries in Nicaragua, although they feel under pressure from activist Catholic clergy to do so.

Permit me to make four points:

(1) In my lifetime, I do not remember so concerted a political-media blitz by a foreign government and its U.S. supporters to influence the outcome of a congressional vote, such as we are seeing from Sandinist Nicaragua. Whatever their capacities to run an economy, whatever the qualities of their army, the Sandinistas' abilities in public relations are superior to those of the Vietnamese fifteen years ago.

The "lesson of Vietnam" learned by those who study how to bring about revolutions incorporating nations into the international socialist bloc is, clearly, that such wars are not won on the battlefield but in U.S. living rooms and church halls. The magnitude of the effort deserves a measure of attention.

(2) Between 1945 and 1948, analogous efforts were made in Poland, Czechoslovakia, Hungary and other nations of Central Europe to disguise Marxist movements within a "popular front" to seize power with as much "legitimacy" as could be managed. Even notable figures such as the young poet Czeslaw Milosz, recent winner of the Nobel Prize, has described how he naively joined in such efforts, only to be disillusioned three or four years later.

The technique is classic: Claim humanistic ideals in public, while masking as long as possible the hidden logic of totalitarian control. The essential first step is to gain control of the army, the secret police, the media, and the organization of revolutionary cadres in every neighborhood. One can then tighten controls gradually: Upon labor unions, businesses, the church, the universities, and other institutions, as the time for each victim becomes ripe.

Thus, there is typically a period of "public idealism," appealing to Western as well as to domestic idealists and popular aspirations. During this period, the noose is secretly drawn tighter and tighter. Within five or six years, control is total. Only then is the disguise dropped.

In the meantime, the problem for outsiders is acute. Most good persons do not wish to be too cynical. They want to give the new leaders "a chance." This leaves cynical new leaders time to use this grace period for their hidden agenda. During the first five or six uncertain years, they have many historical precedents encouraging them to believe that they will be totally successful.

By now, the precedents are many. To be deceived once may be humane. To be deceived twice may be a sign of caution. But to be deceived over and over again is to forfeit excuses.

(3) The most enthusiastic supporters of the Sandinistas are now more cautious than they were two years ago. They are a little worried by many disquieting signs. But since they are now on record as having accepted the Sandinista point of view, they are reluctant to admit too quickly that they may be wrong. Thus, some at least have become even more passionate about their cause. However, instead of praising the Sandinistas totally, they now concentrate their energies upon discrediting their opposition.

This is parallel to the general tendency of Soviet propaganda for the past decade. Khrushchev once promised rashly that Moscow would "bury" the West. No one believes that any longer, not even the Soviets.

They no longer boast of the glories of Moscow; instead, they concentrate on anti-Americanism and anti-Western accusations. Such negative political campaigns have considerable power.

(4) According to Gallup, 61 percent of American Catholics voted for President Reagan in 1984. It would be incautious to believe that the most activist Catholics of the left represent the opinion of the broad majority of American Catholics. Many of the families of American Catholics have fallen victim to other Marxist regimes in other countries. They do not have illusions about the "good faith" of leaders committed to Marxist revolution. They recognize that such revolutions typically proceed gradually and with duplicity.

Thus, to place one's trust in leaders who claim to be Marxists is to wait until the evidence of their good faith is in. By that time, it is too late.

That is why I urge you and your colleagues to proceed with the most clear-eyed realism. To my mind, it is indispensable that the power of the democratic forces seeking a democratic, non-Marxist Nicaragua be kept as strong as possible. Indeed they should be encouraged to grow as powerful as the people of Nicaragua desire.

The false test is to wait to see how far the Sandinistas, unchecked, will go. The proper test is to see how strong the revolution against Sandinismo can grow. The latter is the proper course for those whose priority is liberty. Our own revolution in the U.S. could not have been successful without outside assistance from France, Poland, and elsewhere. One should always bet on liberty. If those who support the democratic revolutionaries in Nicaragua are wrong, the people of Nicaragua will reject that alternative. If those who support the Sandinistas are wrong, the return to liberty will be immensely costly.

Sincerely,

MICHAEL NOVAK.

MR. PRESIDENT, PLEASE CANCEL YOUR TRIP TO BITBURG CEMETERY

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. President Reagan, friendship with the German people is an essential part of reconciliation and forgiveness. But a visit to an SS cemetery is wrong. It is humanizing the most inhumane and vile perversion of human relationships, a blot on human history that must never be forgotten.

It was the SS that pounded on the doors of Jews and others in the middle of the night and dragged the innocent into the darkness to face a certain and agonizing death.

It was the SS that made the Jews wear these arm bands. It was the SS that took little children who were too young to walk to the gas chambers in their arms and delivered them to death.

The SS was Hitler's elite; they knew the score. They talked and laughed while men and women were stripped of their dignity and their clothes and branded with numbers like cattle.

Mr. President, I believe your staff put the SS cemetery on your schedule but you do not have to follow their orders.

Please, in the name of those victims of the Holocaust and those who live on with the memories and those Americans who fought and died for freedom, please cancel your trip to Bitburg Cemetery.

HOUSE RESOLUTION 125

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

Mr. SOLOMON. Mr. Speaker, the first measure before us this afternoon will be my Resolution No. 125 which was unanimously reported from the Committee on Foreign Affairs which condemns the Soviet Union for the murder of Maj. Arthur B. Nicholson while carrying out his duties as a U.S. soldier.

Any Member wishing to add his name to this resolution will have the opportunity to do so when I ask unanimous consent during the debate to add their names as cosponsors. You are all most certainly invited to do so.

I thank the Speaker.

IT IS NOW OUR RESPONSIBILITY TO SEAT MR. McCLOSKEY

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

Mr. DURBIN. Mr. Speaker, the result from the recount in the Eighth District, Congressional District of Indiana, are in and although the final tally was in doubt for months, the reactions of my Republican colleagues to the announcement of Frank McCloskey's victory have never been in question. Our Republican colleagues are crying foul. And at least one of their numbers has threatened guerrilla tactics of even worse if Frank McCloskey is seated. Some even say that a four vote victory for Frank McCloskey is not enough. But there should be no need to remind the body that a one vote victory is more than enough. Candidates for Congress do not have to beat a point spread to be seated.

And neither the Indiana secretary of state's timely Florida vacation, a groundless Federal lawsuit, nor volumes of rhetoric in the CONGRESSIONAL RECORD can deny the fact: The voters of the Eighth Congressional District shows Frank McCloskey as this Congressman and it is now our duty and responsibility to them to seat him without delay.

MY COLLEAGUES, LISTEN TO THE THEFT OF AN ELECTION

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

Mr. CONTE. Mr. Speaker—

Now listen my colleagues, and you shall hear
Of the theft of an election, in this tragic year.
On the 22nd day of April, in the year after '84
And one elected Member of Congress is not on the floor.
Pay attention, my colleagues, and you shall see
Here in my hand, I have a bag of tea.
"Taxation without representation!" was the Boston Tea Party cry
200 years later, we Republicans wonder why.
Seat Mr. McIntyre, is all that we ask.
He's the true winner; it isn't a tough task.
The ballots were counted—'till McCloskey won
Then look how a partisan election commission went on the run.
Back to D.C., to tell their leadership:
"Let's get a vote; take out the whip.
Seat McCloskey, before it's too late
This has gone on for six months—let's not wait."
When the history books have all been read,
Future Americans will learn how the 8th District got whacked on the head.
How the leadership whipped, and their members bled.
How they stole an election, and then how they fled.
But the country will waken, and listen, and hear
How one lone Republican the Democrats fear.
The leadership is adept at bending the rules—
'Twould have been better to do this three weeks ago—on April Fools.

MILITARY COMMAND STRUCTURE REORGANIZATION ACT OF 1985

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

Mr. SKELTON. Mr. Speaker, today I am introducing the first of three proposals to reform and reorganize the top levels of our Defense Establishment. This is a three-step approach, with one bill being introduced at this time, and two others to be introduced in early summer.

A portion of the package that I am introducing today is the Military Command Structure Reorganization Act of 1985, which is a reform of the Joint Chiefs of Staff. It strengthens the military advice given to our civilian leaders and gives the military a stronger commander who has the authority to make tough decisions relating to procurement and mission operations.

The second bill that I plan to introduce is one that would reorganize the Office of the Secretary of Defense. This is unchartered territory for Congress—a first for this legislative body. It would transfer functions now performed by the OSD, such as net as-

sessment of military capabilities, nuclear weapons employment planning, and space planning, to the Joint Chiefs of Staff. It would also reduce the OSD staffs considerably.

The third proposal would change the congressional budget process for the defense of our Nation by putting it on a 2-year cycle. This would allow review of existing programs during even numbered years and authorizations and appropriations in odd numbered years.

These changes are the result of my experience as a member of the House Armed Services Committee. I hope that we can complete the work that we began last year and provide for substantial changes to be enacted this session.

SANDINISTAS STILL OPPRESS MISKITO INDIANS IN NICARAGUA

(Mr. LIVINGSON asked and was given premission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LIVINGSTON. Mr. Speaker, the Communist Sandinista Government in Nicaragua continues to talk peace but make war against its indigenous minorities. As reported in yesterday's New York Times, Miskito Indian leader Brooklyn Rivera has recently accused the Sandinistas of bad faith and broken promises on their peace negotiations.

"The Sandinistas are intransigent and dishonest," Mr. Rivera said. "How can we expect justice of this regime?"

The Times also notes that the Sandinista war against the Miskitos has resulted in the deaths of 800 Indians. More than 20,000 Indians have fled Nicaragua for Honduras. Inside Nicaragua, the repression against the Indians continues. Mr. Rivera said that President Daniel Ortega has broken his personal promise of October 1984 to release some 50 Indian political prisoners held in Nicaraguan jails. Many other recent press reports have confirmed that the Sandinistas are also taking the Indians' homeland in northern Nicaragua and turning it into a free-fire zone. The Indians are being forcibly relocated, their villages burned and bombed.

Mr. Speaker, the Times characterizes Mr. Rivera as the "most moderate" Miskito leader. If he has finally seen the Sandinistas' contempt for justice and negotiations, wouldn't this Congress be foolish not to see likewise?

The Times article, which follows in its entirety, is worthy of our attention, for it illustrates that those who would withdraw from Nicaragua, would likewise doom the Miskitos to repression.

A Rebel Nicaragua Indian Leader Is Pessimistic on Peace Prospects

(By James LeMoyne)

San Jose, Costa Rica, April 18.—A leader of the Miskito Indian rebels says that after six months of talks with Nicaraguan officials, he has become deeply pessimistic about the prospect of reaching a peace agreement between the Indians and the Government.

The rebel, Brooklyn Rivera, is widely considered the most moderate leader of some 120,000 Miskito Indians, more than 40,000 of whom are either in exile in Honduras or are held in Government camps in Nicaragua.

In an interview here today, Mr. Rivera accused the Sandinistas of bad faith and broken promises. His heated comments were in sharp contrast to past statements in which he expressed optimism that negotiations could bring positive results.

"The Sandinistas are intransigent and dishonest," Mr. Rivera said. "How can we expect justice of this regime?"

He added that he also suspected the motives of other Nicaraguan rebel groups who, he contended, have failed to aid the Miskitos.

VISITED NICARAGUA IN OCTOBER

"What I think is that all nonindigenous Nicaraguans want to use the tragedy of our brothers for their own political ends," he said.

Mr. Rivera, 32 years old, traveled to Nicaragua last October in what appeared to be an effort to end the three-year-old war between the Sandinistas and the Indians. The war is believed to have resulted in the deaths of at least 800 Indians.

Mr. Rivera heads Misurasata, one of two rival Indians rebel groups that have fought the Sandinistas since 1981. More than 20,000 Indians have fled to Honduras and the Sandinista Government has forcibly resettled as many as 20,000 others in Government camps deep inside Nicaragua.

Mr. Rivera said he began talks with the Nicaraguan Government last October when Senator Edward M. Kennedy, Democrat of Massachusetts, arranged for him to meet Daniel Ortega Saavedra, the Nicaraguan leader, at the United Nations. Mr. Rivera said Mr. Ortega expressed eagerness to end the conflict with the Miskitos, promised to release 50 Indians jailed in Nicaragua and pledged land and a broad degree of political autonomy for the Miskitos.

After the secret meeting, Mr. Rivera said, he spent 11 days in Nicaragua, visiting Indian refugee camps and villages on the north Atlantic coast. He also agreed to begin formal discussions with Nicaraguan officials in Colombia, he added.

But Mr. Rivera said little progress had been made after meetings last December and in March. The next session was scheduled to begin today in Mexico City.

Mr. Rivera said he was asking for political autonomy, an end to attacks against Indian villages, control of natural resources and release of prisoners.

The Government has not released Indian prisoners, as Mr. Ortega had promised, Mr. Rivera said, but has asked instead for a cease-fire and has offered him a place on a five-member Government commission to study the problems of the Indians.

"To have fought for four years to have one member on this commission," he said, "means the Indians will have to fight 500 years to gain their rights."

MR. PRESIDENT, CANCEL YOUR VISIT TO THE GRAVES OF THE SS IN BITBURG CEMETERY AND HONOR VICTORY OVER EVIL

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

Mr. DOWNEY of New York. Mr. Speaker, a new and haunting name has entered the American lexicon—it is Bitburg. And it has become a symbol of a wound that has yet to heal because buried within it lies the specter of hatred which this Nation struggled with such heroism to defeat.

Americans remember what they were fighting against 40 years ago—fascism, totalitarianism, and evil. And they remember the force that embodied those things—the Nazi SS. Americans remember that only 40 years ago, not a long time, this Nation mobilized to defeat Nazi Germany and the evil it stood for.

Sixteen million Americans served in our Armed Forces. Over 1 million gave their lives; 12 million Europeans were consumed by the horror of the SS-run Holocaust; 6 million of them were Jews. These memories are still young.

The President's intentions to help heal the wounds and bring our Nation and the German nation to greater understanding are honorable and of the greatest importance. But I urge the President not to undo his good intentions with a visit to the graves of the SS.

For these graves hold the phantoms of a common enemy—an enemy we share with all humanity. There, in the graves where the SS lie, lie also the dark forces that we are as members of the community of mankind struggle to defeat. There in the graves of the SS lie hatred and violence and horror—just as much our enemy as it is the German people's.

And thus, to honor these graves of our common enemy dishonors today's Germany.

Those who gave their lives in the struggle against the evil that the SS stood for, those who fell innocent victim to that evil and those who recognize the evil and still fight against it today deserve the President's and our Nation's honor.

Mr. President, cancel your visit to the graves of the SS in Bitburg Cemetery and honor victory over evil.

□ 1540

TASK FORCE ON INDIANA ELECTION ENDS ITS CAREER IN DISREPUTE

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

Mr. FRENZEL. Mr. Speaker, it is with extreme regret and complete disappointment that I announce that this morning the Committee on House Administration's Task Force on Indiana Eighth voted Mr. McCloskey as the winner of that election by 4 votes.

In so doing, the task force finished its career as it began it, in disrepute.

First, it agreed to trash the Indiana law and establish its own rules so that its candidates could win. Ultimately, it could not even follow its own rules. It made its final determination before it counted the last 32 votes. It had, of course, already counted many votes that were exactly the same as those 32.

So much for uniformity of standards, so much for voter intent.

The well has been poisoned since January 3 in this House. If the task force's recommendation is accepted, this House is going to be a very difficult place for us all to live over the next year and a half.

It is not possible to operate in an environment of trust and confidence after a decision by the majority which merits no trust.

PRESIDENT REAGAN ASKS FOR WAR BY PROXY

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

Mr. FAZIO. Mr. Speaker, the President has requested $14 million from the American people to wage a war that has not been declared, a war that will be waged by mercenaries and led in large measure by former members of Samoza's clique a war that the American people do not want and will not support.

We are not enamored with the Sandinistas and their form of government. They have abused human rights and waited much too long to restore the basics of democracy. And just as in Samoza's day, the press remains a tool of the government. These are severe indictments.

They are not, however, grounds for a declaration of war. And let there be no mistake, the President is asking for war by proxy.

Recently, he has attempted to confuse the public about his intentions through a series of public relations charades. But the American people are not so easily duped. And neither is this Congress. We will not fund Mr. Reagan's military adventures in Central America.

It is time to strike out in a bold new direction—a direction that emphasizes negotiations, that reduces conflict rather than escalates it, that constructs incentives for meaningful peace rather than brandishing threats that propel the Sandinistas down a path no one wants. We can begin tomorrow. We can avoid the temptation to play into totalitarian hands by voting down the President's military aid package.

THE REAL ISSUE: WILL WE ABANDON CENTRAL AMERICA?

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

Mr. SWINDALL. Mr. Speaker, as this House prepares to consider what will undoubtedly be the most significant foreign policy decision of this Congress, I would like to share with my colleagues the comments of one of the most distinguished journalists in the Southeast; the editor of the Atlanta Journal, Mr. Jim Minter. The comments appeared in his column in yesterday's Atlanta Journal, Sunday, April 21, 1985, at page 2-M.

The article follows:

THE REAL ISSUE: WILL WE ABANDON CENTRAL AMERICA?

(By Jim Minter)

It all seemed so plain you'd think even Tip O'Neill could have figured it out.

Take a look, will you, at exactly what President Reagan was asking Congress to do next week for Nicaraguan rebels friendly to the United States who are fighting a Sandinista government unfriendly to the United States.

President Reagan was asking Congress for military aid for the contras in Nicaragua to the tune of $14 million if the Sandinista government would not negotiate. The battle lines were drawn.

At week's end, it was apparent the president lacked the votes and Congress lacked the will to make this small commitment to a fighting force.

What will $14 million buy? Nearly two Grammy Halls of Fame for Atlanta; one-tenth of the Georgia-Pacific building on Peachtree Street; half an airplane for Delta; half the renovations for the stadium on the low-budget plan; with another $11 million, a new zoo at Grant Park.

When you remember that Delta Air Lines employees ponied up $30 million from their pockets to buy a Boeing 767, a $14 million dollar debate in a Congress accustomed to $900 billion budgets becomes niggling.

Except the debate wasn't about $14 million for military aid or humanitarian aid. Put straightforwardly the question that will remain before us over the next few months is this: Will the United States abandon Central America to whomever or whatever, or will the United States keep its hand in the game? Congress does not often vote an issue so vital.

If we truly believe the Sandinistas are harmlessly dabbling in social experiments, if we truly believe the Domino Theory was John Foster Dulles' hallucination, or that Marxist expansion in our backyard is no threat, or that there is no moral obligation to support freedom fighters, or if we truly believe the good Lord takes care of fools, then we should cut the contras off cold. Believe that, and believe also the eggs on the White House lawn at Easter really were left by a rabbit.

On the other hand, Mr. Reagan's view:

". . . the Sandinista government is communist dictatorship, it has done what communist dictatorships do: created a repressive state security and secret police organization assisted by Soviet, East German and Cuban advisers; harassed and in many cases expunged the political opposition, and rendered the democratic freedoms of speech, press and assembly punishable by official harassment, and imprisonment, or death.

"The Sandinistas have engaged in spreading their communist revolution beyond their borders. They are providing arms, training, and headquarters to the communist guerrillas who are attempting to overthrow the democratically elected Duarte government in El Salvador. The Sandinistas have been caught supporting similar anti-democratic movements in Honduras and Costa Rica. Guatemala, too, is threatened.

"If these governments fall, as Nicaragua has fallen," the president warns, "it will send millions of refugees north as country after country collapses."

If the president is half right, then the Congress by abandoning the contras in Nicaragua, will have issued an open invitation to Marxist revolution in all of Central America. At that point, Tip O'Neill and Jimmy Carter will be proven right, in one respect, because some future American president will surely send American boys to fight. That is the issue, not 14 million dollars.

ELIE WIESEL'S REMARKS TO THE PRESIDENT

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

Mr. ROEMER. Mr. Speaker, I sent everyone a copy of Elie Wiesel's speech given last Friday. Read it. I cried and I know you will, too.

Wiesel, a survivor of a concentration camp, told the President, face-to-face: "Of course you didn't know the SS graves were there. Now you do." A great speech.

He went on to say:

May I, Mr. President, if its possible at all, implore you to do something else, to find a way, to find another way, another site? That place, Mr. President, is not your place. Your place is with the victims of the SS.

The issue here is not politics, but good and evil. And we must never confuse them.

For I have seen the SS at work. And I have seen their victims. They were my friends. They were my parents.

What a speech. What power.

You know, my mother ought to work at the White House. For 40 years, she has led me to occasionally have the guts to utter those words, those four words that are death for a politician to say: "I made a mistake."

Say it, Mr. President: "I made a mistake." Mom says it will make you bigger, not smaller. She says it will set you free.

FOREIGN POLICY MINDSET OF DEMOCRATS AVOIDS REALITY

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

Mr. RITTER. Mr. Speaker, in a special order on Wednesday of last week, the gentleman from Massachusetts [Mr. FRANK] stated, and I quote from the CONGRESSIONAL RECORD of Wednesday, April 17, 1985:

I am not afraid of the Sandinistas because Nicaragua is a small, rather poor country.

I would be inclined, as a citizen of Massachusetts, to be more afraid of Connecticut than I am of Nicaragua, because they have a better industrial base.

I would ask my colleague from Massachusetts just how many Soviet and Cuban military advisers are in the State of Connecticut? How many North Korean, Vietnamese, East German, Libyan, and PLO are there in Connecticut working to undermine his neighboring State of Massachusetts?

How many Soviet Mi-24 Hind helicopters? How many Soviet T-55 tanks? How many amphibious vehicles? How many extra-long Soviet-built airfields and Soviet-type military barracks?

Mr. Speaker, the comments by my colleague may be witty; it is not funny. Indeed, it is tragic. It symbolizes a mindset in the foreign policy leadership wing of the Democratic Party which simply avoids reality.

This view condemns us to relive a tragic past which we should have learned from, long ago. Reliving the South American counterpart of the remilitarization of the Rhineland is not in the interests of peace.

ALTERNATIVE PROPOSAL ON NICARAGUA

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

Mr. BARNES. Mr. Speaker, along with my colleagues Congressman LEE HAMILTON of Indiana, Congressman JAMES JONES of Oklahoma, Congressman HAMILTON FISH of New York, Congressman JIM LEACH of Iowa, Congressman ED ZSCHAU of California and Congressman WILLIS GRADISON of Ohio, I have authored an alternative, bipartisan proposal with respect to Nicaragua, and under my unanimous-consent request, I am including it for printing in the RECORD of today's proceedings, as follows:

H.J. RES. 247

Joint resolution to provide United States assistance to foster peace and nurture democratic institutions throughout Cen'ral America

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNITED STATES SUPPORT FOR PEACE IN CENTRAL AMERICA.

The Congress finds and declares the following:

(1) The United States desires peace in Nicaragua and throughout Central America. United States policy toward Nicaragua should encourage all combatants to establish a ceasefire and come together in peace negotiations in order to resolve the internal Nicaragua conflict, nurture democratic institutions in that country, and promote peace and stability, as part of a regional settlement through the Contadora process or the Organization of American States.

(2) The countries of Central America, working through the Contadora process, have agreed to 21 principles (set forth in the Contadora Document of Objectives issued on September 9, 1983) which provide an appropriate framework for achieving peace and security in the region.

(3) Combatants on both sides of the conflict in Nicaragua have expressed in words their goals for peace and democracy in Nicaragua and throughout the region. United States policy should be designed to encourage these goals, including through the resumption of bilateral talks between the United States and Nicaragua.

(4) There are disturbing trends in Nicaragua's foreign and domestic policies, including—

(A) the Sandinista government's curtailment of individual liberties, political expression, freedom of worship, and the independence of the media;

(B) the subordination of military, judicial, and internal security functions to the ruling political party;

(C) the Sandinista government's close military ties with Cuba, the Soviet Union, and its Warsaw Pact allies, and the continuing military buildup that Nicaragua's neighbors consider threatening; and

(D) the Sandinista government's efforts to export its influence and ideology.

(5) The Congress will continue to monitor developments in Nicaragua to determine whether progress is being made to curtail these disturbing trends. Such progress will be a key element in congressional consideration of future economic and security assistance requirements in the region.

(6) If the Congress determines that progress is being made toward peace and development of democratic institutions in Nicaragua, consideration will be given to initiating a number of economic and development programs, including but not limited to—

(A) trade concessions,
(B) Peace Corps programs,
(C) technical assistance,
(D) health services, and
(E) agricultural development.

(7) Should Nicaragua not address the concerns described in paragraph (4), the United States has several means to address this challenge to peace and stability in the region, including political, diplomatic, and economic means. In addition, the United States—

(A) should through appropriate regional organizations, such as the Organization of American States, seek to maintain multilateral pressure on Nicaragua to address these concerns;

(B) should, if called upon to do so, give serious consideration to supporting any sanctions adopted by such an organization; and

(C) should consider the imposition of trade sanctions.

(8) In assessing whether or not progress is being made toward achieving these goals, the Congress will expect, within the context of a regional settlement—

(A) the removal of foreign military advisers from Nicaragua;

(B) the end of Sandinista support for insurgencies in other countries in the region, including the cessation of military supplies to the rebel forces fighting the democratically elected government in El Salvador;

(C) restoration of individual liberties, political expression, freedom of worship, and the independence of the media; and

(D) progress toward internal reconciliation and a pluralistic democratic system.

(9) The Congress is deeply concerned about human rights violations by both the Sandinista government and the armed opposition groups.

SEC. 2. PROHIBITION ON FUNDING FOR MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA.

The prohibition contained in section 8066(a) of the Department of Defense Appropriations Act, 1985 (as contained in section 101 of Public Law 98-473) shall continue in effect without regard to fiscal year until the Congress enacts a joint resolution repealing that prohibition.

SEC. 3. ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT AND HUMANITARIAN ASSISTANCE FOR REFUGEES.

(a) IMPLEMENTATION OF CONTADORA AGREEMENT.—During fiscal year 1985, the President may allocate $4,000,000, which shall remain available until expended, for payment to the Contadora nations (Mexico, Panama, Colombia, and Venezuela) for expenses arising from implementation of an agreement among the countries of Central America based on the Contadora Document of Objectives of September 9, 1983, including peacekeeping, verification, and monitoring systems.

(b) HUMANITARIAN ASSISTANCE FOR REFUGEES.—During fiscal year 1985, the President may make available up to $10,000,000 for the provision of food, medicine, or other humanitarian assistance for Nicaraguan refugees who are outside of Nicaragua, regardless of whether they have been associated with the groups opposing the Government of Nicaragua by armed force. Such assistance may be provided only through the International Committee of the Red Cross or the United Nations High Commissioner for Refugees, and only upon its determination that such assistance is necessary to meet humanitarian needs of those refugees. To the maximum extent feasible, such assistance should be provided to those organizations in kind rather than in cash. Assistance may not be provided under this subsection with the intent of provisioning combat forces.

(c) WAIVER OF LAWS.—Assistance under this section may be provided notwithstanding any other provision of law, except that section 531(c) of the Foreign Assistance Act of 1961 (prohibiting the use of funds for military or paramilitary purposes) shall apply to any assistance under subsection (b).

(d) SOURCE OF FUNDS.—Funds used pursuant to this section shall be derived from the funds appropriated to carry out chapter 1 of part I (relating to development assistance) or chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961 or section 2(b) (relating to the "Migration and Refugee Assistance" account) or section 2(c) (relating to the Emergency Refugee and Migration Assistance

Fund) of the Migration and Refugee Assistance Act of 1962.

SEC. 4. REPORTS TO THE CONGRESS.

No less frequently than once every 3 months, the President shall submit to the Congress a written report—

(1) describing any actions by the Sandinista government, and the groups opposing that government by armed force, which have contributed to or hindered efforts to establish a political dialogue in Nicaragua, to find a peaceful solution to the conflict, and to nurture democratic institutions in Nicaragua;

(2) describing the status of the Contadora process and United States efforts to begin the political dialogue in Nicaragua and to find a peaceful solution to the conflict;

(3) containing an accounting of any funds used under section 3 for implementation of Contadora agreement or for humanitarian assistance for refugees; and

(4) containing such recommendations as the President deems appropriate with respect to future United States policies regarding Nicaragua.

SEC. 5. PRESIDENTIAL REQUEST FOR AUTHORITY WITH RESPECT TO NICARAGUA.

(a) PRESIDENTIAL REQUEST.—On or after October 1, 1985, the President may submit to the Congress a request for authority to take specified actions with respect to Nicaragua.

(b) CONGRESSIONAL ACTION ON PRESIDENTIAL REQUEST.—A joint resolution which grants the President the authority to take those actions specified in the request submitted pursuant to subsection (a) shall be considered in accordance with procedures contained in section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in section 101 of Public Law 98-473), except that references in that section to the Committee on Appropriations of each House shall be deemed to be references to the appropriate committee or committees of each House. For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced after the Congress receives the President's request pursuant to subsection (a), the matter after the resolving clause of which is as follows: "That the Congress hereby authorizes the President, notwithstanding any other provision of law, to take those actions with respect to Nicaragua which are specified in the request submitted to the Congress pursuant to Public Law 99—.", with the public law number of this joint resolution inserted in the blank.

DEMOCRATS ARE COPPING OUT ON AID TO CONTRAS

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

Mr. SILJANDER. Mr. Speaker, now there is an excuse to turn our backs on freedom. The Democrats have developed a copout to aiding the Contras. Congratulations. Their plan expects negotiating without real pressure. Do they really believe and expect that Gorbachev, Castro, Khomeni, Qadhafi, and Arafat-backed government to conform to the promises Dan Ortega made before the OAS in 1979? Freedom of speech, assembly, religion, press, elections, and labor union formations?

□ 1550

Did they really expect them to do so because we request them so?

Well, some Members have given themselves an excuse to back out of the issue. They have also given the greatest excuse for Dan Ortega's, the head of the Sandinistas, continued tyranny and Marxist revolution in our own back yard.

VOTING RECORD OF SANDINISTA GOVERNMENT

(Mr. WILSON asked and was given permission to address the House for 1 minute.)

Mr. WILSON. Mr. Speaker and Members, I would just like to make the House aware of some of the votes that the Sandinista government has cast since it has been in power. It has voted against accepting Israel's credentials to the United Nations; the Sandinista government has voted against condemning the Soviet Union for its invasion of Afghanistan; the Sandinistas are one of the few countries in the world that have accepted an ambassador from the Palestinian Liberation Organization, and on and on and on and on. I think some of you who intend to side with these folks ought to think about some of these things a little bit.

MEMBERS URGED TO READ PRESIDENT'S REPORT CONCERNING AID TO CONTRAS

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

Mr. ADDABBO. Mr. Speaker, tomorrow we will start 10 hours of debate on the question of $14 million military aid to the Contras in Nicaragua. I would ask my colleagues between now and during that 10-hour debate tomorrow, at some time during the day, go up to the Intelligence Committee, where there is the report, the confidential report, sent over by the President as part of his findings and request for the military aid to the Contras. It will answer many questions that you have on your mind as far as humanitarian aid. Humanitarian aid was not part of that report which was sent to the Congress, which is on file, and we will be discussing it tomorrow.

I would ask the Members to please take the time out to go up and read that report.

NEGOTIATIONS IN NICARAGUA

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

Mr. COURTER. Mr. Speaker, many people in this body wanted President Jose Napoleon Duarte of El Salvador to enter into a dialog with the guerrillas, the insurgents, the Communist guerrillas, in his own country. They demanded that that take place. They indicated that if it did not take place, it would show a lack of good will on his part. And, in fact, he did, he negotiated with the guerrillas.

Why are not those same individuals demanding that the Sandinistas, the Communists in Nicaragua, negotiate with the freedom fighters in Nicaragua?

If democratic states are expected to negotiate with Communist guerrillas, why are not Communist states expected to negotiate with the democratic opposition?

NICARAGUA

(Mr. FRANK asked and was given permission to address the House for 1 minute.)

Mr. FRANK. Mr. Speaker, I want to enlighten my friend from Pennsylvania, when you are afraid of someone, there are two reasons: One is their ill will, and one is their capacity.

I do not claim that the citizens of Connecticut equal the Sandinistas in their ill will toward the rest of the United States. What I was talking about was the lack of capacity in this poor and disorganized country to frighten the greatest superpower in the world.

The point is that we have one of two reasons for attacking them. One could be moral outrage at the lack of democracy. I share that unhappiness with their lack of democracy. But an administration that is South Africa's best friend in the world is a very unconvincing crusader on behalf of democracy in Nicaragua.

I do not believe that our national security can be put in jeopardy by that society.

And to my friend from Texas, who preceded me, who talked about the terrible voting record of Nicaragua, the People's Republic of China has a voting record not dissimilar. I hope that my friend from Texas is not about to advocate that we launch an armed revolution against the People's Republic of China and everyone with similar voting records. There simply is a great degree of inconsistency in the argument put forward.

My point, which I made the other day and which I repeat, is that I do not regard as a citizen of this great and strong and powerful country that we can be threatened by a government, albeit one I do not like, in Nicaragua.

CENTRAL AMERICA: DOSE OF REALITY—NO. 3

(Mr. GONZALEZ asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. GONZALEZ. Mr. Speaker, last week I set forth the President's violations of two of the provisions of the War Powers Act. Today, I will continue my discussion.

This is how the act reads:

The term "introduction of United States Armed Forces" includes the assignment of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such military forces are engaged or there exists an imminent threat that such forces will become engaged, in hostilities.

Let's look at what we have in Central America. The United States is coordinating and participating and accompanying the military forces of El Salvador, Honduras, and the Nicaraguan rebels. The President has justified the presence of U.S. military aid to this region because of the threat of the spread of communism and the Sandinista regime. He justifies his request for $14 million for the Nicaraguan contras because of this imminent threat.

Mr. Speaker, if the President uses this so-called imminent threat to justify U.S. military presence in Central America, then he has also triggered the War Powers Act which specifically addresses the introduction of U.S. troops into areas where the threat of hostilities is imminent.

We are engaged in our largest military exercise, Universal Trek '85, which gets into high gear tomorrow. The 10th anniversary of the fall of Saigon is next Tuesday. And here the President is asking us to disregard the illegality of our military presence in Central America and to forget the lessons of Vietnam. When a person breaks the law, even if that person is the President, and regardless of the reasons for the lawbreaking, the very moral fiber on which our country was established and has thrived is threatened. The War Powers Act was enacted to protect us, and each day that the lawbreaking continues, we become more and more vulnerable to the consequences—the consequences of an undeclared Presidential war in Central America.

REPORT TO CONGRESS ON DEVELOPMENTS CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-58)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

(For message, see proceedings of the Senate of today, Monday, April 22, 1985.)

ANNOUNCED BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has been concluded on all motions to suspend the rules.

CONDEMNING THE SOVIET UNION FOR THE MURDER OF MAJ. ARTHUR D. NICHOLSON, JR., AND ACTIONS INCONSISTENT WITH THE 1947 MILITARY LIAISON MISSIONS AGREEMENT

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 125) condemning the Government of the Soviet Union for the murder of Maj. Arthur D. Nicholson, Jr., and actions clearly inconsistent with the 1947 Military Liaison Missions Agreement.

The Clerk read as follows:

H. RES. 125

Whereas, on March 24, 1985, Major Arthur D. Nicholson, Junior, and his driver, Sergeant Jessie Schatz, were on a routine surveillance mission in a clearly marked United States Army vehicle during daylight hours;

Whereas, during this mission, Major Nicholson was shot without warning by a Soviet soldier near Ludwigslust, East Germany;

Whereas, after the shooting, Soviet authorities physically restrained Sergeant Schatz from administering first aid to Major Nicholson;

Whereas, due to the actions of the Soviet authorities, Major Nicholson was denied medical attention for more than one hour, during which time he bled to death from his wounds;

Whereas, the Military Liaison Missions Agreement, signed by the United States and the Soviet Union in 1947, states as point 10, "Each member of the missions will be given identical travel facilities to include indentical permanent travel passes in Russian and English languages permitting complete freedom of travel wherever and whenever it will be desired over territory and roads in both zones, except places of disposition of military units, without escort or supervision.";

Whereas Major Nicholson and Sergeant Schatz had not traveled within or through a restricted area during their mission; and

Whereas the actions of the Soviet authorities during this incident were clearly inconsistent with the terms of the 1947 Military Liaison Missions Agreement: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Government of the Soviet Union be condemned for the murder of Major Arthur D. Nicholson, Junior, and actions clearly inconsistent with the 1947 Military Liaison Missions Agreement.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes and the gentleman from New York [Mr. SOLOMON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

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

Mr. Speaker, I speak in support of House Resolution 125, a resolution to condemn the Government of the Soviet Union for the murder of Maj. Arthur D. Nicholson, Jr., on March 24, 1985, and actions clearly inconsistent with the 1947 Military Liaison Missions Agreement among the nations with forces stationed in East and West Germany.

I want to commend the gentleman from New York [Mr. SOLOMON] for his leadership on this issue. The Subcommittee on Europe and the Middle East which I chair held a hearing on March 27 in which we examined this tragic incident with officials of the Department of State. It is amply clear that, whatever the exact circumstances of the situation, there can be no justification for the killing of an unarmed officer on a routine surveillance mission in a clearly marked U.S. Army vehicle during daylight hours. Furthermore, the Soviets denied Major Nicholson medical attention for over 1 hour during which time he bled to death.

What remains especially unacceptable about the reaction of the Soviets to the incident is their denial of any responsibility whatsoever for what happened. If newspaper reports are accurate, the United States and the Soviet Union are engaged in important discussions regarding this case and regarding how to prevent such a problem from developing in the future. The issue of an apology and compensation for the Nicholson family has been mentioned. We also are hearing evidence that the soldier who killed Major Nicholson has been removed and disciplined. These developments, if accurate, could be important and should be followed closely.

Mr. Speaker, I urge adoption of this resolution and I also urge its prompt transmittal to the Soviet Union so that the unacceptable behavior involved is quickly and unequivocally condemned.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. FASCELL].

□ 1600

Mr. FASCELL. Mr. Speaker, Maj. Arthur D. Nicholson, Jr., was an extraordinary young man. He embodied the best of America: Talented, dedicated to his family and his country, determined to improve the world and make it a more peaceful place. Commemorating the death of a person so young and so promising is doubly bitter.

House Resolution 125, which condemns the Soviet Union for the wanton murder of this outstanding military officer, must become something more than a volcanic outpouring of hate and animosity. Certainly, Major Nicholson would want it to be that. He above all would want his tragic death to be the cause of something positive.

Yes, we condemn the Soviet Union for killing this young officer and for violating the 1947 Military Liaison Missions Agreement.

Yes, we deplore the resort to hostile reaction—just as we did the Soviet shoot-down of the Korean 007 airliner.

Yes, we regret that such incidents only serve to jeopardize progress on other fronts in improving United States-Soviet relations.

But more than anything, we stand today to pay tribute to Maj. Arthur D. Nicholson.

We honor him for the honor he brought his country.

We respect him for his dedication.

We revere him for the memories he left with us.

To his wife and child we extend our deepest sympathy.

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

Mr. Speaker, House Resolution 125 is very straightforward. It puts the House of Representatives on record as condemning the inexcusable murder, by a Soviet soldier, of Maj. Arthur D. Nicholson, Jr.

The facts behind the incident are clear and beyond dispute. And these facts add up to a clear indictment of official Soviet policy.

The shooting death of Major Nicholson was not a random act by a trigger-happy guard, but a cold-blooded murder that marks the latest, and most vicious, in a series of harassment incidents by the Soviet occupiers of East Germany.

On March 24, 1985, Maj. Arthur Nicholson, Jr. and his driver, Sgt. Jessie Schatz, were on a routine surveillance mission in broad daylight riding in a clearly marked U.S. Army vehicle.

Suddenly, without warning or provocation, while participating in a legitimate, open, and routine mission, Major Nicholson was shot by a Soviet soldier near Ludwigslust, East Germany.

Major Nicholson was not killed immediately, but instead was left to die as Soviet authorities physically restrained Sgt. Schatz from administering the first aid that could well have saved the major's life.

For more than 1 hour, Major Nicholson was denied medical attention. During that 1 hour, he bled to death.

Every major account of the incident leads to the same conclusion.

While on their mission, Major Nicholson and Sgt. Schatz were well within their authority as American servicemen under the Military Liaison Missions Agreement signed by our Government and the Soviet Union in 1947.

Point 10 of that agreement states, and I quote:

Each member of the missions will be given identical travel facilities, to include identical permanent travel passes in Russian and English languages, permitting complete freedom of travel wherever and whenever it will be desired over territory and roads in both zones, except places of disposition of military units, without escort or supervision.

So the Soviet soldier who shot Major Nicholson was clearly violating this missions agreement.

And the Soviet authorities in East Germany clearly violated every principle of human rights and international morality in allowing Major Nicholson to bleed to death.

But worst of all, there is clear and incontrovertible evidence that this heinous act of savagery was not an isolated incident.

Pentagon records show a long list of similar incidents of harassment by Soviet guards against American servicemen performing their prescribed duties in East Germany. Major Nicholson's death is an incident that may be different in intensity but is no different in kind than these other incidents.

For instance, on March 28, 1983, a Soviet officer fired what were alleged to be warning shots at an unarmed American serviceman because unlike their Soviet counterparts, American servicemen do not carry weapons on these assignments.

On March 23, 1983, just 5 days earlier, a Soviet truck had deliberately rammed an Army sedan carrying American military personnel.

On February 28, 1983, only 1 month previous to these incidents, Soviet soldiers had fired at another American serviceman.

Going back to May 19, 1982, and back again to October 10, 1980, in two separate incidents, U.S. servicemen had been pulled from their cars and brutally beaten.

Earlier, on June 30, 1980, an American car had again been rammed by a Soviet truck.

These incidents, I want to stress, are merely those that have taken place in recent years. The Soviet history of harassment of American troops actually goes back to the fifties, in direct violation of the 1947 Military Liaison Missions Agreement.

The Soviets signed that document, just as they have agreed to various other documents govering international conduct, human rights principles, and arms control. Yet it is becoming clearer and clearer, if indeed it was not crystal clear before, that the Soviets feel no compunction in violating the letter, or even the spirit, of these accords, whenever it is to their advantage.

The advantage can be as great as nuclear superiority, or as subtle as the undermining of allied strength and solidarity. But whatever the motive, there can be question that treaty violations are well within their political philosophy of brute force and the supremacy of the atheistic state.

The murder of Major Nicholson under the circumstances I have just described is disturbing enough to merit condemnation by this House for this one act alone. But it is still more profoundly disturbing to consider the murder of Major Nicholson not as an isolated incident, but as part of a pattern that has continued for many years.

Mr. Speaker, I do not have time now to list the organized, premeditated and official crimes of the Soviet State against its own people, the captive nations in its orbit, or the nations it now seeks to sway by force and subterfuge. But suffice it to say that the murder of Major Nicholson was no aberration. Nor was the brutal shoot-down of Korean flight 007 in September 1983, a sadistic act that took the lives of so many innocent men, women, and children, including our own colleague, Congressman Larry MacDonald.

My colleagues, should we forget that terrible incident? Should we forget the brutal murder of Major Nicholson? For his sake, for his family's sake, for the sake of all American servicemen and indeed all Americans, the answer should be: No.

And we can say we will never forget by standing united behind this resolution to condemn the Soviet Union for its acts of blatant brutality and international lawlessness.

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

Mr. SOLOMON. I yield to the gentleman from New York.

Mr. BIAGGI. I thank the gentleman for yielding to me.

Mr. Speaker, I rise to commend the gentleman for his most comprehensive statement. The gentleman has revealed the nature of the enemy for what it is, and it is important for all America to know that.

I simply was compelled to rise and commend the gentleman and I would like to associate myself with his remarks.

I wish to express my support for the pending resolution, House Resolution 125, expressing the condemnation of Congress against the Soviet Union for the murder of Maj. Arthur D. Nichol-

son and for actions clearly inconsistent with the terms of the 1947 Military Liaison Missions Agreement.

I support this resolution for one basic reason which should be considered by all of my colleagues—the Soviet Union has failed to apologize in any shape or form for the coldblooded murder of Major Nicholson.

At this point in the RECORD I wish to insert an editorial from the New York Sunday News of April 21 entitled "An Arrogant Concession."

AN ARROGANT CONCESSION

American negotiators, the State Department said, "obtained agreement from the Soviets that they will not permit the use of force or weapons against the members of our liaison mission in the future." Unless new heat is put on, the curtain closes on the murder of Maj. Arthur D. Nicholson Jr.

If the Soviets could be trusted, and history insists they cannot, the commitment their commander made in Potsdam would be a significant concession and precedent. The U.S. and Soviet forces poised at the tripwire have important roles. They watch each other, as they have since the Soviets' post-World War II occupation of Germany began. More, they watch for signs of activity that could be the prelude to confrontation. Avoiding unexpected military conflict there is a vital deterrent to a wildfire war.

Nicholson gave his life in the service of that security of the U.S.—and the world. American rules prohibit shooting Russians in such situations. The fact that the Soviets now say they have adopted such a rule gives some solace to the brave men who must follow in Nicholson's mission.

In a sense, the Soviets have conceded their slaughter of Nicholson was wrong. But to leave it at that, without apology or explicit concession of wrong, is brutally arrogant.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. I thank the gentleman for yielding time to me.

Mr. Speaker, I am fed up with the Soviet policy of shooting first and asking questions later. I offer my strong support for this resolution which condemns the Soviet Union for the murder of Maj. Arthur Nicholson, Jr. Once again, the Soviet Union has taken the life of an innocent human being.

The facts are clear. The Soviets deliberately murdered Major Nicholson in clear violation of the 1947 Military Agreement. The Soviets also chose to let that innocent man die rather than try to save him.

How can our country trust the Soviets? How can we convince the American people that the Soviets believe in agreements? How can we expect our President to entrust the security of our country to accords which the Soviets may violate on a routine basis?

These are weighty questions that all of us must ask. While I hope that relations between the Soviets and our country will improve, I am angry about this senseless tragedy.

With these concerns in mind, I call upon my colleagues to join me in support of this resolution.

Mr. HAMILTON. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to offer my condolences to the family of Maj. Arthur Nicholson, Jr. They are joined by all other Americans in mourning the loss of a patriotic soldier in service to our Nation.

Major Nicholson's tragic death at the hands of Soviet soldiers points up the unhealed wounds left over from World War II. To this day, the United States continues to protect a fragile peace in faraway lands.

Major Nicholson was carrying out his duties under an agreement signed by the Soviets and the United States in 1947. This agreement allowed each side virtually unrestricted access to the occupied zones of the former German Reich. By mutual understanding, the agreement still serves to allow the Soviets and the Western Allies to observe military developments throughout East and West Germany.

That agreement is buttressed by a system of military-liaison missions designed to ensure that the personnel of both sides are adequately forewarned of the establishment of restricted areas in the territory they are observing.

Major Nicholson was observing tank installations in a zone that was not—I repeat not—so restricted.

He was shot without warning by a Soviet soldier. The same soldier prevented his partner, Sgt. Jesse Schatz, from gong to his aid. A group of Soviet soldiers watched as Major Nicholson died, an innocent victim of stubborn and unthinking violence.

We cannot, perhaps, lay exclusive blame on the Soviet soldier who shot Major Nicholson. He may well have acted from ignorance or commands from above. I am concerned with something far larger than that. I am concerned that this example of bloodshed reflects all too well a callous and inhumane attitude by Soviet leaders. How far up the chain of command must we look to fix the blame for this senseless and illegal killing? How deeply can we trust a military command unable—or even unwilling—to brief its soldiers on the rights of other military groups? How can we trust national leaders who fail to ensure that the organizations they lead will abide by the rules in agreements with other lands?

This question disturbs me in an age when we must pursue negotiated agreements with our adversaries to protect the safety of the world.

It is vital to point out that Soviet military-mission personnel have often been sighted in areas we have deemed restricted in West Germany. But they have never been shot. Our soldiers are well briefed in recognizing Soviet personnel who are observing our military installations under the 1947 agreement. Our soldiers can be trusted to report Soviet soldiers but also to let them live.

This simple fact underlines what may be the real lesson of Major Nicholson's death: that we in the democracies trust our people to do what is right when they are competently led and informed.

I do not believe that the leaders of the Soviet Union come to understand that faith in their people is not only possible but necessary. I pray that one day they will.

Until that day comes, it remains our task to stay alert in the protection of nations who know that only a people who are free can be trusted with the duty of guarding the peace.

□ 1610

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut [Mr. ROWLAND] who was instrumental in helping me draft the resolution, and is also the Congressman who represents the district of Major Nicholson and his family.

Mr. ROWLAND of Connecticut. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of House Resolution 125. The murder of Maj. Arthur Nicholson has touched many lives. The actions on the part of the Soviet Union were nothing short of barbaric. We are all familiar with the tragic circumstances surrounding the shooting. But unfortunately, the Soviet Union continues to put SALT in the wounds of the American people.

I find the lack of any apology, the refusal to compensate the family or even the acknowledgment of wrongdoing by the Soviet Union to be unacceptable.

We should not take the action we are considering today lightly. Condemnation of another nation by this body is a very serious event. I believe, however, we are taking the only possible course in response to this tragedy, and I hope that this message is heard loud and clear in the Halls of the Kremlin. Major Nicholson's wife said it best during a ceremony recently. She said:

To belong to the military is to belong to a very special family. Perhaps because we are so often away from our loved ones; a bond develops that you can find nowhere else. And that love and concern has opened many doors for Jenny and me and has stood by me this week. Nick is the most patriotic person I've ever known and that's why he made the military his life. He felt that each and every day he did something for his country, for his family, and for everyone he knew. He devoted his life to understanding other people, especially the Soviets, in the hopes that through friendship and knowl-

edge of each other he could contribute to world peace. He didn't want to die and we didn't want to lose him, but he would gladly lay down his life again for America.

Mr. Speaker, there is no reason that any American soldier should have to lay down his life for America in these times of peace. And especially at the hands of the Soviet Union.

Major Nicholson is gone, but the resolve and commitment of this Nation in preserving peace lives on.

I have the high honor of representing this fine family in Congress—I only hope that, through the negotiations in Geneva, the Soviets come to a new understanding of the value and sanctity of human life and that our negotiations serve the double purpose of preventing future tragic deaths like that of Major Nicholson and the passengers of the Korean Air Line flight 007.

Arms reduction is more than just a numerical exercise. It's the realization that we must place a higher value on human life. Like the human life of Major Nicholson.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LANTOS].

Mr. LANTOS. I thank the gentleman for yielding.

Mr. Speaker, I rise with a sense of outrage at this most recent example of Soviet brutality. This body and the American Nation is as one in extending our condolences to the family of Major Nicholson.

But the issue goes beyond the cold-blooded murder of an American soldier. What we are dealing with fundamentally is yet another Soviet human rights violation—a human rights violation which is just the most recent in a long, almost endless chain of deprivations of innocent human beings' fundamental human rights.

This particular American soldier was unarmed. He was clearly visible. He represented no threat to anyone. He was killed by the Soviet military and an apology is yet to be forthcoming.

We hear a great deal these days about Gorbachev's public relations acumen. If Mikhail Gorbachev is listening, if Anatoly Dobrynin is listening, this is the time for you, Mr. Gorbachev, to pick up the phone and extend your humble apology to the widow of Major Nicholson. Taking American congressional delegations to the Bolshoi Ballet is no substitute for saying, "Mea culpa, mea maxima culpa. We made a big mistake. We are sorry. We apologize."

No one will bring Major Nicholson back to life. But I want the Soviet Union to know that those of us who are hoping and praying for the success of the arms control negotiations in Geneva have this event sticking in our throat. This is no way for us to come to an agreement with you. This is no way for us to trust you if you continue the murder and the persecution of innocent human beings.

This particular human rights violation is part and parcel of a complex web. That complex web extends to the Pentecostals who are persecuted in the Soviet Union, to the children in Kabul, Afghanistan, who were machinegunned by the Red Army, to Sakharov and Soviet Jews, and now to Major Nicholson.

We are asking you, Mr. Gorbachev, to change course before it is too late.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. I thank the gentleman for yielding this time to me.

Mr. Speaker, this is an important resolution and I particularly note the impassioned plea and statement by the gentleman from California, Mr. LANTOS. It was a very good one.

I remember very well, when I visited West Germany, flying along the border between East and West Germany. I remember climbing one of the towers that were on the west side of the border between East and West Germany.

□ 1620

I looked down, and there was a cross on the ground below, and there are stories behind every one of those crosses. I knew it would not be a pleasant story, but I asked about the story behind the cross I happened to be looking at, and they said, "There was an incident that occurred about 5 years ago." They told me that there was a man and his son who tried to walk from slavery to freedom, tried to walk from East Germany to West Germany—nothing more, just tried to breathe free, to have an opportunity to do what they wanted to do, go where they wanted to go, and pray in the manner they wanted to pray. And they knew that there were antipersonnel mines along the border between East and West Germany, not to keep the West out of the East but to keep the people enslaved in the East so they could not go to the West.

And the story is that a man said to his son, "Follow me every single step because if you step where I step and I step in the wrong spot, I will be blown up, but you will be saved."

In the middle of the night they started to walk, and the man got to the wire fence and started to climb. He was lucky not to step on any antipersonnel mines. But then he heard an explosion in the back, and, sure enough, it was his son that exploded a mine, losing a part of his leg. The father ran back and tried to help his son, and was killed by an East German soldier, and this young boy, about 12 years of age, was permitted to lie there, similar to Major Nicholson, for hours. As a matter of fact, he laid there for 12 hours moaning while American soldiers and West German soldiers pleaded with the other side, saying, "We'll take him to the hospital. We will give him back to you the next day, but let us stop the bleeding." And they callously watched him bleed to death. He died there, and so there was another cross placed there.

The point is that this incident with Major Nicholson is not an isolated incident. It is not the first time this has happened, and as the President said, there is a difference between democracies and totalitarian countries. Democracy has moral imperatives. We know that. We know those imperatives. But not long ago, when he spoke about the importance of giving aid to the freedom fighters, the Contras in Central America, he said also that democracy has advantages that are profoundly practical. He indicated the fact that democracies do not try to destabilize their neighbors.

The SPEAKER pro tempore. The time of the gentleman from New Jersey [Mr. COURTER] has expired.

Mr. SOLOMON. Mr. Speaker, I yield 30 additional seconds to the gentleman from New Jersey [Mr. COURTER] so he may finish.

Mr. COURTER. Mr. Speaker, I thank the gentleman from New York for yielding me 30 seconds more.

The President indicated that there are practical differences in the way democracies behave versus totalitarian countries.

I wish I had time to go on further. I just want to give my sincere condolences to the family, the wife, and friends of Major Nicholson. I congratulate the gentleman from New York [Mr. SOLOMON] for bringing this worthwhile resolution to our attention.

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

The SPEAKER pro tempore. The Chair wishes to advise the gentleman from Indiana [Mr. HAMILTON] that he has 10 minutes remaining and the gentleman from New York [Mr. SOLOMON] has 6½ minutes remaining.

Mr. HAMILTON. Mr. Speaker, I have no further requests for time at this moment.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. ARMEY], who was one of the original drafters of the resolution, along with the gentleman from Connecticut [Mr. ROWLAND] and myself.

Mr. ARMEY. Mr. Speaker, I rise, of course, in support of this resolution.

Mr. Speaker, I remember the shock that I felt when I turned on my TV and saw on the news the reports of the murder of Major Nicholson and the cold, calculating way in which he was left to lie there for an hour without any assistance being brought to him either by the Soviets or allowed to him by his driver.

Then I did what so many of us did; I asked, "What happened here?" and we investigated and waited, and we heard all the explanations. But very little was forthcoming. The fact is that it was not a trigger-happy soldier. It was not any of the explanations that have been given to us by the Soviets. It was another cold and calculated effort on their part to intimidate us, to push us to see how far they could go. It was another instance of their lack of regard for human life, their willingness to take a human life in the interest of testing our political will. This cannot be tolerated.

So as we watched the proceedings and listened for word, we drafted the resolution, and we took it to the Committee on Foreign Affairs and we asked that it be brought to the floor. And even during that time, when addressing this issue, Mr. Gorbachev refused to admit to any complicity on the part of the Soviets. His response to inquiries was that the soldier was in the wrong place, that he deserved to die, that it is not the Soviets who are responsible, it is the Americans who are responsible. This disregard for the principles of humanity cannot be accepted without protest.

So for that reason, we offer this resolution as a protest, as a demonstration of our resolve.

We will not go away, Mr. Gorbachev, and freedom will not go away. We will continue to knock at your door. We will continue to give surveillance to your weapons systems. We will continue to search behind your "Iron Curtain" to look for a way to bring truth to those people, to allow them the opportunity for freedom. We will continue to send good and true, brave, young Americans like Mr. Nicholson to work for the cause of freedom, and we will not be bluffed, we will not be intimidated.

Mr. Gorbachev, the Soviet Union is wrong. It denies freedom. It will not tolerate the search for freedom. It uses the most inhumane tactics to prevent those who would seek freedom for others, and this House will not stand for that.

As my final word, I would like to say to Mr. Gorbachev, as I know this House will agree, that we protest. We demand an apology. We demand that you change your ways, that you deal with greater humanity both with your own people and with others who come to visit you.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Speaker, the gunning down of Major Nicholson and the prevention of assistance to him while he lay dying is nothing new. That is perhaps the unfortunate part of the story. It is in the tradition of Hungary in 1956, Czechoslovakia in 1968, the shooting down of KAL 007 with 269 people aboard, including a U.S. Congressman, the ongoing genocide in Afghanistan, the suppression of Solidarity in Poland, and so on, and so on, and so on.

While we work for success in arms control in Geneva, while we consider aiding democratic forces in Nicaragua, let us not just shunt Major Nicholson's murder aside.

How does it seem to the forces of freedom in this world when, in the face of the murder—unapologized for—of a U.S. soldier by the Soviets, this Congress pulls the rug out from under those resisting the imposition of Soviet-backed, Soviet-style communism on the people of Nicaragua. I ask my colleague, the gentleman from California [Mr. LANTOS], and other Democrats who are similarly outraged by Major Nicholson's murder not to reward the Soviet Union tomorrow by voting against assistance for democratic forces in Nicaragua. Please, Mr. LANTOS, put your impassioned outrage into practical use. Help those fighting against Soviet tyranny right south of your own border.

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

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. RITTER] yields back 1 minute.

Mr. GILMAN. Mr. Speaker, I rise in support of House Resolution 125, legislation condemning the Government of the Soviet Union for the murder of Maj. Arthur D. Nicholson, Jr., and for actions clearly inconsistent with the 1947 Military Liaison Mission Agreement. I commend the gentleman from New York [Mr. SOLOMON] and the gentleman from Texas [Mr. ARMEY] for taking the initiative in introducing this measure, and I am pleased to join them as a cosponsor of the resolution.

My colleagues have outlined how Major Nicholson, on a routine surveillance mission, was shot without warning by a Soviet sentry. Compounding this reprehensible action is the fact that the Soviets prevented the major from obtaining medical attention. As a result, he bled to death from his wounds.

Mr. Speaker, it is my understanding that in the wake of this despicable event, U.S. military officials have met with their Soviet counterparts in an effort to obtain from the Soviets concrete assurances that the Soviet Union would not resort to force in monitoring compliance with the military surveillance agreement of 1947. It is my hope that the Soviets can recognize the inherent legitimacy of such a request.

Indeed, the world is growing tired of the Soviet's policy of shooting first and asking questions later. Civilized nations resent the carnage of jetliners packed with innocent civilians being shot from the sky and officials performing their duties in accordance with written understandings being shot and left to die. In an international community governed by law and comity, it is just totally unacceptable and unjustifiable for any nation to act in a manner where common sense and an effective chain of command are overtaken by paranoia and a command structure out of control.

Accordingly, Mr. Speaker, I urge my colleagues to suspend the rules and pass House Resolution 25. Congress cannot remain silent in the face of the senseless killing of Major Nicholson. If the Soviets cannot, on their own, recognize the repugnance of their actions, then it is clearly our duty to continually underscore our outrage at such heinous behavior.

Mr. SOLOMON. Mr. Speaker, before I yield back the balance of my time, I would again like to thank the gentleman from Indiana [Mr. HAMILTON] for his help and the chairman of the full committee, the gentleman from Florida [Mr. FASCELL], for helping to expedite this resolution and to get it on the floor in a timely manner. I thank them very much.

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

Mr. HAMILTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. DONNELLY].

Mr. DONNELLY. Mr. Speaker, I rise in strong support of House Resolution 125 which condemns the Soviet Union for the cold-blooded murder of U.S. Army Maj. Arthur D. Nicholson, Jr., in East Germany on March 24. Major Nicholson was fatally shot by a Soviet soldier while on a routine surveillance mission in East Germany as permitted by the Military Liaison Missions agreement signed by the United States and the Soviet Union in 1947. Sgt. Jessie Schatz accompanied Major Nicholson as his driver on March 24. After the shooting, Soviet soldiers forcibly restrained Sergeant Schatz from administering first aid to Major Nicholson who was then bleeding profusely. Major Nicholson died within an hour of the shooting, and in that time the Soviets made no attempt to render him even minimal medical assistance, nor would they allow Sergeant Schatz to come to his aid.

As a people who view human life as sacred, we recoil in horror at the criminal murder of a member of our Armed Forces who was carrying out a legitimate peacetime mission. The savagery of the incident, and the inhumane refusal of the Soviet authorities at the site to provide or even allow medical attention to Major Nicholson, demand the expression of outrage that this resolution embodies. A belated apology from the Soviets will provide little solace to the bereaved family of Major Nicholson. Their loss is irreversible. The family has our most heart-

felt condolences. We share their grief, and will do all we can to prevent similar tragedies from befalling other members of our Armed Forces. The Soviets owe an apology, and an accounting of what steps are being taken to insure that it never happens again.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I take this opportunity to thank the gentleman from Indiana [Mr. HAMILTON], the chairman of the subcommittee, for giving us the opportunity to vote on this very important resolution, and I stand here today strongly supporting the resolution.

A lot of the legwork of getting this resolution to the floor condemning the Soviets for the murder of Major Nicholson was done by the gentleman from New York [Mr. SOLOMON], and I certainly thank him for giving me the opportunity of being one of the cosponsors. I strongly support the resolution.

● Mr. RUDD. Mr. Speaker, the cold-blooded murder of Maj. Arthur Nicholson in East Germany last month shocked the free world, but was by no means a surprise. The incident was just another cruel example of the Soviets' shoot-first-ask-questions-later philosophy.

It was only 19 months ago that the Soviets shot down Korean Air Lines flight 007 with 269 innocent persons aboard, including our colleague, Larry McDonald. Even with their guilt in that incident firmly established, they maintained they did no wrong, and went so far as to threaten further acts of violence against other civilian aircraft which might inadvertently stray over Soviet territory.

In East Germany, both sides regularly collect military intelligence. Major Nicholson tried to do no more than the Soviets have tried many times in the past. However, when our side finds a Soviet, even in a restricted area, we do no more than detain him, take his camera and send him home. We do not shoot to kill. Indeed, Major Nicholson was the first person from either side to be fatally shot.

When Nicholson's companion attempted to administer first aid right after the shooting, he was forced away by Soviet soldiers, and it was not for another hour that a Soviet medic attended to Nicholson. By then he had died. Were Nicholson's companion permitted to tend to him, he may have survived. We'll never know.

The Soviets' conduct is simply unconscionable. Their hair-trigger responses do nothing to encourage stability in our relations. They are a threat to civilized people everywhere.

This resolution before us today rightly condemns the murder of Major Nicholson. I doubt there will be any dissent. But once this resolution is approved and we take up other measures that directly affect our defense posture and superpower relations, let's be sure not to forget the deplorable behavior they have exhibited time after time.●

□ 1630

Mr. HAMILTON. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and agree to the resolution, House Resolution 125.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

CALLING FOR THE RESTORATION OF DEMOCRACY IN CHILE

Mr. WEISS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 52) calling for the restoration of democracy in Chile, as amended.

The Clerk read as follows:

H. CON. RES. 52

Whereas over the past five years, military juntas in Argentina, Bolivia, Ecuador, El Salvador, Honduras, Uruguay, and Brazil have been replaced by elected civilian governments, but in Chile, the government of General Augusto Pinochet has hindered the restoration of democracy in that country;

Whereas on November 6, 1984, the Pinochet government imposed a state of siege that has resulted in increased press censorship, greater restriction on the right of assembly, and the temporary detention of more than 8,000 people and the internal exile of more than 500;

Whereas the imposition of press censorship and the extensive arrests of opposition political figures during the state of siege impair the movement toward democracy in Chile;

Whereas Amnesty International has noted that in recent years there has been a marked deterioration in the human rights situation in Chile, demonstrated by a consistent pattern of arbitrary detention, political imprisonment and killings, and systematic torture;

Whereas Amnesty International, the International Commission of Jurists, the United Nations Human Rights Commission Ad Hoc Working Group on Chile, the United Nations General Assembly, and the Organization of American States Commission on Human Rights have stated that the regime of Augusto Pinochet has violated basic human rights and political freedoms in Chile since the 1973 military coup in that country;

Whereas the restoration of democracy requires, as first step, a lifting of the states of siege and emergency in Chile, a dialogue between the Government of Chile and the democratic opposition, and an immediate end to human rights violations by the Pinochet government;

Whereas the Chilean people want democracy re-established in their country, and the United States is in full sympathy with the deeply-felt desires of the Chilean people for a return to democratic rule; and

Whereas in order to demonstrate its commitment to a return to democracy in Chile, the United States abstained on Chilean loan requests before the Inter-American Development Bank and the International Bank for Reconstruction and Development in February and March 1985: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports the Chilean people in their efforts to end the military dictatorship and bring about the peaceful restoration of democratic institutions and human rights in Chile; and

(2) calls upon the Government of Chile to negotiate with the democratic opposition for a return to democratic rule.

SEC. 2. Until Chile returns to its long tradition of democratic procedures and institutions and of respect for internationally recognized human rights—

(1) the United States—

(A) should continue to deny any and all direct and indirect security assistance (including cash sales) for the Government of Chile unless the President has made the certification described in section 726 of the International Security and Development Cooperation Act of 1981, and

(B) should cease any and all joint military-related activities (including joint military exercises) with the Government of Chile;

(2) the United States should deny all forms of economic assistance to the Government of Chile (except that this paragraph should not be construed to prevent the furnishing of international disaster assistance under section 491 of the Foreign Assistance Act of 1961 or economic assistance which will directly benefit needy people in accordance with section 116 of that Act); and

(3) as mandated under section 701(f) of the International Financial Institutions Act, the United States should continue to oppose all loans and grants to Chile by international financial institutions such as the Inter-American Development Bank, the International Bank for Reconstruction and Development, and the International Development Association, unless such assistance is specifically directed to programs which serve the basic human needs of the people of Chile.

The SPEAKER pro tempore. Is a second demanded?

Mr. ROTH. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. WEISS] will be recognized for 20 minutes and the gentleman from Wisconsin [Mr. ROTH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. WEISS].

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

Mr. Speaker, House Concurrent Resolution 52 is a concurrent resolution calling for the restoration of democra-

cy in Chile. It is a resolution which has been cosponsored by 69 Members and has received strong bipartisan support. It was considered by four subcommittees in the Foreign Affairs Committee and was then adopted by the committee on April 3. In order to expedite its consideration by the House, the Banking Committee waived its jurisdiction.

Mr. Speaker, for the past 12 years Chile has been under a military dictatorship, as were many of its neighbors in Latin America. During the past 5 years, Argentina, Bolivia, Ecuador, Brazil, and Uruguay have returned to a democratic form of government. Unfortunately, this wave of democracy has not been spreading to Chile. At the end of 1984 it became clear that the Pinochet regime had no intention of following the path set by its neighbors. A state of siege was imposed on November 4, 1984, and it was renewed on February 4, 1985. During that time more than 8,000 people were arbitrarily detained, over 400 people were sent to remote detention camps, and close to 300 were internally exiled without due process. There is no freedom of the press in Chile; six independent publications were closed in November. According to the most recent State Department human rights report: "Measures taken by the Government under the state of siege resulted in numerous violations of internationally recognized human rights, and a general deterioration of human rights practices." During the past 3 months the administration, by abstaining on Chilean loan requests before the Inter-American Development Bank and the World Bank, has expressed its displeasure about these human rights violations and the lack of movement toward democracy in Chile.

House Concurrent Resolution 52 was introduced in response to the deteriorating human rights situation and the need to support the Chilean people in their efforts to end the military dictatorship. It calls upon the Chilean Government to negotiate with the democratic opposition. It also calls upon the United States to continue to deny security assistance, to cease all joint military exercises with Chile, and to deny economic assistance to the Government of Chile, except for humanitarian and disaster assistance. These actions will be in effect until Chile returns to its long tradition of democratic procedures and institutions and of respect for internationally recognized human rights. Finally, it calls for the United States to continue to oppose all loans and grants to Chile by international financial institutions.

I urge my colleagues to support this resolution. We always talk about promoting democracy in this hemisphere, but rarely do we get the opportunity to do something concrete. This resolution gives us the unique opportunity to express our concern about the situation in Chile and to support the administration in some of its actions with respect to Chile.

I urge my colleagues to take a strong stand in support of democracy in Chile.

Mr. ROTH. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, this resolution calls on the United States to cease all joint military exercises, including our naval exercises, with Chile and forces the United States to vote against any loan request that Chile may make to any international financial institution.

Mr. Speaker, I am opposed to this resolution for what I think are some very good reasons. All the evidence points to the fact that the way for the United States to effect change is to have access and leverage with the governments we wish to influence. The military will always be a force in Chile. If we wish to have an influence in the democratic evolution in Chile, then it is only logical that we keep open our lines of communication and our lines of influence open.

A good rapport between our military officers and the officers of the Chilean army and navy is a tremendously important channel for influencing change from within. Whatever government Chile has, the military is going to have an influence. Thus, we should encourage our officers to get to know their officers on a firsthand, personal basis, and for their officers to make lasting friendships with our officers.

To recite a litany of grievances that we may have with Chile and then to propose a resolution which essentially eliminates any U.S. policy leverages is foolish. It only weakens our already tenuous ties with Chile and invites the Communist forces in the Latin American region to gain even more control.

This resolution does not put forth a very intelligent proposal, in my opinion. In essence, what we are doing is dealing the United States out and the Soviet Union in—not a very smart maneuver on the part of the United States. It comes down to a question of how the United States can play the most constructive role.

One approach is to engage in public and private diplomacy to bring together the prodemocratic opposition parties with the Chilean Government for the purposes of agreeing to timetables and steps to be taken to bring about an open and fair election by 1989, if not before. Our embassy in Santiago has had considerable success in this approach. At the same time, the United States has publically expressed on many occasions our serious concerns with the human rights violations of Chile. Our position is very clear in this regard. We can avoid identification with Mr. Pinochet's actions on human rights violations by continuing to meet with the opposition, and by continuing to make public statements against such abuses.

The alternative approach called for in this resolution is to isolate further the United States from Chile. The provision has an automatic approach. That is, until Chile is a full-fledged democracy, we will not in any way be involved with the Government of Chile.

Let us not slam the door on avenues of influence in Chile. A peaceful transition to democracy implies the consent of the present Chilean Government. With the limited amount of influence that we now have within the Government, I can't see that this resolution does anything to enhance that influence. In fact, it does quite the opposite. Going back to a Carter policy of isolation is not in the interest of the United States or the Chilean people.

We cannot promote changes toward democracy in Chile by helping to spark the overthrow of the present government. We can only promote a democratic government by helping those forces who are working for a peaceful transition in Chile.

The question comes down to whether we, the United States, want to be inside or outside of the process. It may be easier for us to wash our hands and just walk away. But I believe that our interests in Chile are too important to do that. We all want a peaceful outcome.

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

Mr. ROTH. I yield to the gentleman from Vermont.

Mr. JEFFORDS. Mr. Speaker, several regions of the world are currently in a state of turmoil, whereby democratic governments are struggling against domestic unrest, economic instability, and political subversion. In our hemisphere, the most notable example is Central America, which is of heightened concern for its proximity and close ties with the United States. While our attention is necessarily focused on this troubled area, we must not ignore warning signs and distrubing developments in other regions. This resolution directs our attention to an important area of concern—Chile.

Chile stands out in contrast to positive trends in the southern hemisphere, such as the return to democracy in Argentina, Ecuador, Uruguay, and Brazil. Yet the military government of Gen. Augusto Pinochet stubbornly refuses to honor its own promise of a transition to democracy by 1989. In an effort to quell the growing dissatisfaction with the government's repressive policies and increasing incidents of human rights violations, a state of seige was declared on November 4, 1984, renewed again on February 4, 1985. Yet, the level of unrest continues to rise, and the domestic political situation continues to polarize.

In January, I visited Chile and met with members of the Pinochet government and the opposition. Although the democratic opposition is diverse, I was impressed by the unanimity of support for popular elections and representative government. The Communist movement is quite small and disjointed, but appears to be gaining in strength because of increasing frustration over Pinochet's refusal to allow the moderate opposition to function. The dismissal of Interior Minister Sergio Jarpa, one of the more reasonable voices in the government, has further disheartened those who look to Pinochet to honor his constitutional obiligations.

The legislation before us is a sense of Congress resolution, expressing our support for the Chilean people's desire for democracy and respect for human rights. It also calls upon the Chilean Government to begin negotiations with the democratic opposition. Until such time as Chile ceases its human rights violations and resumes its programs toward democracy, the resolution expresses this body's judgment that the United States should continue to deny all direct and indirect security assistance and should cease all joint military activities. It also calls for implementation of U.S. laws that require opposition to economic assistance for governments with gross patterns of human rights violations. I support the two recent U.S. abstentions on loans to Chile, and believe this policy should be stregthened. Nothing in this resolution prevents Chile from receiving basic human needs loans or disaster relief assistance.

In summary, let me stress to my colleagues that now is the time to express our deep concern over developments in Chile. If we keep silent and allow the current trends to continue, we will be faced with even more limited options than we have now. General Pinochet's government must be made to realize the depth of concern in this country over the direction of these policies and the risk which they pose for the ultimate fate of Chile. I urge all of my colleagues to support this resolution.

Mr. WEISS. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the Subcommittee on Human Rights and International Organizations, the gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. Mr. Speaker, I rise in strong support of House Concurrent Resolution 52, which calls for the restoration of democracy in Chile.

Mr. Speaker, during the past 5 years, several nations in Latin America, including Argentina, have returned to democracy. The change in the political climate in many of these countries was due largely to congressionally mandated U.S. policies which placed an emphasis on human rights and democratic institutions. However, an effective U.S. human rights policy depends on an assertive executive branch. In the case of Chile, where human rights conditions have deteriorated rapidly in the last few years, administration initiatives have been short on substance and confusing in terms of diplomatic overtures.

Recently, Assistant Secretary of State for Human Rights, Elliott Abrams, characterized Chile as the "greatest disappointment" in the Western Hemisphere. But U.S. policy does not seem to reflect this concern. With the exception of two recent abstentions for bank loans for Chile, the administration has voted for millions of dollars in loans for the Pinochet regime. Our support for Chile in international financial institutions, coupled with what is clearly a consistent pattern of gross violations of human rights committed by the Chilean Government, violate U.S. law.

Mr. Speaker, what makes our policy even more confusing is that the United States seems to be the only government willing to defend the Pinochet government in the international community. This past January, in a discussion on human rights at the European Parliament, a member from the United Kingdom commented that it was very difficult for the West to level criticisms against the Soviet bloc for human rights violations when the United States is well known for its support for the Chilean Government. This double standard undermines the effectiveness of U.S. human rights policy.

Mr. Speaker, House Concurrent Resolution 52 is a clear expression of U.S. support for the Chilean people in their struggle to achieve a democratically elected government. As the chairman of the Subcommittee on Human Rights and International Organizations, I believe that the passage of this important measure will put the U.S. Congress on record as speaking out against the present dictatorship in Chile and the repression which results.

I commend the gentleman from New York [Mr. WEISS] for sponsoring this statesmanlike initiative, and I urge my colleagues to strongly support this resolution.

□ 1640

Mr. ROTH. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. Mr. Speaker, we are going to be discussing a matter of considerable concern in the Western Hemisphere on tomorrow, and the majority of the Members of this body have largely decided that we ought not to be interfering in any of the other countries in the Western Hemisphere. We should not be concerned with what goes on in Nicaragua, we should not be concerned about other areas. But here we have not only a statement which on its face sounds as though it would be quite harmless, we all want to see democracy prevail and we want to see this kind of government in any country that does not have it, but this resolution goes far beyond a statement of a hope that perhaps someday Chile will become a democratic society.

Let me just say that this resolution I think does not pay proper attention to the history of Chile. I can't remember the first time that I visited Chile back in 1960. It was quite obvious that Chile, of all the South American countries, was the one that had the most extensive Communist Party in that Southern Hemisphere. In fact, as you walked along the street, there were book stalls of all kinds in English as well as the Spanish extolling the various virtues of the reigning heros of communism at that particular time.

That was in 1960, and 10 years later Salvador Allende was elected as a leftist President. Whether he was a member of the Communist Party I cannot testify. But under his leadership that is precisely what happened in Chile, and for the next 4 or 5 years we know the turmoil that Chile went through.

So I think we ought not to suggest that this is something that we can separate from that kind of history. And for us to suggest to Chile what kind of government it ought to have I think is a little bit beyond our purview here in the House of Representatives.

But the thing that concerns me most is that on page 3 of the resolution, section 2 says that the United States—

(A) should continue to deny any and all direct and indirect military assistance (including cash sales) for the Government of Chile, and (B) should cease any and all joint military related activities (including joint military exercises) with the Government of Chile;

(2) The United States should deny all forms of economic assistance to the Government of Chile.

What kind of a proposal is that when we are all aware of the intrusion of the Communist menace into the Caribbean and into not only Central America but also into South America? We have been in Grenada exactly in microcosm, exactly what the Communist regime and their satellites are trying to do.

I think since this would propose to eliminate all military assistance it would be well for the House of Representatives, before we vote on this mistake resolution, to read what the gentleman from Mississippi [Mr. MONTGOMERY] and his delegation that went to Chile in 1984 had to say.

The delegation believes, based on its findings while in Chile, that it is imperative to initiate more cooperative military relations with Chile if we are to ensure the protection

of the strategically important sea lanes in the Southern Hemisphere. Furthermore, more cooperative military initiatives with Chile will help to maintain the tenuous balance of power in the region and contribute to the security of the hemisphere, lessening Chile's isolation and encourage its return to democracy. Therefore, renewed consideration should be given to lifting the arms embargo against Chile.

Mr. WEISS. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished cochairman of the Human Rights Caucus of the House of Representatives, the gentleman from California [Mr. LANTOS].

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution. I do so having been a student of Chile for many years.

I find the arguments of my colleagues on the other side of this debate singularly inconvincing. I sat with General Pinochet in his private office last December. I urged him, along with my colleagues, one of whom is in the Chair now, as well as the gentleman from New Mexico [Mr. RICHARDSON] to ease up on the totalitarian procedures and practices of the Government of Chile, because here indeed is a country with a distinguished and proud democratic tradition.

If in fact communism is going to advance in Chile, it will advance because of the repressive totalitarian policies of General Pinochet. It is the democratic opposition within Chile, people who if they lived in this country would be occupying seats in this body, who are pleading with us to pass this resolution, people who believe in freedom of press, freedom of assembly, freedom of speech. All of these are denied by the oppressive regime of General Pinochet.

I fully agree with my friend that we need joint exercises with the Chilean military, but not until after the Chilean Government will have ceased its outrageous practices of suppressing human rights.

There is no way that General Pinochet will ease up on his oppressive policies unless we exercise some economic leverage. This resolution does so. And if we are indeed interested in promoting democracy and strength in the hemisphere, we should support the resolution.

Mr. STRATTON. Would the gentleman yield to me?

Mr. LANTOS. I will be delighted to yield.

Mr. STRATTON. Would the gentleman feel it is also desirable to put a little leverage on Nicaragua, to let up with its undemocratic operations?

Mr. LANTOS. I fully agree with that, and I would further say to the gentleman that his comments about human rights violations by the Sandinista government are extremely well taken. The Sandinista government is guilty of human rights violations.

I have very little time and I cannot yield any more. I would like to say finally to my colleagues that just 10 minutes ago several of us stood in the well of this House calling for the approval of a resolution denouncing the Soviet Union for the murder of Major Nicholson.

□ 1650

I spoke on behalf of that resolution. Human rights happen to be indivisible. Human rights violations in Chile must be condemned. Human rights violations in the Soviet Union must be condemned. We cannot pretend that governments that are less hostile to us can proceed with human rights violations in governments which are opposed to us.

I strongly urge the approval of the resolution.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. ROTH. Mr. Speaker, I yield 1 additional minute to the gentleman from California in order to ask a question.

Mr. Speaker, will the gentleman yield to me?

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

Mr. ROTH. I do not know if I inferred this, correctly but is the gentleman going to vote tomorrow for aid to the Contras? Judging from his answer to the question of the gentleman from New York, I am unclear on his position regarding Nicaragua.

Mr. LANTOS. I will be delighted to give a very clear and precise and specific answer and I want to thank my colleague for yielding me this additional time.

The question the gentleman [Mr. STRATTON] asked me is whether I believe in placing pressure on the Sandinista government? Yes, I believe in putting effective pressure on the Sandinista government and tomorrow we shall debate what that effective pressure is.

I thank my friend for yielding.

Mr. ROTH. I thank the gentleman from California for his answer.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. ROTH] for giving me this time.

Mr. Speaker, I rise in opposition to this resolution. You know, I would like democracy in Chile like everyone in the House chamber today but by adopting this resolution I am not sure it is the right way to go. I think it will have more effect on not having a democracy in Chile.

I certainly hope the resolution will be defeated for several reasons. In 1984 I had the privilege of leading an eight-member delegation going to Chile. We found that by denying military and economic aid to that country, yet we were giving aid to other countries that have just as many problems as Chile. It disturbed the people who were running that Government and it slowed down moving our hopes of someday having a democracy in this country.

In Chile we met with the opposition party. We thought it was only fair that we meet with both sides. We were surprised that the opposition told us in effect they were not ready to take over leadership of that country; they wanted to have more time.

We then went to the military leaders and the answer we got from them was that "Yes, we would like to run a navy and run an army to protect this country, but we spend too much time with the military handling civic needs and personal needs and we cannot get around to doing the job we are supposed to."

It is going to have to take a little time for democracy to be implemented, but certainly we don't want to push Chile into the Communist column and I thnk it would be a mistake to pass this resolution at this time.

As Mr. STRATTON said in his remarks, we need to support the Chilean defense force. We sold naval ships to Chile. Now under the arms embargo Chile is not able to buy parts to run those ships, run the radar equipment, or work the weapons on the ships because of the arms embargo. That is just not fair. This arms embargo should be lifted.

Mr. STRATTON. Mr. Speaker, will the gentleman yield to me?

Mr. MONTGOMERY. I yield to the gentleman from New York.

Mr. STRATTON. I thank the gentleman for yielding.

Mr. Speaker, actually for a number of years the U.S. Navy in its own exercises, in an effort to improve and strengthen the defense of the whole hemisphere, has been running a fleet exercise called Unitas every year. Up until a few years ago the Chileans were major contributors to that exercise. That is exactly the reason that we sold them ships. What we are doing is shooting ourselves in the foot when we try to say that all effort to cooperate in military matters should be eliminated.

I agree with the gentleman that the resolution should be roundly defeated.

Mr. MONTGOMERY. May I mention to the gentleman that as he says now our Navy is having exercises with the Chilean Navy to protect the sea lanes in that part of the world. Some day a foreign country might move in that part of the world and give us problems such as closing the Panama Canal, so we certainly need the Chilean Navy. Right now to have a resolution such as this I think it is just going

to slow democracy, it is going to cause us more problems than we have now and I hope the resolution will be defeated.

Mr. STRATTON. The gentleman is absolutely correct and I commend him on his report.

Mr. WEISS. Mr. Speaker, I am pleased to yield 3 minutes to the chairman of the Hispanic caucus of the House of Representatives, the distinguished gentleman form New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. I thank the gentleman.

Mr. Speaker, first of all I rise in strong support of this resolution which in my judgment is the only conscionable thing to do. I do so recognizing the great respect I have for my colleague from Mississippi [Mr. MONTGOMERY] and my colleague from New York [Mr. STRATTON].

Let me clarify several things.

It is first of all U.S. policy supported by the administration, it is current law that military and economic assistance be denied to the Chilean Government because of gross human rights violations. It was only a month ago that for the first time the State Department abstained on a loan in the Inter-American Development Bank for further loans because of these gross human rights violations that are increasing.

President Pinochet scorns the United States. Several Members of Congress met with him recently. I was in the last delegation to meet with him.

We asked him in a positive tone: "Will you lift the state of siege?" Two weeks later he increased it.

In addition to that we asked him to "Please try to make some semblance of restoring an orderly process of democracy." He laughed in our face.

Lastly we said, "Could you please stop that secret police of yours from contintuing to torture in your own country?" He laughed at us.

I think what this resolution is simply doing is stating that the United States recognizes that it has little leverage in Chile but the price in international public opinion simply to conduct naval exercises which I presently support—I do not have any problem with that—an occasional U.N. vote, is not worth continuing to associate ourselves with a regime that is repressive, that is not democratic. Tremendous unrest is taking place there.

The democratic opposition in Chile is forming, it is emerging. It does send a signal to our State Department which in our judgment has not been as strong in exercising this quiet diplomacy, in telling Mr. Pinochet "Your human rights violations are objectionable." This is almost a restoration of a policy that we have followed for many years. We have denied them military and economic assistance and now we are abstaining. This resolution is not that far from U.S. policy.

Mr. STRATTON. Mr. Speaker, will the gentleman yield to me?

Mr. RICHARDSON. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, would not the gentleman agree that the Soviet Union is also a repressive regime, as the gentleman from California [Mr. LANTOS], indicated with great eloquence just a few moments ago? Are we not associating ourselves with them at Geneva?

Mr. RICHARDSON. Reclaiming my time, if the gentleman will check the bills that were introduced today, and I think I wish to commend the gentleman from Pennsylvania [Mr. YATRON] for being consistent in condemning human rights violations on both the left and the right. Mr. Speaker, if the gentleman [Mr. STRATTON] will check the bills introduced today, I have introduced a bill condemning the human rights violations of the Sandinistas and the Contras. I share the view of my colleague. What I am simply saying is that what is the price we are paying for supporting Pinochet who does not listen to us, who does not care about us, who does not care about our concerns? I do not see what the price in international public opinion is worth if we continue to support his repressive practices.

This resolution simply restates U.S. policy and has the United States come out, the Congress of the United States, on the side of democracy, on the side of the end of human rights violations, the end of the state of siege and the death squads that have emerged since March 31. Mr. Pinochet has dramatically increased the repression in the secret police. More men and women have been tortured and killed in the last 30 days than ever before.

The time to send Mr. Pinochet a signal from the Congress of the United States, a bipartisan signal, and a lot of Republicans are supporting this bill, is now.

I urge support of this resolution.

Mr. Speaker, I rise in support of House Concurrent Resolution 52.

Since the military coup of September 11, 1973, Chile has moved further away from democracy under the Pinochet regime. During the first days of the coup, thousands of persons were rounded up at the national soccer stadium. They were about to celebrate independence day. The systematic torture and murder which ensued will never be forgotten. Unfortunately it has not entirely ceased.

Just 2 weeks ago a 19-year-old student died of gunshot wounds. A Chilean policeman shot him for the crime of exercising what we take to be a fundamental civil right: The freedom of expression. He was gunned down while distributing leaflets critical of the Pinochet regime. The use of torture by police and security agents in Chile has been well documented by private groups such as Amnesty International and Americas Watch and by public international bodies such as the Human Rights Commission of the Organization of American States. Those who protest this practice in Chile have been subject to arrest and assassination by the Chilean police. Recently, the Reverend Dennis O'Mara was expelled from Chile for peacefully protesting the use of torture. Union members, teachers, students, and the Chilean Commission of Human Rights have been the main targets of shootings, kidnapings and relegation by executive order—or to put it clearly—internal exile without a trial.

A new development is the appearance for the first time of death squads in Chile. On March 31, the bodies of a teacher, a sociologist, and a painter were found with their throats cut and knife wounds throughout their bodies. This event followed other kidnapings and shootings by death squads. All the victims were known to have expressed opposition to the Pinochet regime.

On January 15, I wrote the Chilean Embassy to express my concern about the well-being of four national Indian federation leaders arrested during a raid on Temuco by Chilean security forces on January 3, 1985. I also expressed concern about the exile of 26 members of the Human Rights Commission of Arika and Iquique. The U.S. Embassy was able to ascertain that the 26 were relegated for 90 days each to small towns scattered throughout Chile. Just 11 days ago, nine union leaders were banished to distant towns. I ask my colleagues to imagine life in Chile, where those who express disagreement with systematic violations of human rights are arrested or disappear, are tortured and killed, and others are banished.

There are elements of the situation in Chile that allow for comparison with the situation in the Philippines and South Africa. In all three cases the democratic forces, the forces of reform, are steadily eroded by generalized repression, leaving less and less room for a middle ground. The same sort of constructive engagement has failed in all three cases. I think that the U.S. Embassy could be giving more attention to the democratic forces in Chile and provide more access to the Embassy. I realize that it is difficult to provide security to persons who want to visit. Just 2 months ago, on February 21, a group of 30 women were arrested in front of the U.S. Embassy as they were trying to reach the distinguished Ambassador Langhorne Motley, to ask him to intervene in favor of the persons banished to Pisagua.

No, Mr. Chairman, quiet diplomacy, along with numerous yes votes by the

United States on multilateral loans to Chile from 1981 to 1984, has done nothing to bring a political opening to Chile. Many of these loans were not based on basic human needs criteria. While the recent abstention by the United States on an IDB loan was a positive step, it is important for us to continue in this direction.

We also need to express our concern in the international arena. All of the Western European democracies were among more than 90 countries that voted in the U.N. General Assembly last December to condemn human rights abuses in Chile. The United States voted against this resolution. Although the U.S. representative submitted an explanatory note, this was not enough to show our concern. There will be a new vote this year, and I urge a no vote consistent with our record of condemning human rights violations in Poland and Afghanistan.

If we are not on the side of democracy and human rights, we shall be left with just the sort of situation we were trying to avoid. Polarization will lead to a showdown in which it will be too late to urge the existing regime to reform, to leave open social—political space for democratic institutions. The democratic opposition has shown the ability to reach a high level of agreement on three points: The denunciation of human rights violations by the current regime, the need to restore democratic rights, and the demand for a return to democratic rule. It is not our place to make demands. But it is our obligation to promote democratic institutions.

Recently, I led a delegation of members of the Hispanic caucus to different Latin American countries. We met with President Pinochet for 2 hours. It was a long meeting. It was an acrimonious meeting. And it became perfectly clear that at this time Pinochet is not open to lifting the state of siege and restoring democratic institutions.

This resolution will send a strong message to Pinochet that we will not support the further delay of a democratic opening. We shall not remain silent about administrative orders which exile persons without trial for the crime of monitoring human rights or dissenting with the present state of affairs.

I urge my colleagues to take this one step toward improving the human rights situation in Chile. Another step might be a high level meeting with Pinochet to show both congressional and executive resolve in this matter. It is in our national interest to be on the side of reform and democratic institutions. The alternative is further polarization, increasing violence and the destruction of Chilean society.

□ 1770

Mr. ROTH. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I would like to commend the gentleman from Pennsylvania [Mr. YATRON] for the outstanding job he does as the chairman of the Human Rights Subcommittee.

However, on this particular resolution, I do have some questions that I think need to be answered. I did not object to this resolution when it was marked up in the Subcommittee on Human Rights and International Organizations, but I did raise an issue concerning subsection 1(B) under section 2. This subsection reads: "The United States should cease any and all joint military related activities (including joint military exercises) with the Government of Chile."

Could someone tell us what has been the practice of United States/Chilean military activities and exercises?

In other words:

What kinds of activities have we pursued with the Chileans?

How large a commitment of American manpower and equipment do these activities require?

Are any other South American countries involved in United States/Chilean military activities; and, If so, how might this resolution affect these other multilateral exercises?

Finally, how important are our activities with the Chileans to our own security? Could this resolution have a detrimental effect on our own security?

I ask these questions because of my concern that we not cut off our nose to spite our face. I certainly am in agreement with the basic thrust of the resolution, but I also do not want to do anything that could have an adverse impact on our own legitimate concerns. Last, I would ask where are the weapons and bombs coming from that support these terrorist attackers.

I would appreciate any enlightenment anyone could provide on these points before I cast my vote on this issue.

Mr. WEISS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, this resolution, which is very moderate in its scope, gives us an opportunity to not continuously end up in the difficult kinds of situations where we are forced to choose between direct military action or with standing by and watching a situation continue to degenerate, to fall under Soviet control or Soviet domination.

It is now that the United States ought to be taking its leadership, in pressing for democratic reforms in Chile; it is now, and not as that society goes into turmoil and begins to crumble. The United States must play a leading role in pressing the importance of moving back toward democracy upon those that are ruling Chile today.

If we stay as inactive as we have been, we will soon find ourselves in the same kinds of situations that we face in Guatemala, in Nicaragua, and the same kinds of crisis that we saw in Cuba. How long can we sit by the Batistas and Somozas of this world? How many times must American policy fail because we have been unable to take a chance for new opportunities and new directions.

The United States' people and its Government must send a signal to the people of Chile that encompasses the values that we stand for as a nation. The best of this country. What makes this country so different and so much better than other nations is our commitment to human rights and the democratic process; and we need to be a force for that everywhere, in Central and South America; not just in El Salvador and in Nicaragua, not just in the countries that the President chooses to isolate, but in every country in the region, this is a moderate and measured resolution; it puts the United States Congress and the American people on the right side in Chile; it is a country where America has considerable negative baggage.

This is but one small positive step. we ought to pass this resolution today overwhelmingly.

Mr. ROTH. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. ROTH] has 6½ minutes remaining; the gentleman from New York [Mr. WEISS] has 5 minutes remaining.

Mr. ROTH. I yield 2 minutes to the distinguished gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I rise in opposition to this resolution. While I fully concur with the stated intent of the resolution to advance the restoration of democracy in Chile, I believe the approach offered in this resolution is counterproductive to that effort.

The administration has been continually engaged in encouraging the Chilean Government to improve its human rights record and move toward democratic government through a series of diplomatic and political actions. To limit the administration's range of options for influence, as this resolution suggests, only reduces the chance to have any leverage on the Chile Government.

The administration's objective has been to influence those protransition forces in the government and pronegotiation forces in the opposition to reach an agreement on steps toward

implementing a fully functioning democracy.

Our influence in Chile is already severely restricted due to the limited economic, military and political contact we have been permitted to have. Removing almost every last remaining opportunity for cooperation and contact only ensures that our opinion be ignored.

If we are to have any influence at all, we must be able to demonstrate to the Chileans they have something to gain by moderating their regime. Moreover, U.S. security interests are not enhanced by simply cutting off Chile from any cooperation with us.

The rigid restrictions in this resolution, even though it is only a sense of the Congress resolution, leaves the administration little flexibility in its approaches to the Chilean Government and little hope that the Chilean Government would be inclined to consider our views.

If we are truly interested in seeking movement toward democracy in Chile, we should not be making inflammatory gestures that make us feel better but do not accomplish our objectives. I urge my colleagues to defeat this resolution so that it might be considered under a procedure that allows for amendments. It could be amended easily to make it acceptable and practical.

Mr. WEISS. Mr. Speaker, I reserve the balance of my time, and I have no additional requests for time at this point.

Mr. ROTH. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, I rise in opposition to this amendment. Jean Kirkpatrick has spoken out forcefully at the U.N. for democracy on every given opportunity, but she is also one who has trusted our embassies around the world.

Here we are again, rejecting the advice of these great public servants of ours at our Embassy down in Chile that say this amendment would be counterproductive.

Here is what Jean Kirkpatrick stated last December while addressing the U.S. General Assembly concerning a human rights resolution condemning Chile; and these are her very words:

> The resolution focuses on three countries: Chile, El Salvador, and Guatemala. Why these three countries? Why they alone? By almost any objective standard, Cuba is a far more repressive country than Chile; it holds many times more prisoners of conscience; Chile's newspapers are far more independent than the state-run press in Cuba, and they feature regularly criticism of government policies.
>
> Why then this totally condemnatory, punitive, unremittingly hostile attitude on Chile, which is involved in a serious, and we believe, hopeful process of liberalization moving toward democratization.

I repeat, why do not we listen to the professionals we have in the field and keep the process moving toward democracy, not setting it backward by an egregious kick in the face to a government that is in far better condition as far as democracy in concerned than Cuba.

Mr. WEISS. I yield myself 2 minute at this point to engage in a dialog, if you will, with the distinguished gentleman from California [Mr. LAGOMARSINO].

Mr. Speaker, if I heard him correctly, the gentleman from California suggested that he would be willing to discuss further modest amendments to this measure and have it brought up on the regular order calendar in order to allow time to achieve possible resolution of the matter to our mutual satisfaction.

Now I know that the gentleman, when the matter was in the Western Hemisphere Subcommittee, indicated that by and large he found this resolution to be a constructive one.

I would have no problem with agreeing with him if it is indeed the request of the gentleman for unanimous consent to put this over onto the regular order calendar to allow us time to work it out, to seek to accomplish a mutual resolution of this important matter.

Mr. LAGOMARSINO. I am not the one handling this. Mr. ROTH is.

Mr. WEISS. Right. Well, I will ask the gentleman from Wisconsin if in fact he supports the gentleman from California in his request.

Mr. ROTH. I would say no. We have gone this far with this resolution and have considered it in three subcommittees and the full Foreign Affairs Committee. So, let us see this legislation through to the end. When we start something, let's finish it, and let the chips fall where they may.

Mr. LAGOMARSINO. Well, in any event, if the gentleman wants me to yield to him, in any event should it not succeed, that would be the status anyway.

□ 1710

Mr. WEISS. I thought the gentleman was making a genuine offer at this point to try to resolve the matter.

Mr. Speaker, I yield myself 3 additional minutes.

Mr. Speaker, this is indeed an extremely modest and, we believe, constructive resolution which cleared four subcommittees of the House Foreign Affairs Committee, as well as the committee itself. It has the support at this point of the chairman of the Subcommittee on Western Hemisphere Affairs, the gentleman from Maryland [Mr. BARNES]; the chairman of the Subcommittee on Human Rights and International Organizations, the gentleman from Pennsylvania [Mr. YATRON]; the chairman of the Subcommittee on International Economic Policy and Trade, the gentleman from Washington [Mr. BONKER]; the chairman of the Subcommittee on Arms Control, International Security and Science; and the chairman of the full Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL]. On the other side of the aisle, it has the support of the gentleman from California [Mr. ZSCHAU] and the gentleman from Nebraska [Mr. BEREUTER], the gentleman from Iowa [Mr. LEACH], all members of the Foreign Affairs Committee. It is, in fact, a modest, constructive approach which seeks to take note of the fact that since the state of seige was imposed by General Pinochet in November 1984, there have been 8,000 people who have been detained, over 600 people have been internally exiled, the right of assembly has been restricted, and no steps have been taken to have the guarantee of elections in 1989 put into place.

Now, it just seems to me that going on record to continue a policy in existence right now not to provide military assistance to that Government is something that makes a great deal of good sense. We are not asking in this resolution to cut off diplomatic relations with Chile. We are not asking to cut off trade relations with Chile. We are not asking to support counterrevolutionary forces against the Government of Chile. We are saying that there ought to be a distancing by the U.S. Government in direct military and economic assistance to that Government so long as it maintains the most oppressive and repressive policies in the Western Hemisphere.

If we do not do that, then all of our talk about concern for human rights anyplace on the globe has a hollow partisan ring which demeans the genuine efforts for human rights that are undertaken in this body and our Nation from time to time.

There has been reference to the recommendation in this resolution—that is all it is, it is a sense of Congress resolution—not to engage in joint military exercises.

The Pentagon has said that it is getting harder and harder to find other Western Hemisphere countries to engage in those joint naval exercises with Chile and the United States because of those other governments' attitudes toward the reprehensible nature of the Pinochet government.

For the sake of the prestige of the United States of America, as well as for the well being of the people who are living under the tyrant's heel, I urge my colleagues to adopt this resolution.

The SPEAKER pro tempore. All time of the gentleman from New York [Mr. WEISS] has expired.

The gentleman from Wisconsin [Mr. ROTH] has 3 additional minutes remaining.

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

Mr. Speaker, we are all in favor of democracy in Chile and we want to do everything we can to assist in the effort to promote democracy in Chile. We are also people who can still see and look at the facts. Just what are the facts in Chile?

In 1984 there were 735 terrorist bombings in Chile—principally in Santiago. Seven hundred and thirty-five. Santiago is a city the size of Washington, DC. We had one terrorist bombing in DC last year and today it is difficult to walk from our offices to the Capitol because there are so many policemen, so many guards, and checkpoints. We had one bombing. In Chile, they had 735—that's two every day. Who is responsible for this terrorism? The Manuel Rodriguez Patriotic Front, a guerrilla organization created by the Chilean Communist Party, has taken responsibility for these 735 terrorist bombings.

Chile's Communist Party has said that they are for the violent overthrow of the government. They are responsible for the deaths and murders that have been perpetrated by these 735 terrorists bombings and for a significant number of the human rights violations in 1984.

So I think that we in this Congress, in considering this resolution, are going to look at the facts of the case as we see them.

I thank the gentleman from New York and the other Members who have spoken for or against, and I yield to my friend, the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. The gentleman from New York [Mr. WEISS] said that he detected a partisan ring in this debate. I would point out that the gentleman from Mississippi and myself are Democrats. This is a bipartisan opposition, as I see it.

Mr. ROTH. I thank the gentleman on the other side of this aisle for their courage and their eloquent statements. It is always refreshing to hear eloquence on the floor of this Congress. It gives me renewed faith in our democracy and our Government.

● Mr. ALEXANDER. Mr. Speaker, 2 weeks ago on the afternoon of April 9, 1985, a 19-year-old mathematics student was passing out anti-Pinochet literature in downtown Santiago, Chile. When police approached, the student turned and ran. The police then shot him in the back. Oscar Fuentes Hernandez died the next day.

Mr. Speaker, the resolution before us today states that Congress supports the return to democracy in Chile and calls upon the Chilean Government to negotiate with the democratic opposition for a return to democratic rule. The resolution supports the position already taken by our Government in denying military and economic assistance to Chile and abstaining in support of international loans.

In my opinion this resolution quite properly distances us from a military junta that would shoot down a 19-year-old student pamphleting against his government. But it puts us very strongly on the side of the Chilean people. And it is the Chilean people who will determine the future of their country not the generals who have so ruthlessly controlled Chile since the coup of 1973.

Mr. Speaker, as a cosponsor of House Concurrent Resolution 52, I urge my fellow Members from both sides of the aisle to join with me in urging a restoration of democracy in the Republic of Chile.●

● Mr. CONTE. Mr. Speaker, in an effort to urge the restoration of democracy in Chile, I have cosponsored House Concurrent Resolution 52. Now I rise to urge my colleagues to join me in supporting its passage.

In recent years, we have witnessed an incredible movement toward democracy throughout Latin America. In place of military juntas, civilian governments are now being nurtured in Argentina, Bolivia, El Salvador, Ecuador, Honduras, Uraguay, and Brazil. But in Chile, the opposite is happening. Even though the Chilean people want a democratic government restored, General Pinochet has taken it upon himself to declare that they are not ready for it. The general must be made to understand that neither the Chilean people nor the world are buying this. The reality that exists in Chile is that a military dictator is refusing to yield the power of government to those with whom it rightfully belongs—the people.

The time is now for a reassessment of the Pinochet government and of our relationship with it. The Pinochet regime is one that rules by state-by-seige. It is a government by systematic torture, political imprisonments and killings, and censorship. It is, in essence, the unchecked deterioration of human rights, the snuffing out of the candles of progress that still flicker in Chile's darkness.

House Concurrent Resolution 52 expresses the sense of the Congress that the United States should deny military assistance to, and cease joint military maneuvers with, the Pinochet regime. Additionally, it urges that the United States oppose loans to this regime from international financial institutions—unless, of course, the loan is for the legitimate humanitarian needs of the Chilean people. These measures should continue until the Pinochet regime moves toward the reestablishment of democracy in Chile, as the general originally promised when he assumed power.

Mr. Speaker, this is not a drastic measure, but it is a necessary one. What we are doing is demanding the restoration of simple human justice to a people that are crying out for it. I urge my colleagues to join me in supporting House Concurrent Resolution 52.●

Mr. WEISS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. WEISS] that the House suspend the rules and agree to the concurrent resolution, (H. Con. Res. 52) as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. WEISS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 52 on which action has been deferred.

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

There was no objection.

RIGHTS OF GRANDPARENTS TO PETITION STATE COURTS FOR PRIVILEGES TO VISIT GRANDCHILDREN

Mr. BIAGGI. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 67) expressing the sense of the Congress that a uniform State act should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution—because of divorce, separation, or death—of the marriage of such grandchildren's parents, and for other purposes.

The Clerk read as follows:

H. CON. RES. 67

Whereas approximately 75 per centum of all older Americans are grandparents;

Whereas grandparents play a vital role in millions of American families;

Whereas an estimated one million children a year experience the divorce of their parents;

Whereas the laws of forty-nine States (1) provide grandparents with certain rights to petition State courts for privileges to visit their grandchildren after the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents, and (2) allow such courts to grant such visitation privileges if such courts consider it in the best interests of such grandchildren;

Whereas such procedural rights to petition State often do not provide grandparents with adequate opportunities to be fully

heard with respect to the granting of such visitation privileges;

Whereas the factors considered by State courts in determining whether the granting of such visitation privileges is in the best interests of the children involved varies widely among such States;

Whereas the ability of grandparents who have meaningful relationships with their grandchildren before the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents to help satisfy such grandchildren's needs for continuity of care and familial ties after such dissolution is often not fully taken into account in determining the best interests of such grandchildren;

Whereas the lack of uniformity among the laws of States with respect to such visitation privileges adversely affects the ability of grandparents to enforce and exercise such visitation privileges once granted by a court because of the interstate movement of the parties involved; and

Whereas national grandparents' rights organizations have been established for the purpose of focusing national, State, and local attention on the issue of grandparents' visitation rights: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring, That (a) it is the sense of the Congress that the States should develop and adopt a model act which—

(1) provides grandparents with adequate rights to petition State courts for, and to be fully heard in such courts with respect to the granting of, privileges to visit such grandparents' grandchildren after the dissolution (bacause of divorce, separation, or death) of the marriage of such grandchildren's parents;

(2) ensures that such rights extend to cases in which, after such dissolution, such parents remarry and stepparents adopt such grandchildren; and

(3) establishes procedures for the interstate recognition and enforcement of State court orders granting such visitation privileges.

(b) It is the sense of the Congress that the Secretary of Health and Human Services, through the National Center for Child Abuse and Neglect and the Administration on Aging, should provide technical assistance to States in developing, publishing, and disseminating guidelines which—

(1) may be used in determining the "best interest of the child" in cases in which the grandparents of such child seek privileges to visit such child after the dissolution (because of divorce, separation, or death) of the marriage of such child's parents, including cases in which such privileges are sought in situations described in subsection (a)(2); and

(2) take into account the ability of grandparents to help satisfy such child's need for continuity of care after such dissolution.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New York [Mr. BIAGGI] will be recognized for 20 minutes and the gentleman from Texas [Mr. BARTLETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. BIAGGI].

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

As its author, as well as a proud grandparent, I call up House Concurrent Resolution 67 for consideration today. The resolution expresses the sense of the Congress that:

A uniform State act should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution (because of death, separation or divorce of the marriage of such grandchildren's parents.

First, let me commend both the subcommittee chairman, my distinguished colleague from Montana, Mr. WILLIAMS, and our distinguished chairman, Mr. HAWKINS, as well as the gentleman from Vermont [Mr. JEFFORDS] and the gentleman from Texas [Mr. BARTLETT] not only for their expeditious consideration of this resolution, but also for affording me the unique honor of managing its consideration on the floor today.

It was less than 2 months ago—February 26, 1985, to be precise—when I introduced the measure. It comes before us today after unanimous approval at both the subcommittee and full committee levels. I would also like to thank the 26 of my colleagues who have cosponsored the resolution.

Our approval of this resolution will be both a renewal and a reaffirmation of a commitment to address one of the most important issues in modern family law—preserving the important relationship between grandparents and grandchildren.

It was almost 2 years ago to this very date—April 19, 1983 to be exact—when the House passed a very similar resolution to the one before us today. Unfortunately, that legislation was not acted on in final fashion by the other body before the 98th Congress adjourned, so we must begin again in the 99th Congress.

The issue before us today is what rights or privileges do grandparents have to maintain visitation with their grandchildren following the dissolution of the marriage between the parents of said grandchildren.

We know and are heartened by the fact that 49 States do have laws which afford grandparents the ability to petition a court when seeking visitation with their grandchildren. This, I might note, represents almost a 20-percent increase in the number of States with such laws since the time I first began working on this issue in late 1982.

Yet, despite this impressive commitment on the part of States to grandparents and their visitation privileges, there remains a fundamental problem. There is an overall lack of uniformity among the State laws in a variety of key areas.

These include who may petition the court. Some say it can only be the parents of the noncustodial parent while others refer generally to grandparents. Other issues include different circumstances under which grandparents can petition a court. Still other variations exist as to what warrants the awarding of visitation. Finally, the most glaring of problems is the lack of interstate recognition and enforcement of visitation orders, once awarded.

Let me illustrate in real terms how tragic this particular aspect of the issue can be. In December 1982, in my capacity as chairman of the Subcommitte on Human Services, I chaired a hearing on grandparent visitation. One couple who testified were Harvey and Marsha Kudler of Queens, NY. They related a veritable horror story of how they spent $60,000 in legal fees to gain visitation with their two grandchildren who were living in New York. They were finally awarded visitation. Yet, almost on the very day it was awarded, the grandchildren where moved to Colorado by their father where the New York order was not valid.

The point I am making and the point of the resolution is while there are State laws protecting grandparents, there is a tremendous need for uniformity between these laws. The idea of having visitation privileges threatened is traumatic enough for grandparents without enduring the additional difficulty of navigating a complex legal system to preserve these privileges.

This resolution seeks to build on the common points of the various State laws and to urge that all States develop and adopt a uniform law for grandparents.

Specifically, let me quote directly from the resolution:

That it is the sense of the Congress that the States should develop and adopt a model Act which—

(1) Provides grandparents with adequate rights to petition State courts for, and be fully heard in such courts with respect to the granting of, privileges to visit such grandchildren after the dissolution of the marriage of such grandchildren's parents.

(2) Ensures that such rights extend to cases in which after such dissolution, such parents remarry and step-parents adopt such grandchildren, and

(3) Establishes procedures for the interstate recognition and enforcement of State court orders granting such visitation.

I would like to stress that one of the key elements of most State laws—and one this resolution respects and supports—is the principle that grandparent visitation should be granted by States only when it is in the best interest of the child. All House Concurrent Resolution 67 wants to ensure is that proper recognition is given to the important relationship which can and does exist between a grandparent and a grandchild, as well as the ability of grandparents to help satisfy the child's need for continuity of care after the dissolution of a marriage.

This resolution also recognizes two other basic principles. The first is that we are not blindly advocating that all

grandparents be given visitation. We recognize there are cases where it is not apropriate and that is why we support the "best interest of the child" standard.

The second basic principle recognized is that we are not mandating grandparent visitation as a right. Let me quote from a legal analysis on my resolution prepared by the American Law Division of the Congressional Research Service.

Congress has no general authority to legislate on family law questions. However, there are some indirect approaches which might be utilized to obtain the desired result. There have been occasional "sense of the Congress" resolutions introduced on domestic relations topics. These have no legally binding force or effect but are introduced in the hope that if Congress goes on record as favoring a certain policy, the individual States will be encouraged to adopt legislation advancing that policy.

Such is the content and intent of House Concurrent Resolution 67.

The resolution calls upon the 50 States to develop and adopt a Uniform Grandparent Visitation Act. However, it also calls upon the Secretary of Health and Human Services through both the National Center for Child Abuse and Neglect and the Administration on Aging to provide "technical assistance to States in developing, publishing and disseminating guidelines" which can be used to help determine features of the model State law.

My colleagues should realize how this issue evolved and reached the point it has today. The issue literally began with the receipt of one letter—from grandparents in the State of New Jersey who related their problem in gaining visitation. My Subcommittee on Human Services began to look into the matter and realized that it was, in fact, a national problem. A hearing was called at which time powerful and poignant testimony was received from grandparents about the pain and suffering they endured with the loss of visitation, or the problems of battling a legal system to obtain it.

This hearing produced a resolution introduced in February of 1983 and which passed the House, as mentioned, in April 1983. Today is an extension of that same commitment and the cause remains a just and humane one.

Let me observe for the record the invaluable contributions which have been made throughout this effort by a small but dedicated group of individuals and organizations. First and foremost, recognition should go to Lee and Lucille Sumpter, a wonderful and dedicated couple from Haslett, MI, and founders of Grandparents, Childrens Rights, Inc. Gerrie Highto, a pioneer in this movement from Baltimore MD, who led the fight on behalf of State legislation for grandparents, has also played a pivotal role, as has Dr. Arthur Kornhaber of the Foundation for Grandparenting and author of "Grandparents-Grandchildren: the Vital Connection."

The issue before us, in fact, an intergenerational concern. To the extent that grandparent visitation should be awarded when it is in the best interest of the child—this becomes a children's rights issue. But, this is also an elderly rights, since 75 percent of all persons over age 65 are grandparents. Simply put, the unique and important relationship between grandparents and grandchildren—no matter what perspective you choose to view it—is a relationship worth preserving for the benefit of both generations.

I contend that the unwarranted denial of visitation between grand-parents and grandchildren represents intergenerational abuse. It is a form of abuse that government and the legal community must work in a partnership to combat. I offer this resolution as one dimension of this partnership.

One of the many triumphs of growing old in America is becoming a grandparent. It has been said that when a child is born, a grandparent is created. But it is sad to think that we live in a society where grandparents can also become victims of divorce, and their ability to visit their grandchildren becomes a casualty. Hopefully, by passing this resolution we can show a sympathetic government response which is both positive and limited.

I hope for two results from our actions, today. The first, of course, is the adoption by all 50 States of a Uniform Grandparent Visitation Act. The second will be a greater national recognition and appreciation for grandparents in our society and the pivotal role they play in the lives of their grandchildren and in society as a whole.

I urge passage of this important resolution.

□ 1730

Mr. BARTLETT. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. McGRATH].

Mr. McGRATH. I thank the gentleman for yielding this time to me.

Mr. Speaker, I want to congratulate my colleague from New York [Mr. BIAGGI], for his leadership in this effort. I am an original cosponsor of this resolution, and stand in support of this important resolution.

Mr. BARTLETT. Mr. Speaker, I yield myself such time as I may consume on House Concurrent Resolution 67.

Mr. Speaker, I rise in support of House Concurrent Resolution No. 67 which was introduced on February 26 by my distinguished colleague and good friend, the gentleman from New York, [Mr. BIAGGI]. I work with the gentleman from New York a great deal on a large number of subjects, and I have to tell the House that I have a great deal of respect for this gentleman in working on this subject, as he had worked on this subject both this session and in previous sessions, and on other subjects, and I have a high regard and respect for the gentleman. He and I have taken opposite sides and the same side on a number of issues, but I always find him to be knowledgeable on the issues in attempting to secure what is best public policy for the people of this Nation.

Mr. Speaker, in beginning, I would make several points to the House: First, that House Concurrent Resolution 67, the grandparents visitation rights, would be passed at no cost to the Federal Government; second, nor is there a mandate involved to any State that is in any way binding.

What this resolution does is not to require that any State adopt any type of State law or code, but would urge the availability of a model code so that those 49 States who have adopted some sort of visitation rights for grandparents, and the one State that has not, would have the ability to adopt a uniform code if they choose.

Third, Mr. Speaker, I would note for my colleagues that a similar resolution was adopted on a voice vote of the 98th Congress and there was no request when it was adopted in April 19, 1983, for a recorded vote.

Mr. Speaker, the resolution under consideration expresses the sense of this Congress that a uniform State law should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution of the marriage of such grandchildren's parents as the result of divorce, separation, or death.

House Concurrent Resolution 67 specifies that any such uniform State law should insure that such visitation rights extend to cases in which, after the dissolution of a marriage due to divorce, separation, or death, such parents remarry and step-parents adopt the grandchildren in question. In addition, any uniform State act or law should establish procedures for the interstate recognition and enforcement of State court orders granting such visitation rights to grandparents.

House Concurrent Resolution 67 further expresses the sense of Congress that the Secretary of Health and Human Services, through the National Center on Child Abuse and Neglect and the Administration on Aging should provide technical assistance to States in developing and disseminating guidelines appropriate in determining what constitutes the best interest of the child in cases in which the child's grandparents seek visitation privileges after the dissolution of the marriage of the child's parents.

Mr. Speaker, the purpose of this resolution is this: To place this Congress on record in support of the States developing and adopting uniform legislation that will provide grandparents with adequate and equal rights to petition the State courts for privileges to visit their grandchildren following the dissolution of the marriage of the children's parents. Presently, there are 49 State statutes on the books that address the question of grandparents' visitation privileges in very, very different ways across this Nation. Since these State statutes are lacking in uniformity, equal protection is thus denied the grandparents and, therefore, to the grandchildren in similar circumstances from one State to the next.

House Concurrent Resolution 67 does not change any Federal law. It requires no additional outlays of Federal funds.

In closing, Mr. Speaker, I urge my colleagues to adopt this resolution, by way of encouraging the States to take appropriate action to address this important domestic relations issue at the earliest time possible. I again remind my colleagues that a similar resolution, House Concurrent Resolution 45, was adopted by a voice vote of the House during the 98th Congress.

Mr. Speaker, the resolution under consideration expresses the sense of this Congress which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution of the marriage of such grandchildren's parents as the result of divorce, separation, or death.

House Concurrent Resolution 67 specifies that any such uniform State law should ensure that such visitation rights extend to cases in which, after the dissolution of a marriage due to divorce, separation, or death, such parents remarry and Stepparents adopt the grandchildren in question. In addition, any uniform State act or law should establish procedures for the interstate recognition and enforcement of State court orders granting such visitation rights to grandparents.

House Concurrent Resolution 67 further expresses the sense of Congress that the Secretary of Health and Human Services, through the National Center on Child Abuse and Neglect and the Administration on Aging, should provide technical assistance to the States in developing and disseminating guidelines appropriate in determining what constitutes "the best interest of the child" in cases in which the child's grandparents seek visitation privileges after the dissolution of the marriage of the child's parents.

Mr. Speaker, the purpose of this resolution is this: To place this Congress on record in support of the States developing and adopting uniform legislation that will provide grandparents with adequate and equal rights to petition State courts for privileges to visit their grandchildren following the dissolution of the marriage of the children's parents.

Presently, there are 49 State statutes on the books that address the question of grandparents' visitation privileges in very different ways. Since these State statutes are lacking in uniformity, equal protection is denied to grandparents in similar circumstances.

House Concurrent Resolution 67 does not change any Federal law; it requires no additional outlays of Federal funds.

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

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

The SPEAKER pro tempore. The gentleman from New York [Mr. BIAGGI] has consumed 10 minutes.

Mr. BIAGGI. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LANTOS], one of the original cosponsors of this legislation.

Mr. LANTOS. I thank the gentleman for yielding this time to me.

Mr. Speaker, before I deal with the substance of this legislation, I want to pay public tribute to my friend, the gentleman from New York [Mr. BIAGGI] who is recognized as the national leader in the realm of grandparents' rights, and rightly so. He has led the way for all of us in the Congress in providing rights for the last disenfranchised segment of American society, grandparents.

The issue we are dealing with is an issue of monumental importance. Grandparents in many instances are the only stable unit in the American family. There are some 12 million children in this country not living with both parents, this meaning, conservatively speaking, that perhaps 24 million or even as many as 36 million grandparents may be denied the right to visit their own granchildren.

□ 1740

Grandchildren are really the focus of this legislation. It is their welfare, it is their ability to connect to their past, it is their ability to connect with their cultural roots that we are talking about.

Grandparents are a national treasure. They are the linkage with the grandchild's past, and the more that linkage is cut off, the more we contribute to the rootlessness of our society. In countless numbers of instances grandparents have grandchildren with whom they had regular loving contact, and as a result of unfortunate family developments, this contact is suddenly cutoff, and while this cutoff represents enormous pain for the grandparents, it is far more painful for the grandchild because the grandchild does not understand why his or her loving grandfather or loving grandmother has suddenly disappeared from his or her little life, from his or her little universe.

This legislation will be a milestone toward rebuilding the American family. It will provide an opportunity for countless grandparents and grandchildren to maintain contact, to have a mutually loving relationship, and to be part of a family which reaches across generations.

There will be many pieces of legislation costing a great deal of money that we will pass in this Congress. I believe no legislation will be more valuable in the fundamental sense than the legislation providing grandparents and grandchildren the opportunity of seeing each other.

Mr. Speaker, I want to commend the principal author of this legislation, and I urge my colleagues to support it.

Mr. BARTLETT. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. MACK].

Mr. MACK. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise to compliment the members of the committee on the work they are doing on legislation for grandparents. Speaking as probably one of the youngest grandparents in the Congress, I want to thank them for their efforts and compliment them.

Mr. BARTLETT. Mr. Speaker, may I inquire as to how much time remains on this side?

The SPEAKER pro tempore. The gentleman from Texas [Mr. BARTLETT] has 9½ minutes remaining and the gentleman from New York [Mr. BIAGGI] has 7 minutes remaining.

Mr. BARTLETT. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. MOLINARI].

Mr. MOLINARI. Mr. Speaker, first let me commend the gentleman from New York [Mr. BIAGGI] for the wonderful work he has done and the intent of his resolution. I, however, do have some questions about it. I am not saying I am opposed to the resolution, but I do have some questions about the implementation of it, and I would like to ask the gentleman from New York or perhaps the gentleman from Texas if they could clear up some of these questions for me.

As I understand it, under this resolution, if the model act proposed were adopted, we would be giving grandpar-

ents or the States would be giving grandparents rights that they do not have as long as both parents are alive and not divorced; is that correct?

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

Mr. MOLINARI. I am glad to yield to the gentleman from New York.

Mr. BIAGGI. No. The fact of the matter is that grandparents do have some rights now. They can petition the courts now, but if they do get an award from a New York court, as a matter of illustration, that order would not be respected in another State's jurisdiction.

Mr. MOLINARI. Mr. Speaker, I am a little confused, then, because I am looking at page 2 of the resolution, and it starts off with the first "whereas" clause and talks about providing grandparents with rights for privileges to visit their grandchildren after the dissolution, as they describe it, "because of divorce, separation, or death." I got the impression from reading that that what we are intending to do here is limit the relief of grandparents to these contingencies. That is one of the major questions I have.

Mr. BIAGGI. No, to begin with, they do have the right to petition. They do have a right to petition the courts. The courts in different jurisdictions will grant different privileges. What we would like to do is make them uniform.

Second, there is a question of dissolution of marriages, and we know today that there is about a 50-percent dissolution. We have over a million children who are thusly affected, whether they remain in the same jurisdiction or whether they move out of the State.

Or, No. 3, if there is a death. If there is a death, clearly with the remarriage, we find the surviving spouse would like to forget all about the past, and if they move out of the jurisdiction or stay in the jurisdiction and the new spouse just refuses to get involved with the grandparent, they would like to cut off all connection with the past. However, where there is no dispute, we do not have a problem.

□ 1750

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. BARTLETT. Mr. Speaker, I yield 2 additional minutes to the gentleman.

Mr. MOLINARI. Mr. Speaker, I would like to ask the gentleman another question.

I get the distinct impression that we are dealing with a model act, a uniform act, where we are asking all the States to enact, which would take place upon these events talked about in the first paragraph. What I am trying to do is determine, are we going further than that? In other words, is it the intent of this resolution that irrespective of a divorce or separation or death of the parents, that a uniform act be adopted so that even in those cases where the parents are alive and living together, the grandparents would be granted the right to go to court and seek custody.

Mr. BIAGGI. Oh, no, absolutely not.

Mr. MOLINARI. Oh, I am sorry. I thought the gentleman answered to the contrary before. So it is limited then to these contingencies?

Mr. BIAGGI. That is where the problem is.

Let me talk about this. The resolution, No. 1, is nonbinding. We do not have anything binding in existence.

Mr. MOLINARI. I understand that.

Mr. BIAGGI. We have the State of Nebraska which has not adopted any legislation whatsoever. We are hopeful that perhaps as a result of this sense of Congress resolution and the proposal that we have and the statements that we have offered, that they will undertake to enact a model act.

Mr. MOLINARI. I understand. Because I am running short of time, I will ask the gentleman one last question.

What is the implementation of this act? The gentleman says that it is the sense of Congress that the States should develop and adopt a model act. How do we intend to get the States to come together so as to move ahead? What device are we using?

Mr. BIAGGI. Well, clearly, each State would have the responsibility of responding if they are in good faith. I would have to assume they are in good faith and would like to deal with the problem. Forty-nine of them have legislation.

By the way, when we started this whole understanding, only 34 did, so ofttimes we do by indirection what we do not do by direction; so we are now up to 49, with Nebraska the sole State that has not enacted legislation.

Now, I am sure they will be aware of what we have done. They have their State representatives here. The message will be clear by the act of the Congress. We know that the State legislators in all these States are alert and observant and know the problem and would like to respond to it in a constructive and meaningful way.

In the end it will be the determination of the States through the State legislature and hopefully they will be able to respond and they will respond to a uniform act.

Mr. MOLINARI. I thank the gentleman.

I do have some problems with the resolution. There are a number of other questions I would like to ask, but I do not have the time and I thank the gentleman for his explanation.

Mr. BIAGGI. Mr. Speaker, I yield 1 minute to the chairman of the subcommittee, the gentleman from Montana [Mr. WILLIAMS], who so graciously permitted me to manage this bill today and also who was responsible for the expeditious treatment and consideration of this bill.

Mr. WILLIAMS. Mr. Speaker, I come to the floor today to thank my colleague, the gentleman from New York [Mr. BIAGGI] for his clear, patient and aggressive leadership in pursuing this legislation during these past several Congresses.

I believe the work of the gentleman from New York [Mr. BIAGGI] is close to fruition now and I am very hopeful that this resolution passes both bodies.

It is a very meaningful and significant attempt to clarify visitation rights and to resolve, if the States can see the way, resolve the interjurisdictional disputes between the States.

I really believe, as do the members of my subcommittee and our full Committee on Education and Labor, that the resolution of the gentleman from New York [Mr. BIAGGI] represents a timely and meaningful response to the problems incumbent in today's society's family life.

So I say again to my friend, I want to commend the gentleman from New York for his diligence in pursuing this legislation.

Mr. BARTLETT. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. LUNGREN] and ask unanimous consent that he be permitted to proceed out of order.

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

There was no objection.

THE TRAGEDY OF INDIANA'S EIGHTH DISTRICT

Mr. LUNGREN. Now, Mr. Speaker, I thank my colleague, the gentleman from Texas, for giving me this time to speak out of order and it is precisely on the issue of the Republican conference that I wish to speak. This is an important issue that we have before us today, dealing with the rights of grandparents to visit their grandchildren; but, Mr. Speaker, in all frankness, this issue pales into insignificance when compared with that of what has happened to the people of the Eighth District of Indiana. People there, whether grandparents, parents, not married at all, or whatever, have been denied representation in this House. We have had the State of Indiana denied the opportunity to have their laws placed into effect.

We have had one person, Mr. McIntyre, who was elected both on election night and then following that with respect to a recount. Only when the House of Representatives on a partisan basis created a partisan committee which then established a partisan task force, which then established rules on a partisan basis, only under those extreme circumstances, was the result

overturned. That is a tragedy. It is unfair to this House. It is something that ought not to be accepted.

If we have any respect for the Constitution, this decision ought not to be respected.

I would suggest that perhaps it is a manifestation of the arrogance of power in this House.

I noted that on the vote just prior to this, we had one person on the Democratic side who voted yea and about seven or eight people who voted nay. Yet the Chair called a two-thirds vote for that other side.

Now, maybe that is the way things proceed around here. Maybe we have gotten used to that, being the way things proceed around here; but I cannot explain it to the people back home. I cannot explain it to the people in the galleries. I cannot explain it to students who come to talk to me and say, "What is this place all about?" When we see those things happening on this floor, when we see the people of the Eighth District of Indiana denied the very basic rights that they have.

So, Mr. Speaker, this is important. We are talking about the rights of grandparents on this, but it is not nearly as important as the Constitution and the constitutional rights of the people of the Eighth District of Indiana that are being denied flagrantly by this House of Representatives.

Now we understand that push is going to come to shove. We are going to have a vote brought forth on this floor in which we in the House of Representatives are going to be urged to overturn what the people in the Eighth District did.

Mr. Speaker, that is an outrage. It is something that cannot be countenanced in this House. Members of this House ought to be aware of what they are doing. If they are declaring war on the Constitution, then Members on this side of the aisle will declare war on the rules of this House, because those rules are being flaunted. Those rules are being ignored. Those rules are being bent grotesquely to benefit one side.

I thank the gentleman for his time.

Mr. BARTLETT. Mr. Speaker, I yield myself the final minute.

Mr. Speaker, I believe the gentleman from California stated rather clearly and succinctly the main issue facing this House today, and that is the rights of grandparents, but also the rights of all people, parents, grandparents, and children, nonparents, adults, children, and future generations alike to the people of Indiana.

● Mr. McGRATH. Mr. Speaker, I would like to commend my good friend and colleague from New York [Mr. BIAGGI] for the tireless work he has done on behalf of a large disenfranchised group of citizens who have suffered due to a lack of uniformity in State laws regarding grandparent visitation rights.

House Concurrent Resolution 67, which expresses the sense of the Congress that a uniform State act be adopted which provides grandparents with the right to petition State courts for privileges to visit their grandchildren following the disolution of the parent's marriage, is long overdue.

We are all aware of cases of bitter custody battles between divorcing spouses. Although less familiar to most, but equally emotional are cases of grandparents who have been unable to maintain any contract with their flesh and blood, their grandchildren, because of the ending of the parents' marriages either by separation, divorce, or death.

With the dissolution of the nuclear family at unprecedented levels in this country, the relationship of grandchildren and grandparents can become the most stable, healthy, and loving bond between children and adults. The cases of loving and respected grandparents being forced from their grandchildrens' lives, are numerous and tragic.

I urge my colleagues to support this legislation, and again congratulate Mr. BIAGGI on the humane resolution he brings before us today.●

● Mr. TRAFICANT. Mr. Speaker, I rise in support of House Concurrent Resolution 67, a measure that would adopt a uniform law providing grandparents with visitation privileges following divorce or other form of marital dissolution between the parents of the grandchildren. As one who believes strongly in the preservation of the relationship between grandparents and grandchildren, I was proud to cosponsor this measure.

Mr. Speaker, statistics reveal that over 75 percent of this Nation's people over age 65 are grandparents. In addition, over 1 million children per year experience the divorce of their parents. In recent years, the problem of grandparents being prevented from seeing their grandchildren has grown. Presently, 49 out of 50 States do have laws providing grandparents with the right to petition a court for visitation rights. Despite this fact there still remains one serious problem which House Concurrent Resolution 67 seeks to address. That is the problem of uniformity. Presently, there is no uniformity between the State laws, and there is no interstate recognition of visitation orders.

The resolution we are considering today expresses the sense of Congress that a uniform State act should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution—because of divorce, separation, or death—of the marriage of such grandchildren's parents. It is also important to note that this resolution stresses that grandparent visitation should be granted by States only when it is in the best interest of the child.

This resolution is a much needed and sensible approach to assisting States in protecting the rights of grandparents. I urge all of my colleagues to lend their support to this resolution.●

□ 1800

Mr. BARTLETT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BIAGGI. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. BIAGGI] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 67).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just agreed to.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 800

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 800.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order: H. Res. 125, by the yeas and nays; and H. Con. Res. 52, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

CONDEMNING THE SOVIET UNION FOR THE MURDER OF MAJ. ARTHUR D. NICHOLSON, JR., AND ACTIONS CLEARLY INCONSISTENT WITH THE 1947 MILITARY LIAISON MISSIONS AGREEMENT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution (H. Res. 125).

The clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and agree to the resolution, House Resolution 125, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 394, nays 2, not voting 37, as follows:

[Roll No. 60]

YEAS—394

Ackerman	Clay	Fields
Addabbo	Clinger	Fish
Akaka	Coats	Florio
Alexander	Cobey	Foglietta
Andrews	Coble	Foley
Annunzio	Coelho	Ford (MI)
Anthony	Coleman (MO)	Fowler
Applegate	Coleman (TX)	Frank
Archer	Collins	Frenzel
Armey	Combest	Frost
Aspin	Conte	Gallo
Atkins	Cooper	Garcia
Badham	Coughlin	Gaydos
Barnard	Courter	Gejdenson
Barnes	Coyne	Gekas
Bartlett	Craig	Gephardt
Barton	Crane	Gibbons
Bateman	Darden	Gilman
Bedell	Daschle	Gingrich
Beilenson	Daub	Glickman
Bennett	Davis	Gonzalez
Bentley	de la Garza	Goodling
Berman	DeLay	Gordon
Bevill	Dellums	Gradison
Biaggi	Derrick	Gray (IL)
Bilirakis	DeWine	Gray (PA)
Billey	Dickinson	Green
Boehlert	Dicks	Gregg
Boland	Dingell	Grotberg
Boner (TN)	DioGuardi	Guarini
Bonior (MI)	Dixon	Gunderson
Bonker	Donnelly	Hall (OH)
Borski	Dorgan (ND)	Hall, Ralph
Bosco	Dornan (CA)	Hall, Sam
Boucher	Downey	Hamilton
Boulter	Dreier	Hammerschmidt
Boxer	Duncan	Hansen
Breaux	Durbin	Hartnett
Brooks	Dwyer	Hatcher
Broomfield	Dymally	Hawkins
Brown (CA)	Dyson	Hayes
Brown (CO)	Early	Heftel
Broyhill	Eckart (OH)	Hendon
Bruce	Eckert (NY)	Henry
Bryant	Edgar	Hertel
Burton (CA)	Edwards (CA)	Hiler
Burton (IN)	Edwards (OK)	Hillis
Callahan	Emerson	Holt
Campbell	English	Hopkins
Carney	Erdreich	Howard
Carper	Evans (IL)	Hoyer
Carr	Fascell	Hubbard
Chandler	Fawell	Hughes
Chappell	Fazio	Hunter
Chappie	Feighan	Hutto
Cheney	Fiedler	Ireland
Jacobs	Mitchell	Skeen
Jeffords	Moakley	Skelton
Jenkins	Molinari	Slattery
Johnson	Mollohan	Slaughter
Jones (NC)	Monson	Smith (FL)
Jones (OK)	Montgomery	Smith (IA)
Jones (TN)	Moody	Smith (NE)
Kanjorski	Moore	Smith (NH)
Kaptur	Moorhead	Smith (NJ)
Kasich	Morrison (CT)	Smith, Denny
Kastenmeier	Morrison (WA)	Smith, Robert
Kemp	Mrazek	Snowe
Kennelly	Murphy	Snyder
Kildee	Murtha	Solarz
Kindness	Myers	Solomon
Kleczka	Natcher	Spence
Kolbe	Neal	Spratt
Kolter	Nichols	St Germain
Kostmayer	Nowak	Staggers
Kramer	O'Brien	Stallings
LaFalce	Oakar	Stangeland
Lagomarsino	Oberstar	Stark
Lantos	Obey	Stenholm
Latta	Olin	Stokes
Leach (IA)	Owens	Strang
Lehman (CA)	Oxley	Stratton
Lehman (FL)	Packard	Studds
Leland	Panetta	Stump
Lent	Parris	Sundquist
Levin (MI)	Pashayan	Sweeney
Levine (CA)	Pease	Swift
Lewis (CA)	Penny	Swindall
Lewis (FL)	Pepper	Synar
Lightfoot	Perkins	Tallon
Lipinski	Petri	Tauke
Livingston	Pickle	Tauzin
Lloyd	Porter	Taylor
Loeffler	Price	Thomas (CA)
Long	Pursell	Thomas (GA)
Lott	Quillen	Torres
Lowery (CA)	Rahall	Torricelli
Lowry (WA)	Rangel	Traficant
Lujan	Ray	Traxler
Luken	Regula	Udall
Lungren	Reid	Valentine
Mack	Richardson	Vander Jagt
MacKay	Rinaldo	Vento
Madigan	Ritter	Visclosky
Manton	Robinson	Vucanovich
Markey	Roe	Walgren
Marlenee	Roemer	Walker
Martin (IL)	Rose	Watkins
Martin (NY)	Rostenkowski	Weaver
Martinez	Roth	Weber
Matsui	Roukema	Weiss
Mavroules	Rowland (CT)	Wheat
Mazzoli	Rowland (GA)	Whitehurst
McCain	Roybal	Whitley
McCandless	Rudd	Whittaker
McCollum	Russo	Whitten
McCurdy	Sabo	Williams
McDade	Saxton	Wilson
McEwen	Schaefer	Wirth
McGrath	Scheuer	Wise
McHugh	Schneider	Wolf
McKernan	Schroeder	Wolpe
McKinney	Schuette	Wortley
McMillan	Schulze	Wyden
Meyers	Sensenbrenner	Yates
Mica	Sharp	Yatron
Michel	Shaw	Young (AK)
Mikulski	Shumway	Young (FL)
Miller (CA)	Shuster	Young (MO)
Miller (OH)	Sikorski	Zschau
Miller (WA)	Siljander	
Mineta	Sisisky	

NAYS—2

Crockett	Savage

NOT VOTING—37

Anderson	Ford (TN)	Roberts
AuCoin	Franklin	Rodino
Bates	Fuqua	Rogers
Bereuter	Hefner	Schumer
Boggs	Horton	Seiberling
Bustamante	Huckaby	Shelby
Byron	Hyde	Towns
Conyers	Leath (TX)	Volkmer
Daniel	Lundine	Waxman
Dannemeyer	Nelson	Wright
Dowdy	Nielson	Wylie
Evans (IA)	Ortiz	
Flippo	Ridge	

□ 1820

Mr. DELLUMS changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

CALLING FOR THE RESTORATION OF DEMOCRACY IN CHILE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution (H. Con. Res. 52), as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. WEISS] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 52, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 191, nays 206, not voting 36, as follows:

[Roll No. 61]

YEAS—191

Ackerman	Cooper	Gilman
Addabbo	Coughlin	Glickman
Alexander	Coyne	Gonzalez
Annunzio	Crockett	Gordon
Applegate	Daschle	Gray (IL)
Aspin	Dellums	Gray (PA)
Atkins	Derrick	Green
Barnes	Dixon	Guarini
Bedell	Donnelly	Hall (OH)
Beilenson	Dorgan (ND)	Hamilton
Berman	Downey	Hawkins
Biaggi	Durbin	Hayes
Boehlert	Dwyer	Henry
Boland	Dymally	Hertel
Bonior (MI)	Early	Howard
Bonker	Eckart (OH)	Hoyer
Borski	Edgar	Hughes
Bosco	Edwards (CA)	Jacobs
Boucher	Evans (IL)	Jeffords
Boxer	Fascell	Kaptur
Brooks	Fawell	Kastenmeier
Brown (CA)	Fazio	Kennelly
Brown (CO)	Feighan	Kildee
Bruce	Florio	Kleczka
Bryant	Foglietta	Kolbe
Burton (CA)	Foley	Kostmayer
Carr	Ford (MI)	Kramer
Clay	Frank	LaFalce
Cobey	Frost	Lantos
Coelho	Garcia	Leach (IA)
Coleman (TX)	Gejdenson	Lehman (CA)
Collins	Gephardt	Lehman (FL)
Conte	Gibbons	Leland

Levin (MI)	Owens	Smith (NJ)
Levine (CA)	Panetta	Snowe
Lipinski	Pease	Solarz
Long	Penny	St Germain
Lowry (WA)	Pepper	Staggers
Lujan	Perkins	Stark
Luken	Porter	Stokes
Manton	Price	Studds
Markey	Pursell	Swift
Martinez	Rahall	Synar
Matsui	Rangel	Tauzin
Mavroules	Reid	Torres
McHugh	Richardson	Torricelli
McKernan	Ritter	Traficant
Mikulski	Roe	Traxler
Miller (CA)	Roemer	Udall
Miller (WA)	Rose	Vento
Mineta	Rostenkowski	Visclosky
Mitchell	Roybal	Walgren
Moakley	Russo	Weaver
Mollohan	Sabo	Weiss
Moody	Savage	Wheat
Morrison (CT)	Scheuer	Williams
Mrazek	Schneider	Wirth
Murphy	Schroeder	Wise
Neal	Sensenbrenner	Wolpe
Nowak	Sharp	Wyden
Oakar	Sikorski	Yates
Oberstar	Sisisky	Yatron
Obey	Slattery	Young (MO)
Olin	Smith (FL)	

NAYS—206

Akaka	Gaydos	Meyers
Andrews	Gekas	Mica
Anthony	Gingrich	Michel
Archer	Goodling	Miller (OH)
Armey	Gradison	Molinari
Badham	Gregg	Monson
Barnard	Grotberg	Montgomery
Bartlett	Gunderson	Moore
Barton	Hall, Ralph	Moorhead
Bateman	Hall, Sam	Morrison (WA)
Bennett	Hammerschmidt	Murtha
Bentley	Hansen	Myers
Bevill	Hartnett	Natcher
Billirakis	Hatcher	Nichols
Billey	Heftel	O'Brien
Boner (TN)	Hendon	Ortiz
Boulter	Hiler	Oxley
Breaux	Hillis	Packard
Broomfield	Holt	Parris
Broyhill	Hopkins	Pashayan
Burton (IN)	Hubbard	Petri
Callahan	Hunter	Pickle
Campbell	Hutto	Quillen
Carney	Ireland	Ray
Carper	Jenkins	Regula
Chandler	Johnson	Rinaldo
Chappell	Jones (NC)	Robinson
Chappie	Jones (OK)	Roth
Cheney	Jones (TN)	Roukema
Clinger	Kanjorski	Rowland (CT)
Coats	Kasich	Rowland (GA)
Coble	Kemp	Rudd
Coleman (MO)	Kindness	Saxton
Combest	Kolter	Schaefer
Courter	Lagomarsino	Schuette
Craig	Latta	Schulze
Crane	Lent	Shaw
Darden	Lewis (CA)	Shumway
Daub	Lewis (FL)	Shuster
Davis	Lightfoot	Siljander
de la Garza	Livingston	Skeen
DeLay	Lloyd	Skelton
DeWine	Loeffler	Slaughter
Dickinson	Lott	Smith (IA)
Dicks	Lowery (CA)	Smith (NE)
Dingell	Lungren	Smith (NH)
DioGuardi	Mack	Smith, Denny
Dornan (CA)	MacKay	Smith, Robert
Dreier	Madigan	Snyder
Duncan	Marlenee	Solomon
Dyson	Martin (IL)	Spence
Eckert (NY)	Martin (NY)	Spratt
Edwards (OK)	Mazzoli	Stallings
Emerson	McCain	Stangeland
English	McCandless	Stenholm
Erdreich	McCollum	Strang
Fiedler	McCurdy	Stratton
Fields	McDade	Stump
Fish	McEwen	Sundquist
Fowler	McGrath	Sweeney
Frenzel	McKinney	Swindall
Gallo	McMillan	Tallon
Tauke	Walker	Wilson
Taylor	Watkins	Wolf
Thomas (CA)	Weber	Wortley
Thomas (GA)	Whitehurst	Young (AK)
Valentine	Whitley	Young (FL)
Vander Jagt	Whittaker	Zschau
Vucanovich	Whitten	

NOT VOTING—36

Anderson	Flippo	Ridge
AuCoin	Ford (TN)	Roberts
Bates	Franklin	Rodino
Bereuter	Fuqua	Rogers
Boggs	Hefner	Schumer
Bustamante	Horton	Seiberling
Byron	Huckaby	Shelby
Conyers	Hyde	Towns
Daniel	Leath (TX)	Volkmer
Dannemeyer	Lundine	Waxman
Dowdy	Nelson	Wright
Evans (IA)	Nielson	Wylie

□ 1830

The Clerk announced the following pairs:

On this vote:

Mr. Rodino and Mr. Towns for, with Mr. Rogers against.

Mr. Waxman and Mr. AuCoin for, with Mr. Franklin against.

So—two-thirds not having voted in favor thereof—the motion was rejected.

The result of the vote was announced as above recorded.

DEFENSE WITHOUT NONSENSE

(Mr. DICKS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DICKS. Mr. Speaker, last Wednesday the chairman of the House Armed Services Committee, LES ASPIN, gave the outlines of a defense policy that one would hope all Democrats could rally round.

Speaking to the Henry M. Jackson Dinner of the Coalition for a Democratic Majority, Mr. ASPIN observed that the Democratic Party today is identified in the public mind as antidefense.

I agree with him that this is a bum rap. But if we are going to continue being identified as anti-this weapon and anti-that weapon, it should not surprise us at all if we continue to be identified as antidefense.

Mr. ASPIN concluded:

"We must shed our Doctor No image.

"We must offer defense without nonsense.

"We must speak of weapons we are for, not just weapons we are against.

"We must respect the uniform, not debase the uniform.

"We must speak of the Soviet threat, not just the nuclear threat.

"We must offer a better defense, not just a leaner defense."

In his speech, Mr. ASPIN outlines some of the ways that Democrats can offer a better defense—some of the positives we can stand for so that we are no longer identified with negatives. I commend the address of my colleagues and ask that it be inserted in the RECORD.

The address by Mr. ASPIN follows:

DEFENSE WITHOUT NONSENSE

(By Les Aspin)

The Democratic party is going through a period of painful soul-searching. We read a great deal about the pain, but the most important thing is the outcome of the soul-searching.

One element of this self-examination is the party outlook on defense. We have commonly been attacked from the right for being soft on defense. That's nothing new. But in recent years, we have come under attack from the middle for being soft on defense. That is new—and harmful.

Speaker O'Neill has been showing around a poll indicating that by a margin of more than three-to-one, America's voters believe the GOP will do a better job than the Democratic party in keeping U.S. defenses as strong as needed. The voters aren't wild reactionaries. The same poll shows overwhelming pluralities favoring lower defense budgets than President Reagan's, and opposing any drive for superiority over the Russians. In other words, the voters are rational on defense—and their positions on spending and superiority are our positions. Yet, they see the Democratic party as incapable of giving us a strong defense. In fact, of 14 issues listed in this poll, the difference between Republicans and Democrats is starker on defense than any other issue. *Our weak point is our perceived weak stand on defense.*

To a large extent, this is, of course, a bad rap. Most Americans—even most Democrats—might be surprised to learn how much defense Democrats *do* support. Take spending. Last year, the Republican-controlled Senate voted for 95 percent of President Reagan's defense request. The Democratic-controlled House voted for 91 percent—a difference of 4 percentage points.

The Democratic defense glass is almost entirely full. But a huge proportion of the public magnifies this difference of 4 percentage points and perceives that there is nothing in the Democratic glass at all.

Yes, this is a problem of perceptions. But in politics, perceptions this stark can be devastating.

Why are these perceptions about Democrats so negative? Quite simply because the public debate on defense has focused heavily on specific weapons. And on specific weapons, Democrats have stood for negatives. Look back over the last 15 years. The big issues have been successively: the ABM, the B-1, the neutron bomb, the MX, and now SDI or Star Wars. Throughout those 15 years, Democrats have been cast consistently in the role of chief "anti." Anti-ABM. Anti-B-1. Anti-neutron bomb. Anti-MX. Anti-SDI. And, thus, in the public mind: anti-defense.

It hasn't always been this way. John F. Kennedy was elected on a pledge to rebuild America's defenses. Robert McNamara became secretary of defense and Democrats were identified as the party that stood for a stronger and a cost-effective defense. Don't spend more than you have to, but spend all you need. Efficient management, and get the job done. But now, that's history.

Today, the American people see a profligate Pentagon—truly a vast wasteland—home of the $700 pliers and the $8,000 coffee pot. Are Democrats identified today as the party that will do away with the

waste, as the party of John F. Kennedy that will give us our dollar's worth? No, we're identified as the party that is anti-defense, the party that will cut defense—muscle as well as fat.

A detached analysis will show that Democrats do not oppose all weapons. The Trident missile sub, the F-15 Eagle, the Spruance-class destroyers, the Blackhawk helicopter—all have enjoyed the support of an overwhelming majority of Democrats. But two points penetrate the public's mind. First, whatever opposition there is to these weapons has come from Democrats. Second, what support we do give seems almost reluctant. We don't appear to support any weapon; we merely acquiesce in some.

Many of our positions opposing particular weapons have been quite reasonable. I don't want to suggest that we should mindlessly support whatever gold-plated gizmo the inventive brain of defense industry can come up with. The B-1 should have been canceled in favor of Stealth. The President's Star Wars program is riddled with holes. And I would be the first to admit that there are fair and reasonable grounds for questioning the MX. But that isn't the point.

The point is that we don't seem to stand for anything anymore. If Democrats want to spend the rest of their careers writing oped pieces and giving lectures at universities, then we can continue to stroke our anti-defense image. But if we want to make defense policy in the White House and the Pentagon, then we had better stand for something. The voters are not attracted to national security nay-sayers.

In the debate that goes on daily in the newspapers and on the television screens, Democrats are not shown being for anything in the defense arena. We are always against. We are the Doctor No of the defense debate. That must change.

It's appropriate then to ask, what should we be for? I don't pretend to have all the answers wrapped up neatly here. But I would like to outline some thoughts and some approaches that could help. At least, I hope they can get Democrats thinking about what they are for in the defense arena.

I think we need to break the issue into two topics. One is the philosophical question of how Democrats ought to approach defense issues. The other is the important political question of tactics. Let me take up tactics first.

TACTICS

I see three tactical propositions that I would suggest Democrats adopt.

First, the Democratic party should not simply oppose a weapon; it should stand for an alternative.

Second, the Democratic party should support additions to the defense budget—though the net of our deletions and additions would still put the Democratic defense budget under the Reagan alternative.

Third, the Democratic party should accentuate the positive—speaking mainly of things we stand for. We must speak of the programs we propose, not just the programs we oppose.

Let me go through these propositions in more detail.

ALTERNATIVES

First, the Democratic party should not simply oppose a weapon; it should stand for an alternative.

This wasn't so important in past decades. It is important now simply because we have saddled ourselves with the reputation of being against every new weapon proposed.

Let's take the example of the B-1 bomber. The problem there was the increasing age of the B-52s. The Republicans offered the B-1 as the solution. Our solution was no B-1. We could have offered a major life extension program for the B-52. And in recent years, we could have offered the Stealth as an alternative. But basically, we just offered the public no B-1. We played the Doctor No role in the debate.

Another example is the MX. The problem here is the vulnerability of our land-based missiles. The Republicans offered the MX as the solution. We pointed to flaws in their solution. But we didn't ever offer an alternative solution to the problem of land-based missile vulnerability. We simply offered on MX. We played the Doctor No role again.

We control the House of Representatives and can therefore lay out the legislative calender as we choose. We can structure votes so they present alternatives—with at least one positive alternative that Democrats can happily embrace—a yes position to counter the Doctor No image.

ADDITIONS

The second proposition is that the Democratic party should support some additions to the defense budget—though the net of our deletions and additions would still put the Democratic defense budget under the Reagan alternative.

In other words, while cutting several billion from the Reagan request, we ought to consider adding a few billions back for programs Reagan has ignored—for defense programs Democrats support.

Let me give you a few example of defense programs Democrats should be able to support.

First, there are programs that fall between the stools of the services. Republican Administrations defer much decisionmaking to the individual service. The services, however, tend to slight spending that helps another service. For example, the Air Force thinks close air support is a bore—though the Army needs close air suppport to protect its infantrymen. Democrats can stand up for programs the service bureaucracies neglect.

Second, the Reagan budget gives its highest priority to modernization—that is, buying sophisticated new planes and missiles to replace older planes and missiles. It gives a much lower priority to sustainability—that is, the stocks of supplies needed if we are to fight a conventional war beyond a few weeks.

One way to avoid a resort to nuclear arms is to make sure our troops have the supplies needed to remain in a conventional mode.

Third, we can support innovative new approaches to old problems. Smart conventional munitions are another major opportunity for avoiding recourse to battlefield nuclear weapons. Smart munitions, are the kind of weapons Democrats ought to be pleased to back. A few years ago, the Israelis showed how to use cheap drones and electronic warfare to win a major battle over the Biqa valley. The Administration has been slow to learn those lessons.

Those are just three examples of the kinds of programs Democrats ought to be able to back, not zealously, but enthusiastically—programs that fall between the service stools; supplies needed to sustain our forces on the conventional battlefield; and weapons and tactics of an innovative nature. I'm not saying you must support any particular list of programs to be a good Democrat; I am saying that good Democrats should look for those key ingredients of defense capability that are now being neglected in the Pentagon.

ACCENTUATE THE POSITIVE

The third proposition is that the Democratic party should accentuate the positive—speaking mainly of things we stand for. *We must speak of programs we propose, not just programs we oppose.*

Many of these are non-budget issues. There's a lot more to defense than what appears in the annual budget. In fact, many of the more important defense issues don't even appear in the budget. Take, for example, the procurement system, the defense decision-making structure, and attitudes toward people in uniform.

The public perceives the procurement system to be a mess. And it's a mess on Ronald Reagan's watch. This Administration let the procurement issue get away from it politically. Ronald Reagan and Caspar Weinberger are in no position to deal with it with any credibility. Democrats have a tremendous opportunity here to confront a core defense issue in a creative and rational way. Perhaps the public is so cynical that it won't believe anything we propose. But I believe the majority is willing to listen—not to flippant or arrogant attacks on Caspar Weinberger—but to rational proposals for reform.

The public isn't dumb. It can tell the difference between the politician who simply points with alarm, and the politician who points with alarm *and* proposes a solution.

This is a real *Democratic opportunity.* We must not let it pass us by.

A second Democratic opportunity lies in the muddled process of Pentagon decisionmaking.

We have an Army policy, and a Navy policy, and an Air Force policy. We don't have much of a defense policy, however. One problem is that the Joint Chiefs of Staff essentially bolt together the individual service policies. The process just doesn't work well—as the last chairman of the Joint Chiefs has made clear in many speeches and articles. The Weinberger Pentagon, however, has come down firmly against any change. It argues that the Defense Department is humming along just fine, thank you. But even strong supporters of the military on the right say that's crazy. The public also thinks the Pentagon is a disaster zone of complexity and bureaucracy. The Democratic party should be out front beating the drum for change, to give the chairman of the JCS and the Joint Staff more authority so they won't always be pushed around by the services. It makes sense politically, because the public is eager for proposals to cut down on service bickering. And it's the right thing to do. It's good defense policy. And it's standing for something positive—not just being anti-this or anti-that.

The muddle in the decision-making process is far broader than the Joint Chiefs. It permeates every corner of the Pentagon. And, frankly, Congress contributes to the problem. Congress has completed action on the defense budget before the beginning of the fiscal year only six times in the 35 years since 1950. How can we demand efficiency of the military institution when it is common practice for Congress to play hide and seek with their budget? Congress needs to clean up its own act, and Democrats should call for that as well.

Third, too many Democrats have taken to demeaning our people in uniform. Many Democrats wallow in crude humor that treats military careerists as Irish immi-

grants were treated in the 19th Century. It's as if we put up a sign on the party's front door: No military need apply. Democrats are against militarism; but we must not be against our own military. We must not blindly oppose the institution George Washington created to win our nationhood. Yes, we can be irate over the Vietnam war of 20 years ago; but that doesn't mean we should demean the institution that liberated Europe from the Nazis 20 years before that. It should be a Democrat standing on the Normandy bluff bringing tears to the nation with praise for the courage of our fighting men. Today, many brilliant young men and women are donning the uniforms of our services. We ought to be encouraging the best to join—including the best of our young Democrats.

The Democratic party's major opportunities for improving the national defense come in standing *for* something. We can—and should—take the initiative to clean out the Augean stable of Pentagon procurement. We can—and should—take the initiative to reform the Pentagon decison-making muddle. We can—and should—embrace the uniforms that stand for defense and deterrence, not aggression and oppression.

It's a common sense approach that I'm suggesting—Democrats should stand *for dee-fense without nonsense.*

If we expect the public once again to give us stewardship of the nation, we must be prepared to be responsible stewards—to give the nation a strong defense. *We must offer a better defense, not merely a leaner defense.*

PHILOSOPHY

As I said earlier, we need to divide this issue into two parts—the tactical and the philosophical. So far, I have spoken of tactics. Let me now turn to philosophy.

Our philosophical debate is dominated by two contrasting world views of the Soviet threat and the nuclear threat.

On the right, we see those who take the Soviet threat very seriously. Their view is epitomized by the President's "evil empire" speech. The Soviet Union is a major military machine driven by ideologues whose principal goal is our defeat. But those same people on the right often take almost a casual view of the threat of nuclear war. To be sure, they don't advocate embracing nuclear war, but they don't quake in their boots at the thought of it either. In the extreme, their outlook is epitomized by T. K. Jones' statement some years ago that we could survive a nuclear war, quote, "with enough shovels." End quote.

At the other end of the political spectrum, we see the opposite view. The threat posed by nuclear war is taken very seriously. Nuclear war means the end of civilization. But the threat posed by the Soviet system and its military machine is treated almost casually. No one any longer embraces the Politburo as good ole boys, as some once embraced "Uncle Joe," but excuses are commonly made for the Soviet Union's more despicable acts, and their propaganda hokum too often is given serious treatment. The Reagan Administration's arms control proposals—whether sound or outlandish—are dismissed on the grounds that they were designed to be rejected by the Russians; on the other hand, Moscow's most outlandish proposals are often said to contain a number of elements that could serve as the seeds for true arms control.

The right fears Moscow—and is too casual about nuclear war.

The left fears nuclear war—and is too casual about Soviet goals.

I would suggest that the correct approach for all Americans—and especially for the Democratic party—would be to start with a healthy respect for the dangers of nuclear war, *and* a healthy respect for the dangers posed by Soviet ambitions. We ought not be *paranoid* about either. But we ought not be *casual* about either.

Scoop Jackson had a healthy view of what the Soviet Union was all about. He was neither paranoid, nor prone to excuse their excesses. Scoop's passing meant the loss of an important perspective to our party.

The response of Democrats is that they do not excuse Soviet oppression. Most liberals, say, in all honesty, "It goes without saying that a liberal Democrat seethes with opposition to the illiberal and anti-democratic practices of Moscow. It goes without saying."

My friends, *it doesn't go without saying.*

Democrats express our deep feeling about nuclear war day-in and day-out. Doesn't that go without saying? But we say it.

Let's start saying a few things about the Soviet system, too.

I'm not suggesting we imitate the extreme right. I'm not suggesting we try to exploit fear of the Russians. I am suggesting that we not abandon the ideological heights of liberal democracy to the GOP with a simple flip of the hand and a dismissing comment that "it goes without saying." In politics, that which is unsaid doesn't count.

As my friends, Jim Woolsey and Walt Slocombe, have pointed out, World War II bequeathed us two insights into a possibly horrifying future—one represented by the city of Hiroshima, symbolizing the worst of modern warfare, and the other represented by the city of Auschwitz, symbolizing the worst of the modern nation state.

The challenge to America is to build toward a future that avoids both Hiroshima and Auschwitz. There is no difficulty averting Hiroshima—so long as you can stomach totalitarianism. Better Red then dead. There is also no trick to avoiding totalitarianism—so long as you aren't worried about total war. There are no commies on a lifeless planet.

Hiroshima and Auschwitz are the pitfalls presented by modern science and the powers available to the modern bureaucratic state. They are the cities to be avoided. But there is another city. The City on the Hill. The vision held up to our Pilgrim fathers. It is the vision of the future that America has always stood for—always striven for. It is the essence of the Democratic party. Ronald Reagan recently sought to appropriate the City on the Hill to himself. Ronald Reagan compaigned on the quotations of Roosevelt, Truman, and Kennedy. We must not stand silently by while he steals the visions and the heroes of the Democratic party.

Americans are always seeking a better future—fuller, fairer, cleaner, richer, safer. The voters will follow those with a clear vision of how to get there from here.

In defense, that means several things:

We must shed our Doctor No image.

We must offer dee-fense without nonsense.

We must speak of weapons we are for, not just weapons we're against.

We must speak of programs we propose, not just programs we oppose.

We must embrace the uniform, not debase the uniform.

We must speak of the Soviet threat, not just the nuclear threat.

We must offer a better defense, not just a leaner defense.

When we do that, we will win elections.

And, more important, we'll be doing what's right for America.

TRIBUTE TO MRS. MAVIS HURT

(Mr. HUBBARD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HUBBARD. Mr. Speaker, I speak today in tribute to and in memory of a longtime friend of mine, Mrs. Mavis Hurt of Kirksey, KY, who died on February 27 of this year at the age of 87.

Mavis McCuiston Hurt was the daughter of the late Thomas Montie McCuiston and Flo Hamlin McCuiston. A native of Calloway County, KY, she was a respected and influential lady in Murray—the county seat—in Kirksey, a small town near Murray, and throughout western Kentucky. I believe it is a tribute to her memory that a scholarship fund in behalf of Mavis and her husband Max B. Hurt has been established at Murray State University.

Mavis and Max Hurt were married 64 years, an accomplishment that is certainly rare these days. Mavis Hurt was a member of the Kirksey United Methodist Church and was active in her community. If all people were as devoted to and conscientious about our country and our future as Mrs. Mavis Hurt, America would be an even better place in which to live.

In addition to her husband Max—a highly respected and influential Calloway Countian in his own right—Mavis is survived by her daughter, Mrs. Van Bogard (Geraldine) Dunn of Delaware, OH; her grandson, Dr. Max Gilbert Dunn of Charlottesville, VA; three granddaughters, Mrs. Stephen (Susan) Hoffius of Charlestown, SC, Mrs. Rande (Sheila) Rutledge of Seattle, WA, and Mrs. Saul (Joan) Solomon of New York, NY; and one great-granddaughter, Anna Hoffius.

Also surviving are four sisters, Mrs. Newell (Esther) Doores of Kirskey, KY, Mrs. Lola Morgan and Mrs. Sonny (Hilda) Parkhill, both of Hazel, KY, and Mrs. Norva (Ruth) Riley of Mayfield, KY. Three surviving brothers are Rupert McCuiston of Kirksey, State Senator Pat McCuiston of Pembroke, KY, and Macon McCuiston of Nashville, TN.

My wife Carol and I extend our sympathy to the family of this outstanding Kentuckians who was an inspiration to those of us who knew her.

□ 1840

AN AMENDMENT OFFERED BY MR. MICHEL TO THE BARNES-HAMILTON RESOLUTION

(Mr. MICHEL asked and was given permission to address the House for 1

minute and to revise and extend his remarks and to include extraneous material.)

Mr. MICHEL. Mr. Speaker, under the rule proposed to be offered on aid to the Contras, the gentleman from Illionis is obliged to place into the RECORD the text of the amendment that would be the subject of that debate tomorrow. That was the reason for my taking the time, Mr. Speaker.

Strike all after the resolving clause and insert in lieu thereof the following:

That the following sums are appropriated, out of any monies in the Treasury not otherwise appropriated, for the Agency for International Development for the fiscal year ending September 30, 1985, namely:

Agency for International Development, for food, clothing, medicine and other humanitarian assistance for the Nicaraguan democratic opposition, $14,000,000, *Provided*, That none of the funds made available by this resolution may be used to provide arms, munitions or other weapons of war to any person, group or organization, directly or indirectly.

SEC. 2. The Administrator of the Agency for International Development shall have such powers as may be necessary and proper to carry out Section 1 of this joint resolution, notwithstanding any other provision of law relating to the administration, disbursement or use of appropriated funds.

SEC. 3. The President is strongly urged and encouraged to take the steps necessary to impose an embargo on trade between the United States and Nicaragua if the government of Nicaragua does not enter into good faith negotiations with the Nicaraguan democratic opposition.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HAMILTON OF INDIANA TO THE JOINT RESOLUTION OFFERED BY MR. BARNES OF MARYLAND

(Mr. HAMILTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAMILTON. Mr. Speaker, under the rule to be considered tomorrow on House Joint Resolution 239, I am required to have printed in the RECORD the amendment in the nature of a substitute. I ask unanimous consent that the amendment in the nature of a substitute to the joint resolution offered by the gentleman from Maryland [Mr. BARNES] may be printed in the RECORD.

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

There was no objection.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HAMILTON OF INDIANA TO THE JOINT RESOLUTION OFFERED BY MR. BARNES OF MARYLAND

Strike out all after the resolving clause and insert in lieu thereof the following:

SECTION 1. UNITED STATES SUPPORT FOR PEACE IN CENTRAL AMERICA.

The Congress finds and declares the following:

(1) The United States desires peace in Nicaragua and throughout Central America. United States policy toward Nicaragua should encourage all combatants to establish a ceasefire and come together in peace negotiations in order to resolve the internal Nicaraguan conflict, nurture democratic institutions in that country, and promote peace and stability, as part of a regional settlement throughout the Contadora process or the Organization of American States.

(2) The countries of Cental America, working through the Contadora process, have agreed to 21 principles (set forth in the Contador Document of Objective issued on September 9, 1983) which provide an appropriate framework for achieving peace and security in the region.

(3) Combatants on both sides of the conflict in Nicaragua have expressed in words their goals for peace and democracy in Nicaragua and throughout the region. United States policy should be designed to encourage these goals, including through the resumption of bilateral talks between the United States and Nicaragua.

(4) There are disturbing trends in Nicaragua's foreign and domestic policies, including—

(A) the Sandinista goverment's curtailment of individual liberties, political expression, freedom of worship, and the independence of the media;

(B) the subordination of military, judicial, and internal security functions to the ruling political party;

(C) the Sandinista government's close military ties with Cuba, the Soviet Union, and its Warsaw Pact allies, and the continuing military buildup that Nicaragua's neighbors consider threatening; and

(D) the Sandinista government's efforts to export its influence and ideology.

(5) The Congress will continue to monitor developments in Nicaragua to determine whether progress is being made to curtail these disturbing trends. Such progress will be a key element in congressional consideration of future economic and security assistance requirements in the region.

(6) If the Congress determines that progress is being made toward peace and development of domocratic institutions in Nicaragua, consideration will be given to initiating a number of economic and development programs, including but not limited to—

(A) trade concessions,
(B) Peace Corps programs,
(C) technical assistance,
(D) health services, and
(E) agricultural development.

(7) Should Nicaragua not address the concerns described in paragraph (4), the United States has several means to address this challenge to peace and stability in the region, including political, diplomatic, and economic means. In addition, the United States—

(A) should through appropriate regional organizations, such as the Organization of American States, seek to maintain multilateral pressure on Nicaragua to address these concerns;

(B) should, if called upon to do so, give serious consideration to supporting any sanctions adopted by such an organization; and

(C) should consider the imposition of trade sanctions.

(8) In assessing whether or not progress is being made toward achieving these goals, the Congress will expect, within the context of a regional settlement—

(A) the removal of foreign military advisers from Nicaragua;

(B) the end to Sandinista support for insurgencies in other countries in the region, including the cessation of military supplies to the rebel forces fighting the democratically elected government in El Salvador;

(C) restoration of individual liberties, political expression, freedom of worship, and the independence of the media; and

(D) progress toward internal reconciliation and a pluralistic democratic system.

(9) The Congress is deeply concerned about human rights violations by both the Sandinista government and the armed opposition groups.

SEC. 2. PROHIBITION ON FUNDING FOR MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA.

The prohibition contained in section 8066(a) of the Departmnt of Defense Appropriations Act, 1985 (as contained in section 101 of Public Law 98-473) shall continue in effect without regard to fiscal year until the Congress enacts a joint resolution repealing that prohibition.

SEC. 3. ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT AND HUMANITARIAN ASSISTANCE FOR REFUGEES.

(a) IMPLEMENTATION OF CONTADORA AGREEMENT.—During fiscal year 1985, the President may allocate $4,000,000, which shall remain available until expended, for payment to the Contadora Nations (Mexico, Panama, Colombia, and Venezuela) for expenses arising from implementation of an agreement among the countries of Central America based on the Contadora Document of Objectives of September 9, 1983, including peacekeeping, verification, and monitoring systems.

(b) HUMANITARIAN ASSISTANCE FOR REFUGEES.—During fiscal year 1985, the President may make available up to $10,000,000 for the provision of food, medicine, or other humanitarian assistance for Nicaraguan refugees who are outside of Nicaragua, regardless of whether they have been associated with the groups opposing the Government of Nicaragua by armed force. Such assistance may be provided only through the International Committee of the Red Cross of the United Nations High Commissioner for Refugees, and only upon its determination that such assistance is necessary to meet humanitarian needs of those refugees. To the maximum extent feasible, such assistance should be provided to those organizations in kind rather than in cash. Assistance may not be provided under this subsection with the intent of provisioning combat forces.

(c) WAIVER OF LAWS.—Assistance under this section may be provided notwithstanding any other provision of law, except that section 531(c) of the Foreign Assistance Act of 1961 (prohibiting the use of funds for military or paramilitary purposes) shall apply to any assistance under subsection (b).

(d) SOURCE OF FUNDS.—Funds used pursuant to this section shall be derived from the funds appropriated to carry out chapter 1 of part I (relatiang to development assistance) of chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961 or section 2(b) (relating to the "Migration and Refugee Assistance" account) of section 2(c) (relating to the Emergency Refugee and Migration Assistance Fund) of the Migration and Refugee Assistance Act of 1962.

SEC. 4. REPORTS TO THE CONGRESS.

No less frequently than once every 3 months, the President shall submit to the Congress a written report—

(1) describing any actions by the Sandinista government, and the groups opposing that government by armed force, which have contributed to or hindered efforts to establish a political dialogue in Nicaragua, to find a peaceful solution to the conflict, and to nurture democratic institutions in Nicaragua;

(2) describing the status of the Contadora process and United States efforts to begin the political dialogue in Nicaragua and to find a peaceful solution to the conflict;

(3) containing an accounting of any funds used under section 3 for implementation of a Contadora agreement or for humanitarian assistance for refugees; and

(4) containing such recommendations as the President deems appropriate with respect to future United States policies regarding Nicaragua.

SEC. 5. PRESIDENTIAL REQUEST FOR AUTHORITY WITH RESPECT TO NICARAGUA.

(a) PRESIDENTIAL REQUEST.—On or after October 1, 1985, the President may submit to the Congress a request for authority to take specified actions with respect to Nicaragua.

(b) CONGRESSIONAL ACTION ON PRESIDENTIAL REQUEST.—A joint resolution which grants the President the authority to take those actions specified in the request submitted pursuant to subsection (a) shall be considered in accordance with the procedures contained in section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in section 101 of Public Law 98-473), except that references in that section to the Committee on Appropriations of each House shall be deemed to be references to the appropriate committee or committees of each House. For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced after the Congress receives the President's request pursuant to subsection (a), the matter after the resolving clause of which is as follows: "That the Congress hereby authorizes the President, notwithstanding any other provision of law, to take those actions with respect to Nicaragua which are specified in the request submitted to the Congress pursuant to Public Law 99- ." with the public law number of this resolution inserted in the bank.

□ 1850

THE ECONOMIC GROWTH ZONE ACT: COST EFFECTIVE AID TO DISTRESSED AREAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

● Mr. COYNE. Mr. Speaker, the administration's proposal to create new tax expenditures to aid distressed areas, popularly known as the enterprise zone initiative, is estimated by the Congressional Budget Office to cost the Federal Government $3.7 billion over the next 5 fiscal years. This $3.7 billion loss in tax revenue would aid a maximum of 75 distressed areas.

In this period of severe fiscal distress for the Federal Government, I believe we have to question every dollar we allocate, whether through the Tax Code or through direct appropriation, to determine if it is money well spent.

Certainly distressed areas of our cities need aid from the Federal Government. On that, there is little disagreement. I would suggest, however, that direct, upfront aid, controlled by the appropriate committees of the Congress, is a more prudent method of providing assistance to designated zones of distress than are tax breaks.

Accordingly, I have introduced the Economic Growth Zone Act of 1985. This legislation would aid in the development of up to 250 areas designated by local governments as "economic growth zones." The authorization over 5 years would not be $3.7 billion, but rather a more realistic $500 million. That authorization, subject to oversight by the appropriate committees of this House, would provide access to capital for businesses which seek to locate or expand in the zone. In addition, it would provide for the establishment of business incubator facilities, help repair local infrastructure, and rehabilitate housing in very depressed areas. At this point, I would like to include in the RECORD a description of the Economic Growth Zone Act of 1985. I would also like to include a recent Wall Street Journal article by John Sloan, president of the National Federation of Independent Businesses, in which he challenges the notion that tax breaks are the primary reason businesses choose to locate or expand in an area. Finally, I would like to include a description of the revenue loss estimates for the administration's enterprise zone bill prepared by the Congressional Research Service, based on discussions with the Department of the Treasury. The Treasury estimates a revenue loss of $3.7 billion over the next 5 fiscal years. The loss for the next 5 calender years would be $4.4 billion.

The material follows:

OVERVIEW OF THE ECONOMIC GROWTH ZONE ACT OF 1985

H.R. 1297, the Economic Growth Zone Act (EGZA) 1985, would authorize the Department of Housing and Urban Development (HUD) to designate between 200 and 250 Economic Growth Zones (EGZs) within a 5-year period after enactment of this legislative proposal. The EGZA would authorize assistance to local governments to aid them in carrying out specific actions intended to attract or retain permanent private sector jobs. The assistance could be used to provide loan guarantees to help finance EGZ infrastructure improvements, to create an EGZ development fund to help finance business development activities, and for related purposes. EGZ infrastructure improvement and business development assistance efforts are components of comprehensive and cooperative efforts by States, local governments, businesses, residents, academia, and labor organizations to address the problems of high unemployment, blight, poverty, and underuse of real property within distressed areas of eligible communities.

Title I of the Act outlines the requirements for nomination of an area for designation as an EGZ. Under this title the State must have passed enabling legislation allowing the nominating State and local government to offer assurances that they will honor certain statutorily mandated commitments. These commitments include undertaking infrastructure needs assessments and funding EGZ infrastructure improvement efforts; funneling, to the extent possible, State procurement activity to EGZ businesses; and coordinating existing State economic and community development assistance targeted to designated EGZs.

In addition to passage of enabling legislation and the submission of written assurances to honor statutorily mandated commitments, the nominated area must meet other requirements including a minimum population of 4,000; location in a community eligible for assistance under the Urban Development Action Grant (UDAG) program; and meeting any one of four standards relating to poverty, unemployment, income, or population decline.

Title I outlines a three-phase approval process consisting of preliminary approval, approval, and final approval for areas nominated for designation as EGZs. In each phase nominating State and local governments would have to present more detailed plans for proposed economic and job creation efforts in the proposed zone. Preliminary approval, phase I, of EGZ designation may be granted by HUD only if the nominating local government has prepared: an EGZ development plan which includes specific development objectives; an assessment of the employment training needs of EGZ residents; an assessment of the management and other training needs of area businesses; and an infrastructure improvement plan.

Approval of EGZ designation, phase II, would require a nominating local government, if it is a Community Development Block Grant (CDBG) entitlement community, to set aside, annually, 5 percent or $1 million, whichever is the lesser amount, of its CDBG allocation for 2 consecutive years for use in establishing an EGZ development fund. The fund is to be used to finance activities under a local government's EGZ developement plan authorized under Title III of the EGZA, including strategies to minimize residential displacement. In addition, a local government must submit an application for the creation of an EGZ infrastructure fund, authorized under Title III, and must include a map of the proposed zone; certifications that public hearings have been held; assessments of the potential impacts of EGZ designation on zone residents; and a listing of incentives intended to promote business development and job creation.

Selection or final approval, phase III, of an area as a EGZ would depend on the extent of economic distress of the nominated area; the extent of State involvement in establishing an infrastructure improvement plan; the extent of involvement by the State, local government, institutions of higher education, neighborhood development organizations, and zone residents in proposed EGZ activities; and the extent to which areas designated as EGZs would be dispersed in a balanced manner nationally.

Title II would require the local government in which the EGZ is designated to establish an 11-member Advisory Neighborhood Council (ANC) composed of local government officials and representatives of zone residents, businesses, and employees.

An ANC is to be charged with the task of advising the local government on all matters relating to activities carried out in the EGZ. ANC administrative costs are to be paid from the EGZ development fund authorized under Section 301 of Title III of the EGZA.

Title III authorizes local governments to establish infrastructure improvement and development funds and authorized additional appropriations or set-asides from other HUD administered community and economic development programs. Local governments, as a condition of designation, must establish an EGZ development fund. The fund is to be used to carry out activities outlined in the local government's EGZ development plan and is to include financing incentives outlined in the development plan's business development program. In order for a business to qualify for EGZ development plan assistance it must meet certain employment thresholds relating to the hiring or retention of persons who are residents of the nominating local jurisdiction, residents of the zone, unemployed for at least 6 months, recipients of public assistance, or whose household income is at or below the statewide poverty level. Business development assistance may include full or partial payment of property liability and property loss insurance premiums, payroll taxes, or management training assistance. For each of two consecutive years, 5 percent or $1 million of a CDBG entitlement community's allocation must be used to finance EGZ development fund activities, with matching funds from a special HUD appropriation of $70 million authorized for each of the fiscal years 1986 through 1990. Five percent of a local government's development fund may be used to cover administrative costs, the cost of formulating an EGZ development plan, and ANC expenses.

In addition, a local government, with the assistance of the State, must establish an infrastructure loan guarantee fund to finance infrastructure improvements. Notes used by local governments to finance infrastructure improvement efforts shall be guaranteed by the United States Government. The Act would, for each of the fiscal years 1986 through 1990, prohibit the aggregate amount of such loan guarantees from exceeding 5 percent of the annual CDBG appropriations.

The EGZA directs HUD to set aside 5 percent of the annual UDAG appropriations for allocation, on a competitive basis, to EGZs. It would give EGZs preference when applying for other HUD programs including Section 202, elderly and handicapped housing assistance programs and Section 810, Urban Homesteading program; and would make available mortgage insurance to eligible properties in EGZs. In addition, the EGZ would allow HUD to sell vacant or underused HUD properties in EGZs to local governments for use in their development efforts; would provide $10 million in annual appropriations for each of the fiscal years 1986 through 1990 to assist businesses newly located in EGZs acquire, rehabilitate, and maintain commercial structures; would amend the Neighborhood Reinvestment Act by adding provisions that would target $7 million in annual appropriations to neighborhood preservation, housing quality, and homeownership efforts in EGZs; and would amend the Section 312 (Rehabilitation Loan) program by appropriating $13 million for each of the fiscal year 1986 through 1990 to carry out the physical rehabilitation of commercial structures in EGZs. The EGZA would prohibit HUD from awarding EGZ related assistance in instances where such assistance would result in the relocation of commercial or industrial facilities and the relocation would have an adverse impact of the community losing the facilities.

Title IV would require HUD to promulgate regulations within 120 days after enactment of the EGZA: and would require HUD to submit an annual report to the Congress identifying areas selected for EGZ designation and impacts of EGZ designation, including those relating to residential displacement, to poverty, and to the employment status of zone residents.

[From the Wall Street Journal, Mar. 26, 1985]

ENTERPRISE ZONES MAY NOT BE THE BARGAIN THAT'S ADVERTISED

(By John Sloan)

With his ringing endorsement of enterprise zones in last month's State of the Union message, President Reagan gave new impetus to a controversial proposal that would use tax breaks to entice businesses to relocate or start up in depressed areas. Despite the president's enthusiasm, enterprise zones have yet to prove on the local level the grand claims their proponents use to promote their use nationwide.

For four years, pro-zone bills have been strangled in committee, victims of doubt about the wisdom of granting huge tax breaks to bankroll an unproven and—ultimately—unpromising concept.

With this dismal record, one would think zone boosters have either armed themselves with new evidence to support their claims of effectiveness or pared back their proposals to blunt objections to the program's cost. Neither is the case.

The 1983 bill, co-authored by Reps. Jack Kemp (R., N.Y.) and Robert Garcia (D., N.Y.), proposed an "experimental" program to set up 75 zones over a three-year period. In-zone companies would have been exempted from all capital-gains taxes and 75% of corporate-income taxes. Their workers would have received individual income-tax credits of as much as $450.

Both the U.S. Treasury and the Senate Finance Committee estimated that the experiment would cost $1.3 billion over the three-year period. For now, the president backs a 75-zone proposal. But administration insiders say that, if they get the early congressional support expected, they may try to raise the ante to a 300-zone bill. The U.S. Conference of Mayors is already on record as supporting a 300-zone bill.

The price tag was a major stumbling block to the earlier, far more modest proposals. So, one would think that supporters have found new data to prove the program's merit. They haven't.

The British experiment with enterprise zones, inaugurated in 1980, has proved to be a dismal failure. Between 1981 and 1983, Britain's 15 zones created only 8,000 new jobs at a cost to taxpayers of well over $500 million.

U.S. enthusiasts blithely dismiss these findings, claiming that the Brits squandered their money on urban-renewal type investments such as property improvements. In fact, only a small portion went for such "old-hat" purposes.

Good old Yankee ingenuity will solve the problems, proponents say, quickly directing attention to a 1983 study of state enterprise zones. The study, conducted by the Sabre Foundation, a Washington think tank, purports to present "hard data" showing that state zones have created or saved "tens of thousands of jobs."

These data are far from hard. For starters, they come from the state officials charged with making a go of the zones. Even taken at face value, the figures make a less-than-compelling case for zones.

According to the study, the "average" zone spawned 1.9 business start-ups and induced 1.1 other companies to expand—or at least stay put—during nine months of operation. Projected to a year, the figures indicate that an average zone can expect to start or "save" only four companies.

That finding, underwhelming though it may be, probably overstates the case. Fully 29% of all new companies found by the study are located in one building—Control Data's business incubator in Baltimore. Mostly one- or two-person high-tech service operations, these 46 concerns account for all but one of the new starts in the Baltimore zone. The study conscientiously notes that incubators "appeared" to be one factor in business start-ups.

It also might have been worth noting that: (1) this zone could not be designated as a federal zone because it is not sufficiently depressed; and (2) high-tech service companies offer little opportunity for the hard-core unemployed intended to benefit from the initiatives.

The employment gains claimed merit equal skepticism. Of the "tens of thousands" of jobs (more specifically, 20,271) credited to the zones, 42% were merely planned. They can be counted as real only if one assumes—as the study did—that proposed office and shopping centers are leased and staffed to capacity, new companies' hopes for future growth are realized and certain other chancy event (e.g. "interested" companies actually get Urban Development Action grants, and one city wins its court fight to annex part of a neighboring community) come to pass.

As for jobs actually in-hand, half of the 4,085 jobs "saved" derive from Spiegel's decision to keep its Chicago warehouse operation open. Granted, the zone's tax breaks were only one of three factors upon which Spiegel based its no-go decision. Still, Sabre gives the zone full credit for this success story.

You would think that, if zone proponents can't come up with better "proof" than this, they would quietly fold their studies and withdraw. Instead, they are preparing to mount a new offensive with strong presidential backing.

Zone advocates come in two stripes: theorists who see the concept as a bold break from the Model Cities giveaways of the '60s in favor of a "less government" approach to urban revitalization, and pragmatists who, noting Mr. Reagan's resolve to slash UDA and community development grants, sadly embrace zones as "the only game in town" for federal urban aid.

Unfortunately, this is a very expensive game and one that taxpayers stand to lose big. The whole concept is based on the erroneous assumption that business location and expansion decisions are made primarily, if not exclusively, on the basis of tax burdens. They are not.

My organization surveyed small-business owners in 85 cities and found taxes to be among the least of the problems for potential urban entrepreneurs. Far more important considerations, especially for the labor-intensive retail and service concerns that zones must attract if they are to cut unemployment significantly, include access to

capital and a qualified labor pool, immediate market viability, adequate police protection and affordable insurance.

From these viewpoints, depressed areas offer companies nothing short of a hostile environment. No amount of "less government" can create money, security or a market where none exists.

Enterprise zones spring from a fundamentally flawed concept. Tax breaks are not an irresistible stimulus to business startups because most new companies don't make enough in the "hostile" environments dubbed "enterprise zones" to be able to use the incentives offered.

Rep. Fortney H. Stark (D., Calif.) has called the proposals "a tax deduction with no strings attached." In days of $200 billion deficits, the zone concept is an idea whose time has come . . . and gone.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, April 10, 1985.

To: Honorable William Coyne, Attention: Brian Doherty.
From: Dennis M. Roth, Specialist in Labor Economics, Economics Division.
Subject: Treasury Revenue Loss Estimates Resulting from Establishment of Enterprise Zones.

This memorandum is in response to your request with respect to the Treasury Department's revenue loss estimates if the Administration's Enterprise Zone bill should be enacted. Unfortunately, no written document has been prepared by Treasury with respect to these estimates. Consequently, the following comments are based on a phone conversation I had this week with Phil Speilberg who prepared these estimates for Treasury.

With the assistance of the Department of Housing and Urban Development, 13 representative enterprise zones (EZs) were identified. (These zones would meet the criteria established in the pending legislation.) The types of industries were indentified in these areas and were then analyzed with respect to their capital and labor usage. Based on this analysis, revenue costs were estimated per type of EZ credit [1] per industry per $1,000 of activity. (Capital/labor ratios were assumed to remain constant as were the proportions of sales to value added.) Thus, estimates were derived to show the revenue loss by type of EZ credit by type of industry. The final value of the loss depended upon the total sales, labor, and capital makeup of the industry in question.

Phase 2 entailed the selection of 25 new zones for each of the next three years as the proposed legislation would create. The labor force and industry makeup of these zones was then analyzed. Based on these findings, economic development and industrial output (sales) were estimated. Revenue losses resulting from EZ credits (based on the findings of phase one) were then calculated per $1,000 of sales on the basis of the type of industries (i.e., capital and labor inputs) that would be established in the zone. Thus, revenue losses were derived for each EZ created.

The key assumptions made by Treasury in their estimates are (1) the level of economic development that would result from EZ designation (primarily the level of sales), and (2) the types of industries that would develop in EZ's.

[1] A summary of these credits can be found on pages 4-9 of the fiscal year 1986 budget.

Since these basic building blocks are based on the industries and labor force that exist in areas that could currently qualify as enterprise zones, the approach appears quite reasonable. It should be noted, however, that the revenue loss estimates are gross figures. No assumptions were made as to the employment effects or industrial generation effects of Enterprise Zones.

If you should have further questions on this analysis, please feel free to contact us or Phil Speilberg at the Treasury Department (566-7552).

TABLE 1.—ESTIMATED REVENUE LOSS FROM ENTERPRISE ZONES

[Dollars in millions]

	Revenue loss estimate	Number of zones
Fiscal year:		
1986	$103	25
1987	465	50
1988	860	75
1989	1,110	75
1990	1,141	75
Calendar year:		
1986	317	25
1987	734	50
1988	1,091	75
1989	1,153	75
1990	1,141	75

Source: Telephone conversation with Phil Speilberg, Treasury Department, April 2, 1985.●

FASCELL LEADS BIPARTISAN OPPOSITION TO BINARY NERVE GAS WEAPONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

● Mr. GLICKMAN. Mr. Speaker, under the leadership of Representative DANTE B. FASCELL, chairman of the Committee on Foreign Affairs and its Subcommittee on Arms Control, International Security and Science, a bipartisan group of 34 Democrats and 17 Republicans last week announced its opposition to the production of new binary nerve gas weapons.

As one of the original 51 sponsors, I would like to place in the RECORD Chairman FASCELL's April 18 release which succinctly highlights the sound foreign policy, arms control, defense, and budgetary objections to the production of binary chemical weapons followed by the text of the legislation. They follow:

Rep. Dante B. Fascell, (D-FL) and Chairman of the House Foreign Affairs Committee, announced today his leadership of a bipartisan effort to stop the funding for the production of new binary nerve gas weapons.

Chairman Fascell stated: "Our country has held to a 16-year moratorium on the production of new chemical weapons and there are no good reasons now why we should break that moratorium. My colleague from Illinois, Rep. John Porter, is joining me in this bipartisan effort to stop this funding request for the production of binary chemical weapons proposed by the Reagan administration." Thirty-three Democrats and 16 Republicans have joined Reps. Fascell and Porter as original co-sponsors of their legislation banning binary production.

Chairman Fascell commented further: "For three consecutive years the House of Representatives has decisively voted to oppose production of binary chemical weapons. The strength of this bipartisan opposition in the House has overcome mixed votes and reluctance in the Senate where Vice-President Bush has even been required to break a tie with his vote in favor of new nerve gas weapons. Since the three-year message does not seem to have been understood by the Reagan administration, we have chosen a new medium to deliver our message—a legislative bill to ban production of these weapons."

Commenting on the reasons why a strong majority in the House has consistently opposed new binary chemical weapons, Chairman Fascell said: "A close examination of the arms control, foreign policy, defense, and cost implications of producting binary nerve gas weapons has led the Congress to conclude that it adversely impacts on major U.S. foreign policy objectives, makes arms control less likely, and is not something we need or the American people want. About the only thing it adds to is the Federal deficit." "Just think a minute," Fascell said:

"Our allies don't want to have those new nerve gas weapons on their soil;

Binary weapons increase the risk of chemical weapons proliferation and use by terrorists;

Bilateral negotiations with the Soviets must be reopened and not doomed by a U.S. decision to resume production of new chemical weapons;

The Bigeye binary nerve gas bomb is still failing tests after 20 years of research;

Chemical weapons don't offer an advantage over conventional weapons either in cost or effectiveness;

Elimination of this unnecessary defense program will save $174 million this year and $2.3 billion over the next five years: and finally

Chemical weapons are repugnant to us, our allies, and our friends."

Fascell concluded: "In short, there are no clear advantages, only disadvantages, for our national security in producing binary chemical weapons."

The text of the binary ban legislation, H.R. 2124, including the 51 cosponsors follows:

H.R. 2124

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON PRODUCTION OF LETHAL CHEMICAL WEAPONS.

Notwithstanding any other provision of law, an agency of the Government may not obligate or expend appropriated funds after the date of enactment of this Act for the production of lethal chemical weapons.

SEC. 2. NEGOTIATION OF A CHEMICAL WEAPONS AGREEMENT WITH THE SOVIET UNION AND OTHER COUNTRIES.

It is the sense of the Congress that the President should intensify ongoing efforts to achieve an agreement with the Soviet Union and other countries establishing a mutual and verifiable agreement to stop the production, proliferation, and stockpiling of lethal chemical weapons.

SEC. 3. PROTECTING UNITED STATES ARMED FORCES AGAINST CHEMICAL WEAPONS ATTACKS.

It is the sense of the Congress that the Department of Defense should, on a priority basis, improve the capabilities of the Armed Forces to detect, and to protect members of the Armed Forces against the effects of, the use of lethal chemical weapons in attacks upon the Armed Forces.

SEC. 4. AGREEMENTS WITH NATO ALLIES CONCERNING PREPOSITIONING OF ANY NEW CHEMICAL WEAPONS.

It is the sense of the Congress than any new lethal chemical weapons must be stockpiled and available in those areas where land attacks would most likely occur in order to present a credible deterrent. Therefore, an agreement with the governments of the other countries of the North Atlantic Treaty Organization must be concluded before the Congress will consider repealing the prohibition contained in section 1 of this Act.

SEC. 5. FEDERAL BUDGET DEFICIT.

It is the sense of the Congress that funding for the production and procurement of new lethal chemical weapons and related facilities is unwarranted in light of the Federal Government's large budget deficit.

SEC. 6. DEFINITION OF LETHAL CHEMICAL WEAPON.

As used in this Act, the term "lethal chemical weapon" means—

(1) any toxic chemical (solid, liquid, or gas) which, through its chemical properties, is intended to be used to produce injury or death to human beings, and

(2) any unique device, instrument, apparatus, or contrivance (including any components or accessories thereof) which is intended to be used to disperse or otherwise disseminate any toxic chemical.●

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, my advice to the privileged orders, in terms of 1985, ironically is very much in keeping with the spirit in which Joel Barlow addressed his advice to the privileged orders along the lines of the need for the European kingdoms to consider the question of revolutionary changes. Joel Barlow was a true revolutionary. America was truly revolutionary, and today, in 1985, it seems quite contradictory for us to be very much acting as the kingdoms of George III and the others in suppressing bona fide, indigenous, native civil wars or revolutions.

We are here today on the eve of the consideration of some matters that are awesome in importance and foreboding for the future of our country. I know that at this precise moment one of the questions has to do with an electoral contest in the Eighth Congressional District of Indiana and, of course, it is of a serious nature, the most important, and I think the House of Representatives has quite properly included it in its agendas ever since the issue came up on January 3 at the outset or the initial period of the organization of the House.

But I think that history will show that this will be far overshadowed by the other developments that have been engrossing from time to time the attention of the Congress, particularly since the advent of Presidential wars. As I have said before, the men who wrote the Constitution in the convention feared more than anything else the advent of an office such as we have today called the Presidency of the United States.

The first 10 years of our national existence as a Nation the people then thought so little of such an office that for 10 years in the very beginning such an office was not even considered or thought of, so that we had the constitutional Congresses or the Continental Congresses, we had the Articles of Confederation, but never the thought that such an awesome office such as the Presidency is today would have seriously been conceived of or thought of, for the men were, for the first time in the history of mankind, saying that sovereignty and power emanated only from the people. These were more revolutionary words. They still are today.

But part of the reason for the revolutionary concept that the people actually are the ones who have the true sovereignty and that all power emanates from the people was that they considered as a basic tenet that no government was worthy of its institution and its sustainment if it did not represent the consent of the governed, the just consent of the governed.

Today our leaders speak, and many Members of the Congress, as if we could impose a democratic institution on people who have no such historical heritage or experience in the parts of the world where not one day in the history of these sad nations have they experienced one day of democratic regime; that is, governments by the just consent of the governed.

□ 1900

We have not hesitated to use all the practices to suppress that kind of an expression that all of the kingdoms of old and the totalitarian powers of today in the 20th century have used, whether they were the so-called corporate Fascist States or those of the other side, the obverse side of the medal, the so-called all-socialistic or communistic States in which, in the name of the people, governments have been instituted in which you have in effect the tacit admission of authoritarian or dictatorship government. We have in the case of the fascist oligarchic a sort of a hierarchal order that is nevertheless authoritarian and which is reflective of one of the two mainstreams of thought as man has developed his concept of government. And that is the one statement of thought that feels that unless one has some chosen leaders, some select men and women who are above the common herd to lead the rest of hapless mankind, man is not smart enough to know what is good for himself; and then we have the other, which I think is the basic tenet involved in American democracy, and that is that no matter how disorderly or how much in the long or in the short term it looks as though people cannot govern themselves, actually in the long haul only the people are the better judges as to what is best for them.

But in our actions today, in our desire to impose our will, because of a misbegotten notion of what our true national interests are—and these, I might remind my colleagues, have been variously confused throughout the 20th century—I think that even though history will show that we were given relative margins of error in the past, we will not be from here on out and we cannot afford even the slightest margin of error in our dealings with those nations that fate has conspired to eternally share this New World with us. But as fundamental and obvious as this may seem to us, in our actions we have been oblivious of this.

If we take the isolated case of Nicaragua, our history there is abysmal. Eleven times we have invaded Nicaragua. In the 20th century alone, we have invaded it six or seven times. Between 1913 and 1929 we possessed control of Nicaragua 14 out of those 15 years. We imposed the regimes that now have crumbled and fallen over, even though we shored them up for four decades with all the power we could muster, but because of their corruption, because of their rottenness, because of their despotism, even in those benighted countries the people finally rose.

What I am saying is that we are on the eve of what is supposed to be a debate of a Presidential request, a request that, like many this President has presented to us, is ultimately confusing, mixed up in a sort of a misshapen form from its original announced shape and form.

In the case specifically of Nicaragua, under my unanimous-consent request, I am placing into the RECORD the remarks made by the Secretary of State, Frank Kellogg, in 1929, during the regime of President Calvin Coolidge, who was the last President to order the Marines into Nicaragua. The reason is that it is startling, haunting, and a duplication of the words of the present Secretary of State, Mr. Shultz, not only before congressional committees but in speeches he has made as late as yesterday in Indianapolis, IN. I would ask that the RECORD show as much as allowable under the rules the excerpts beginning with the first remarks made by the Secretary of

State—and as I said, that is Frank Kellogg—before the Senate Committee on Foreign Affairs, January 27, 1927. And it followed a message that President Coolidge found necessary to send to the Congress just immediately before, on January 10, 1927, in order to rationalize his action in ordering the Marines for the second time into Nicaragua.

I urge my colleagues to seriously study these documents. The only difference will find in reading this is if we were to change the dates and instead of "Russian, Cuban, Marxist, Leninist communism," we put "Mexican bolshevism," you could see that Secretary Shultz could present those same remarks today.

In his letter of transmittal to American diplomatic officers in Latin America, he says:

The Department encloses for your information a copy of a statement respecting Bolshevik aims and policies in Mexico and Latin America, left by the Secretary of State with the Senate Committee on Foreign Relations on January 12, 1927, together with a memorandum indicating the sources of the various documents cited therein.

And then there are instructions that these diplomatic officers forward any information to the Department of State. The Secretary, in the message he left, as they put it, on January 12, 1927, to the Senate Committee on Foreign Relations said as follows: "Bolshevik Aims and Policies in Mexico and Latin America," and there was what was referred to later as the "exportation of bolshevism from Mexico into the rest of Latin America."

Mr. Speaker, I include with my remarks at this point in the RECORD the materials to which I have just referred:

DEPARTMENT OF STATE,
Washington, DC, January 27, 1927.
To American Diplomatic Officers In Latin America.

SIRS: The Department encloses, for your information, a copy of a statement respecting Bolshevik aims and policies in Mexico and Latin America, left by the Secretary of State with the Senate Committee on Foreign Relations on January 12, 1927, together with a memorandum indicating the sources of the various documents cited therein.

It is desired that you forward to the Department any information which may come to your attention with respect to the Communist activities referred to in this statement. The Department would be glad to have copies of pamphlets, circulars, handbills, et cetera, which may be distributed by the All-America Anti-Imperialist League or other Communist organizations.

I am, Sirs,
Your obedient servant,
For the Secretary of State:

——— ———.

JANUARY 12, 1927.

(Following was left with the Senate Committee on Foreign Relations as part of the records of the Department of State for the information of the Committee. The Secretary informed the Committee that it was not confidential:)

BOLSHEVIK AIMS AND POLICIES IN MEXICO AND LATIN AMERICA

The Bolshevik leaders have had very definite ideas with respect to the role which Mexico and Latin America are to play in their general program of world revolution. They have set up as one of their fundamental tasks the destruction of what they term American Imperialism as a necessary prerequisite to the successful development of the international revolutionary movement in the new world. The propagation of communist ideas and principles in the various countries of Latin America is considered secondary to the carrying on of propaganda against the aims and policies of the United States. Thus Latin America and Mexico are conceived as a base for activity against the United States. Communists in the United States have been repeatedly instructed to devote special attention to the struggle against "American Imperialism" in Latin America and to the organization of resistance to the United States. Bolshevik aims in this respect were succinctly set forth in a resolution of the Third Congress of the Red International of Trade Unions, July 8-22, 1924, as follows. It was resolved:

"* * * 4. To unite the national struggle against American Imperialism in individual countries in a movement on a scale of the whole American continent, embracing the workers of all countries of Latin America and the revolutionary forces of the United States. Mexico is a natural connecting link between the movement of the United States of North America and Latin America, therefore Mexico must be the center of union.

"* * * 5. In the name of the Trade Union Educational League of the United States, to appeal to the toilers of Latin America with a call to create a united front against American Imperialism. * * *

Similarly, a representative of the American Communist Party, speaking at the VIth Session of the Enlarged Executive Committee of the Communist International on February 24th, 1926, declared:

"The last and most important task of our party is the fight against imperialism. The Communist Party of America must become the defender of the oppressed peoples of Latin America. The time is not long distant when Latin America will become the China of the far west and Mexico the Canton of Latin America."

In the theses approved at the VIth Session of the Enlarged Executive Committee of the Communist International it is stated, with respect to Latin America,

"Latin America also can and must become a basis of support of the liberation movement against imperialism (against the imperialism of the United States). In the present state of things the nations living in Latin America are as a majority oppressed nations which sooner or later will be drawn into the struggle against the imperialism of the United States."

During the past few years the Bolshevik leaders have been giving more and more attention to anti-American activities in Mexico and Latin America. The Communists in the United States have been criticized for not displaying sufficient energy in this sphere. Very specific instructions in this regard were issued to the Communists in the United States in the "Resolution on the American Question" adopted at the VIth Enlarged Plenary Session of the Executive Committee of the Communist International at Moscow on March 15, 1926. It pointed out

"to the American Communist Party the tremendous importance which the labor movement (and the movement for independence) is assuming in the countries of South America. There is no doubt that in the future struggle for the overthrow of the yoke of the bourgeoisie of the United States, the working class and the peasantry of Latin America will play a tremendous role. The American Communist Party must not be a party of self-centered interests but must become a party which understands how to raise the question of the hegemony of the proletariat in the whole movement for freedom which is directed against the imperialists of the United States. Moreover it is necessary that the workers (Communist) Party maintain the closest contact with the labor movement in the colonies of Cuba, the Philippines, etc., and support them in their fight against American imperialism.

In view of this the Executive Committee of the Communist International instructs the Central Committee of the American Communist Party to devote the most serious attention to the tasks cited and above all to appoint an earnest group of Party workers to participate in the current work in Latin America in agreement with the Presidium of the Executive Committee of the Communist International."

In accordance with Moscow's instructions the American Communists during the last two years have been placing special emphasis on their anti-American work in Mexico and Latin America. Considerable attention was given to this matter at the Fourth Convention of the Workers (Communist) Party in Chicago, August 21-30, 1925. A special organization known as the All-American Anti-Imperialist League has been created by the American Communists to carry out the instructions of Moscow in the matter of organizing Latin America against the United States. The following is taken from a report on "Anti-Imperialist Work" delivered at the Fourth National Convention referred to above:

"The Fifth Congress of the Communist International severely criticized nearly all the Communist Parties in the imperialist countries for not carrying on a sufficiently energetic campaign against imperialism.

"Under the present Central Executive Committee, the Workers Party of America has for the first time made anti-imperialist work one of its basic activities. The outstanding feature of our work against American imperialism is that it has entered the field of active practical cooperation with the oppressed peoples of American imperialism, the most important step in this connection being the successful organization of the All-America Anti-Imperialist League.

"In January of this year 1925 a sub-committee was elected by the Central Executive Committee which assumed charge of all the anti-imperialist activities of the Party. This committee prepared material for campaigns, furnished articles on imperialism for the party press, drew up manifestoes and leaflets, and was the medium through which the party cooperated with anti-imperialist organizations in Latin-America. Manifestoes were issued to the Cuban Labor Congress held at Havana, to the International Marine Transport Workers' Convention held at New Orleans, several manifestoes to the Mexican workers and to the Filipinos, a special May Day manifesto to the workers of Latin-America, a manifesto in connection with the Tacna-Arica affair and other manifestoes and leaflets which will be referred to later on.

"Direct contact with Mexico was maintained throughout the period, through the visits of Comrades Johnstone, Gomez and Lovestone of Mexico and through steady correspondence. Comrade Wagenknecht visited the Philippines and established connections there. Correspondence connections were also established, with greater or less success, with practically every country in Latin-America, as well as with Hawaii and the Philippines. Through our activities five Filipino delegates were secured for the International transport Conference in Canton, for which our Party was commended by the Communist International.

"Our party has carried on a consistent campaign, both in this country and in Latin-America, against the (labor imperialism) of the so-called Pan-American Federation of Labor. Comrade Johnstone attended the convention of the Pan-American Federation of Labor at Mexico City, in November of last year, (1924) and cooperated with the Mexican Party in its strategy in connection with this convention.

"Comrade Gomez was sent to Mexico in April of this year (1925) and attended the convention of the Communist Party of Mexico as fraternal delegate from our Party. During this visit plans for joint action of the Mexican, Central American and United States parties against imperialist policies of the Pan-American Federation of Labor were adopted.

"Our Party was largely instrumental in the establishment of the All-American Anti-Imperialist League, which although organized only a few months ago and still in its initial stages, has aroused a real response in Latin-America, despite the miserably small funds which we were able to put into this work. The All-America Anti-Imperialist League was endorsed by the Communist International and the Red International of Labor Unions.

"The League is a non-partisan international organization admitting to affiliation all groups in the Americas willing to take up the fight against American imperialism. It aims to give driving force and centralized expression to the national liberation movements in Latin-America, Hawaii, and Philippine Islands, etc., in alliance with the movement of this country.

"The All-America Anti-Imperialist League has a special secretariat located in Mexico City, under whose supervision the monthly Spanish language organ or the league, which has now published five issues is edited, as well as special manifestoes, leaflets, etc. Our party has contributed towards defraying the expenses of the monthly magazine *El Libertador* and towards other expenses of the Mexico City secretariat, but lack of funds has made it impossible to give adequate support in this respect. "A regular section of the All-America Anti-Imperialist League has been formed in Cuba, with Julio Antonio Mella as secretary, and is extremely active, holding mass meetings, lectures, etc. Labor, peasant, and student organizations in Costa Rica, Panama, Salvador, and Peru have affiliated with the League, but no regular sections have been formed in those countries as yet. Contacts have been established with some of the foremost intellectuals of Latin-America, who are supporting the league and writing for its monthly organ.

"At the suggestion of our Party, the League sent out the call for the observance throughout America of 'Anti-Imperialist Week' (June 29 to July 4), calling upon all anti-imperialist organizations in special literature, to conduct mass meetings, hold demonstrations in front of American consulates and embassies, etc. Our Party published a special leaflet for Anti-Imperialist Week and actively co-operated in its observance.

"Tentative plans are already being laid, also at the suggestion of our Party, for an All-America Anti-Imperialist congress to be held at Buenos Aires some time next year."

* * * * *

The Fourth Convention listed among the concrete tasks of the Party

"To carry on a systematic and active agitation against American imperialism, particularly in Latin America. To demand the withdrawal of American armed forces from foreign lands. * * *

"To give active support to the activities of the All-America Anti-Imperialist League."

The same Convention adopted a lengthy resolution with respect to the struggle against American imperialism. This resolution pointed out that: "There is sufficient homogeneity to permit the building of a powerful continental movement of workers and farmers against American imperialism, and sufficient resentment due to the occupation of the Central American and Carribean countries, the sustaining of autocracies such as those of Venezuela and Peru by United States aid, the interference in the internal affairs of all of the countries, the system of financial and military advisors, the monopolistic Monroe Doctrine and the robbery of the tremendous natural resources of Latin America."

The resolution declared that there were "millions groaning under the American imperialist rule" in the Philippines, Puerto Rico, Cuba, Mexico, Haiti, etc., and that it was the task of the Communists to give active support to the anti-American movements in the various countries in Latin America. The resolution continues:

"42. There is a strong tradition of Latin-American solidarity which is a historic force for the unification of the anti-imperialist movements of the various Latin-American countries. This will be an important weapon in the struggle against Wall Street. The All-America Anti-Imperialist League was created as the expression of the liberating movement of all the exploited peoples of the continent. The Workers Party took part in the creation. Represented in the League are also the Communist Parties of Mexico, Central America, and South America, as well as student groups, labor organizations, peasant leagues and national societies in various countries.

"43. For us, the League constitutes an organizational expression of our determination to fight side by side with the exploited peoples of America's colonies and semi-colonies. While we strive to make the groups affiliated to the All-America's Anti-Imperialist League recognize in the Communists and the Communist International, the leaders of the world struggle against imperialism, we must work conscientiously to build up the league itself to push it into activity and to make of it a powerful driving force for the overthrow of Amerian imperialism.

"44. The following is our concrete program of joint action with the exploited peoples for the struggle against American imperialism.

(a) Expose the purpose and methods of American imperialism everywhere.

(b) Demand independence for all American colonies and unconditional withdrawal of American troops from Latin-America, Chinese and other foreign soil.

(c) Actively support Latin-American strikes against American concerns.

(d) Ideological and practical struggle against the doctrine of Pan-Americanism.

(e) Expose and struggle against the so-called Pan-American Federation of Labor as an agency of American imperialism, and the Mexican and American Parties shall work out joint plans for exposing the true character of the Pan-American Federation of Labor and propagate the idea of the formation of Latin-American Labor Federation with anti-imperialist tendencies.

(f) Interchange of delegates at conventions and close cooperation with the Communist Parties of Latin-America; fraternal relations with the parties of the Far East.

(g) Help build the All-America Anti-Imperialist League into a powerful organization for the overthrow of American Imperialism.

(h) Immediately strive to build up sections of the All-American Anti-Imperialist League in parts of the United States, through affiliation of resident organizations of Mexicans, Filipinos, Chinese, etc.

(i) Support the proposed plan of the All-American Anti-Imperialist League for an All-American Conference against imperialism.

(j) *The Machete*, organ of the Mexican Communist Party, and *El Libertador*, organ of the Anti-Imperialist League (published in Mexico) should be circulated among the Spanish-speaking workers of the United States."

The activities and plans of the American Communists as regards the organization of opposition to the United States in Mexico and Latin America are summed up admirably in a resolution passed by the Central Executive Committee of the Workers (Communist) Party on November 12, 1926. This resolution reads as follows:

"The tasks of our Party at the present time, as set forth in the resolution of the political committee, are those presented by the conditions of imperialism. American imperialism is able to win over large sections of the American workers by sharing with them a small part of super-profits and continues to extend its hegemony in foreign fields. However, the steady expansion of American capitalism upon an imperialist basis is accompanied by the enormous extension of the vulnerable surface which it presents to attack. Recent months have furnished striking evidence of the widespread movement for Latin-American unity against Wall Street. We cite particularly the present attitude of the Calles Government in Mexico—its general Latin-Americanism, its policy in Central America, its tendency toward cooperation with the All-America Anti-Imperialist League, and the decision of President Calles to send a personal representative to the Brussels world conference against imperialism.

"The comintern has repeatedly indicated that a basic task of any party situated in an imperialist country is to stimulate and give aid to the nationalist and national revolutionary movements in the colonial and semi-colonial countries under the heel of imperialism. This, together with the work among the American masses, form the basis of our party work. While our party has made considerable progress in anti-imperialist work, it is still far from a proper realization of the importance of this work. A far greater proportion of the party's resources must be utilized in anti-imperialist activities. District executive committees must have standing subcommittees on anti-imperialist activity, and these must be directed by capable com-

rades. The party machinery on a district as well as a national scale must be drawn into this work.

"The anti-imperialist work has been greatly hampered by lack of sufficient comrades. The party must take measures to create and train a corps of comrades engaged directly in anti-imperialist work.

"In spite of many handicaps, we have done much to build the All-American Anti-Imperialist League into an organization engaged in actual struggle against imperialism. We have carried on systematic work inside of the Pan-American Federation of Labor and have achieved some valuable results there. We have participated in work against United States imperialism in a number of Latin-American countries, notably Mexico, Porto Rico, Cuba, Panama and Peru. We have also established some contact with the Philippine independence movement, altho we have yet to establish our own nucleus there.

"The main task for the period immediately ahead is the building of a substantial section of the AAAIL (All-America Anti-Imperialist League) in the United States itself. This will be accomplished thru the affiliation of groups organized around specific issues, such as hands-off-Mexico committees, etc. The Workers (Communist) Party must remain in central factor in the United States section of the AAAIL, grouping around itself as closely as possible other working-class organizations."

The significance of Mexico in the eyes of the so-called Soviet government is revealed in the following extract from the report of Chicherin, made at the III Session of the Union Central Executive Committee in March 1925:

* * * * *

"Resumption of Diplomatic Relations with Mexico

"In America, in this manner, we still stand before a question mark. But in this time we have succeeded in re-establishing diplomatic relations, which give us a political base in the new continent, with the neighbor of the United States, Mexico. The Mexican Government is based on the Right trade unions and the radical small bourgeoisie. The Soviet Republic is extraordinarily popular in Mexico. Our plenipotentiary representative, Pestkovsky, met in Mexico the most enthusiastic reception, receiving constantly from all sides expressions of the most friendly, even enthusiastic, attitude toward the Soviet Republic. Mexico gives us, thus, a very convenient political base in America for the development of our further ties."

As respects relations between the Soviet Legation in Mexico City and Communist activities being carried on in Mexico there is the following evidence:

(1) Statement by Mexico Labor Deputy, Ricardo Trevino, in the Mexican Chamber of Deputies on September 9, 1925:

"I can not say which are the better elements whether ours or the Reds or those whom the Russian Minister brought. And on this point I must say that there are documents in which it is established that certain Red and Communists elements receive money from the said Minister and from the Communists in Mexico against the United States whereby they would provoke an international conflict."

(2) Communication addressed to the Soviet Minister by the Central Committee of the Mexican Federation of Labor by direction of the Seventh Congress of that organization:

"To the Minister of Russia in Mexico City:

* * * On the other hand there was also considered by the Convention the report referring to the fact that in the diplomatic mission in your charge moral and economic support is lent to so-called Communist radical groups, the enemies of the Mexican Federation of Labor and of our government.

"This Central Committee was ordered by the Convention to inform you in your character as representative of Russia in Mexico that the Mexican labor movement represented by this confederation maintains the principle that the workers of each country must be organized in accordance with their opinions and necessities and that no nation has the right to impose nor to lay down for another the doctrine which must control its activities."

(3) Resolution adopted March 6, 1926, at the Seventh Annual Convention of the Mexican Federation of Labor:

"* * * 3. That a courteous invitation be extended by the Central Committee to the diplomatic representative of Russia accredited to Mexico so that his office may abstain from lending moral and economic support to the so-called radical group, enemies of the Mexican Federation of Labor and of the government."

Now, today these messages sound ludicrous. In that day and time in which communication was far slower and meager, it was easy then to paint the Mexican Revolution or the series of revolutions and counterrevolutions which extended for a period of 30 years, but which I noticed never once, even in the discussion of the immigration amendment proposal, was any mention ever made of the history of this era, which I consider to be a crass error.

But in that day and time the Mexican Revolution had aroused quite a bit of concern, in fact so much concern that it was very similar to what we hear today on the part of those attempting to paint the dangers of a takeover by the revolutionary forces in El Salvador—forget about Nicaragua—El Salvador, the smallest country in Central America.

I am going to quote just a couple of lines, because, as I said, instead of "Bolshevik," we could substitute the words, "Marxist, Leninist, Russian, Cuban communism" or "leaders," and here is what he said: "The Bolshevik leaders have had very definite ideas with respect to the role which Mexico and Latin America are to play in their general program of world revolution."

This is in blissful ignorance of the fact that the Mexican Revolution preceded the Russian Revolution by at least 7 years.

□ 1910

As a matter of fact, some of the Russian leaders time after time, Lenin, Stalin, and the rest, Bukharin, all made references as inspiration to the Mexican revolutionary leaders. In fact, they even appealed to the memory of Benito Juarez, who I would like the record to show was a close and personal friend of my grandfather, who fought with him in northern Mexico to expel the French invaders 120 years ago.

So that blithely our leaders then in 1927, the Secretary of State and the others, overlooked the fact that rather than Mexico having been inspired by a revolution that had not even happened, it was the other way around. This is a fact that is still not learned in American history books, which totally blanked out any of the historical developments to the south of us. In fact, we even blanked our very much of what has happened to the north of us. Every time we read an American history book, we think there were only 13 colonies. Well, originally there were 37. They were contiguous. They were linked, but then with the peculiar development south of what we call the Canadian border today, those other 24 or so now constitute the areas of Nova Scotia and parts of Canada.

But before the Pilgrims landed on the eastern shore of what is the United States today, Mexico and Cuba had universities and printing presses for over a hundred years.

The cultural ties and capitals of these nations have been and continue to be not in the United States, but over in Europe.

As a matter of fact, the invasion by Napoleon the Third of Mexico and the imposition as temporary and transient as that regime was, culturalwise it had vast impact.

I had an uncle, for example, who was a doctor. He was a graduate of the faculty of the University of Mexico School of Medicine and every one of the texts that he studied all during the time he was in school in Mexico City were in French, because when I was growing up, the great leader in science and all was Germany; but in that part of the country it had always been France, especially after 1860.

So that if we ignore that, we are going to make very serious mistakes in understanding the policies and practices that ruled the day among those leaders and those countries.

But let me go back to the opening line of Secretary Frank Kellogg:

> The Bolshevik leaders have had very definite ideas with respect to the role which Mexico and Latin America are to play in their general program of world revolution. They have set up as one of their fundamental tasks the destruction of what they term American imperialism as a necessary prerequisite to the successful development of the international revolutionary movement in the new world.

I read and I saw the white paper that the State Department put out recently with respect to Grenada. Change the names, change the dates, the rationale and the rationalizations are the same.

What I am saying today is we can no longer afford the luxury of that error

in judgment, the reason being very simple. It is another world.

The multitude of peoples that for the first time in about the last decade and a half south of us now outnumber us by over 60 or 65 million is no longer going to continue to take the oppression, the tyranny that they have suffered for 300 years.

The question in my mind is not as complex as some would make it. The question is whether we as a revolutionary founded country, based on governments instituted by the suffrance and the will of the people would take the side of the people or whether we will continue to try to shore up the oppressors, the tyrants, those who to their own people offer nothing but exploitation and sustained tyranny, or whether we recognize the fact that we must develop a policy on a national basis, short term, long term, to differentiate between the indigenous, that is, a native civil war, not imposed, not led, not initiated by external forces, or whether we will continue not to do so to the cost of blood and treasury, as we have paid dearly in other parts of the world, whether it is Southeast Asia or whether it is the Middle East.

We have the same situation confronting us today as it will develop and as I have painfully attempted for 15 years to point out is the rising question in even middle Europe. Today you read a lot, and this was triggered by the President's rather inexplicable obtuseness in not recognizing the difference between what the fight was all about in World War II and what the question is today confronting the United States with respect to that part of Europe known as Germany.

I have been saying for almost 20 years that the real issue is Germany, the question of German reunification; but just like in the case of Latin America, our perceptions of the world are based on mind sets of 1945–46.

The perceptions of our present President who has opted, without any trial whatsoever, unilateral military intervention, abrogating by these acts and violating the three basic treaties that we so solemnly entered into with our brother and sister countries that share the destiny with us in the Western World. In middle Europe, in the case of Germany, we have learned nothing. We are like the Bourbon kings who forgot nothing and learned nothing.

We have failed to see that there has been no end to World War II. There is no peace treaty formally terminating World War II.

We have gone willy-nilly into an exponential taxing of our people and their resources for war making, for war preparation, on the basis that the world is structured in middle Europe as it was in 1946.

We had armies of occupation. We changed their designation sometime not too long ago to defense, but we have got to look at it from the standpoint of the people who occupy those countries.

I doubt seriously there is a German who honestly would say that he really considers us anything but occupation troops.

Why should we wait until this fulfillment of a reunited Germany, done at the expense of a confrontation between Russia and the United States?

We insist on overlooking and the recent events, the shooting down of the Korean airliner, the murder of our soldier in East Germany; of course, we cry out for these outrageous acts, but we should also ask ourselves why, why this sensitivity at this moment?

We cannot overlook the contributing factors. We cannot overlook the fact that in Russia we have a state of near paranoia on a sustained basis for 3½ decades. But where would we be?

Let us assume, as in discussions I had with my colleagues, that Guatemala which is one jump over from our next door neighbor, Mexico, had invaded the United States and in the course of that invasion it had killed every inhabitant of the State of Texas.

□ 1920

And everyone in New Mexico, and everyone in Oklahoma, and everyone in Arkansas. That is 20 million or better.

What would we do if through the help of allies across the seas we turned that tide back and forever determined that would never happen again.

Let us assume further that instead of a friendly country to the north we had a hostile nation with whom we had been at war off and on for over 230 years. Would we not be also semiparanoid if after we had rolled that invader back one of the allies across the sea said, "Hey, look, we don't like the way you govern yourselves. We distrust your government and we don't like the plans you have to keep these nations, and we are going to rearm one part of Guatemala that we have fractioned off"?

Now, that calls for a little bit of not only introspection but a little bit of retrospection. But the truth is that these are the facts. And if we think that when we continue to enter into, for instance, secret military agreements which President Reagan has entered into with Mainland China, which, as I say, has been at war with Russia or the Soviet Union over 200 years, in which Russia has along the eastern border more divisions than it has along the western border, if we overlook the fact that by then implementing unilaterally and continuing with the mirage that a virile, strong, cultured people such as the Germans are forever going to tolerate division, then we had better start reexamining these premises because they are no longer valid.

All we have to do is read what it is the thinkers, the poets, the philosphers—these are the real leaders of a nation—are saying in Germany. What do we see when we see the election results, the recent state or provincial results in Germany? What are we to interpret when those in one of those states are demanding of the present German Premier, Kohl, that he do something about restoring to Germany the Siletian province now in Poland?

These are all pretatite, ancient rivalries, hatreds upon which we have had multiple wars. What are we going to do after we have a President who, as Commander in Chief, not over a period of 4 days or a month or a half a year, but 14 months ignores and sets aside the unanimous consent advice of the professional military, the Joint Chiefs of Staff, in the case of the Marines in Beirut? To what avail was it to some of us talking out here to empty Chambers night after night asking the President what is the mission of the Marines in Beirut.

Mr. President, they are in the shadow of death or serious bodily harm. What good did it do to do that for 14 months if they ended up in being murdered, 241 Marines?

The President cannot blame Jimmy Carter for that, and he certainly cannot blame the Joint Chiefs of Staff for that.

But this is the kind of approach and obduracy that I also see in the case of the relations with these nations to the south of us and with respect to the relations of the nations in middle Europe. Forget about Korea, which is also a powder keg that is temporarily just quivering there.

I say to my colleagues the question is not simple as to whether or not we are going to OK x number of dollars for any particular kind of rebel group to the south of us. That is not the issue. The issue before us should be the fact that the President has been illegally conducting war in Central America, not only in Nicaragua, in El Salvador, contrary to what this Congress said was the law since 1974, and that is that Presidential wars should be hemmed in by seeking some accountability while there was still time from the Commander in Chief.

Yes, the President is the Commander in Chief. But it is the Cogress that raises the armies under the Constitution. And under the Constitution, it is only the Congress, the body that can declare war.

And I say in my resolution, which I have introduced not once but twice in two Congresses, "Mr. President, the Congress has not declared war, so you stop making war."

But what do we find here among us? Instead of, as at least some Senators like Senator Borah in 1927 had the fortitude to do. He challenged Secretary Kellogg's veracity and accuracy of presentation and called it what it was: an invasion, a take over, a dominance. Call it imperialism, call it what you will, it was raw exercise of a powerful nation over a weaker one.

We did not give a hoot about imposing a government that would express the will of the people. But look at the price we are paying now.

So I say to my colleagues, if you think the item is one of multiple million dollars, I appeal to the future. If you continue to abdicate under the War Powers Limitation Act your responsibility, and you will see that what we are doing is creating in the new world a recreation, a recreation of these ancient wars and wounds and rivalries that have not even healed in Europe after 500 years, forget about 100 years. We find, I see at least, that aspiration rising in German breasts yearning for a second Bismark that will reunite the fatherland. I see south of us a people that no longer will tolerate oppression and they will fight for their revolution.

Mr. President, the Nicaraguan Government, what you call the Sandinistas, but which after the election last November is a truly elected government—I might point out to my colleagues we are the ones that give credit to communism, just like Secretary Kellogg was giving credit to Mexico for credit it could never have been entitled to, because Mexico had no more power over Nicaragua than the next door neighbor, Honduras. But we were raising this phantom of Mexican bolshevism in order to rationalize our invasion, occupancy of Nicaragua.

We are doing that today. Grenada. Grenada, why the scheduled invasion was supposed to have happened after, but with the shocking castastrophe of the death of 241 Marines, that date had to be moved up for less than 40 hours after the death of the Marines. Playing the game like the ancient European kings, to lull the people into oblivious ignorance, and sitting calmly by. I say the time sequence is a lot shorter today. We will not be allowed the luxury of time on this occasion.

But what we can do is irrevocable, and this President has set an irreversible course, and the only power which under the Constitution was intended to be there that can stem that and divert it from this catastrophic course is the Congress of the United States.

□ 1930

And I appeal to my colleagues to rise to this occasion. It is not us who should be on the defensive about granting this kind of untoward aid, it is the President that ought to be here before us explaining why he is illegally conducting war in this part of the world.

I appeal to my fellow Congressmen to consider it in that light and in that retrospect.

I say that, otherwise what we are doing is forever proscribing not only our children, our grandchildren and our great-grandchildren to an eternal enmity and hatred reminiscent of these ancient feuds and wars and fears and hatreds of these countries.

Even today we base our so-called defense posture on a very, very inadequate predicate. Ask ourselves a question: Is France an integral part of our allied system? Why is it not in NATO? Does it not go back into these ancient fears an rivalries and hatreds? Yes, up to a point.

Now there will be union, these countries will unite when it comes to getting Uncle Sam to pay the piper, as they will next month when our President goes to the economic summit meeting on Bonn in May. Remember that I got up in this well not last year, not the year before last, but 1980, on April 1. It was not President Reagan who was President. I forewarned that events that today are taken for granted would be happening.

I remember some of the ridicule that was thrown my way. I am saying today, in like vein, and I hope I am dead wrong but this is what I said on April 1 and I hope, indeed, I am wrong, dead wrong, but everything that I see is a matter of adducible evidence indicates that there is imposed, or at least I feel imposed upon me, the need to voice these concerns and to plead with my colleagues to at least discuss the concerns from the point of view of what appears to me the real world today to the south of us and across the seas.

I ask my colleagues: Is there among you any who feel that if we and our leaders had had the correct perception of the world as it was in the fifties when we went into what is known as Southeast Asia, would we have lost 50,000 men? I do not think so. I really do not think so.

I think if we had even realized a history of those areas, not a monolithic communistic type of structure, but the myriad of ancient rivalries and hatreds, that is the Vietnamese, the Chinese, those on their borders, the Russians on the other side. We blithely ignored that and blithely ignored the fact that we were risking our heritage.

For what? for a mirage, for an illusion or a delusion.

I say to my colleagues, we are on the verge of doing the same thing with respect to the New World. These countries that fate has said will share this New World with us. How do we want to share it? Do we still want, and I appeal to the President and continued to appeal, because every time I have raised criticism I have offered an alternative, and in this case I am still appealing to the President. If he acts in a bona fide faith, we can still, because there is a strong reservoir among the masses to the south of us, and respect and even liking of this thing called North America, as they call it. But they are looking for moral leadership. They would much rather have direct assistance instead of an M-60 tank or a British Scorpion tank, which we introduced for the first time last month along the Nicaraguan borders, instead of the killer helicopters that we have introduced in El Salvador and some of the pictures I have seen in the Latin American press of these peasants and this hostile helicopter above them, is no different from the pictures I have seen of the Russian helicopters hovering over the Afghanistan peasants, no difference. In fact, if we were to see ourselves as others do we would see there is no difference in world opinion. I say to my colleagues, let us tap this, if the President refuses, let us afford this leadership in reawakening and still capitalize on the last vestiges of our moral leadership which we can use in order to be the real leaders, collectively, in the New World.

These countries, believe it or not, aspire to that. They hope for that. That is what they want; rather than the M-60 and Scorpion tanks, they would rather have a water tank, rather than soldiers or bayonets they would rather have medicines, food, doctors and nurses.

Why should we preempt that to the Communists? In the recent election, what I started to say a while ago, both in El Salvador and in Nicaragua the Marxist-Leninist Party candidates did not even get 6 percent of the vote. But we will compel them if the devil himself comes down with pitchfork, tail and horns and says, "I will help you" and they say that we are saying, "We are going to kill you," of course they are going to take the hell from the devil.

But the headlines, I am afraid, my colleagues, are in the making now. I can see them. It will not be that we are invading Nicaragua, no. It would be that we are going to the help of a friend, a sovereign nation known as Honduras, to prevent a Nicaraguan invasion.

But, my friends, when we do, it is going to take, and any professional military will tell you, not less than 100,000 of our men. And even if we succeed in knocking out that government, we will not be able to impose one that will govern unless we remain like we did with the marines, year after year.

But we will see that entire area; in 1929 the marines could go into Nicaragua, and that was it; we could compel

the leaders of these surrounding countries to come in or remain neutral on our side.

This time that entire area will go up in flames, as it is already, and we will have eternal sniping and guerrilla fighting against our occupation troops.

It will take, to start with, 100,000 men. When the casualties start coming in, any military will tell you he has to have his reserves. You call the reserves, you have to pull troops from somewhere, and you are gong to have to get some kind of draft call.

I am saying that will be a historical chain. History will record it as one more of those instances like Barbara Tuchman in her recent book, "The March of Folly" as so dramatically illustrated and asked the question, which she cannot answer:

> Why, since back in the time of the Greeks and clear through Vietnam, have great nations and their leaders insisted on a course of action that was obviously, given all the facts involved, catastrophic to the best interests of that country?

□ 1940

I say that my hope resides in this body. That it will have the seriousness of obligation under the Constitution to rise to its solemn discharge of duty. Stand up to the President. Take the consequences. Do not be fearful, as I hear—well, suppose the Communists take over, then the President will blame us.

My friends, I say to you: Fear not. Arise, my colleagues. You have nothing to lose but your seat.

I yield back the balance of my time.

THE GREAT ELECTION ROBBERY IN INDIANA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. FRENZEL] is recognized for 60 minutes.

Mr. FRENZEL. Mr. Speaker, I take this time this evening to discuss with an empty House the problem of the great election robbery in Indiana, and in so doing, I am going to be assisted by certain other Members of Congress, notably my distinguished colleague from California [Mr. THOMAS], who was the lone Republican member of the task force which voted 2 to 1 on a straight party line ballot to declare Candidate McCloskey the winner of that particular election.

Before I do so, Mr. Speaker, I would like to yield to another one of my colleagues, the chairman of the Republican Policy Committee, the distinguished gentleman from Wyoming [Mr. CHENEY].

Mr. CHENEY. I thank the gentleman for yielding, Mr. Speaker, and I find this a very difficult subject to address, because the debate that will proceed here tonight is going to be extensive; the number of my colleagues who are extremely knowledgeable about the subject; Mr. THOMAS of California who has spent months on it, have persuaded me that in fact a great fraud is about to be perpetrated on the American people and this House.

I do not give special orders; I do not do 1 minute ordinarily; it is not my style. I refrain generally from lobbying partisan bombshells to the other side of the aisle, because I do not choose to operate in this body in that fashion.

What I see happening in connection with the Eighth District of Indiana is of sufficient concern so that I have broken with my own practice in the past and in effect wanted to come here tonight to express my deep concern for what I see happening.

Most especially, I am concerned not only from an institutional or constitutional standpoint, but also from the standpoint of some of the individuals on the other side of the aisle, Members of the other party, who appear to be prepared to compromise their basic integrity on the basic question of who ought to represent the Eighth District of Indiana.

Most specifically I woud refer to my good friend and colleague, LEON PANETTA from California, a man I have known for many years, long before either of us came to this body.

If in fact the House Administration Committee and the majority party, the Democrats, proceed to stuff, in effect, upon the minority, this violation of the constitutional proposition that the voters ought to get to decide who represents them, then those of us who have enormous respect and admiration for the integrity and the reputation of Mr. PANETTA I think will be forced to reconsider our long-held esteem for that gentleman.

I thank the gentleman from Minnesota for yielding, and want to congratulate him for taking this time.

Mr. FRENZEL. I thank the gentleman for his contribution, and I know we will be hearing more from him in the future on this matter, because he and I and all Republicans do not think this is mere petty partisan thievery; we think this is an outrage that goes far beyond that, and we are not prepared to let it die.

Mr. Speaker, at this point, I yield such time as he may require to speak out of order, the distinguished gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. I thank the gentleman for yielding, and Mr. Speaker, I want to commend the gentleman from Minnesota for taking this special order, and especially for his efforts in behalf of the cause that we are so interested in here tonight.

I would like to also commend my colleague from California [Mr. THOMAS], who has fought a valiant fight, but unfortunately has been outvoted in the straight partisan vote all the way along the line, as he will be explaining exactly how that has occurred.

Mr. Speaker, the right to vote is the most precious right our Government can afford to any citizen. In fact, denial of the right of voting, the right of voting representation in Parliament was the basis of the American Revolution which led ultimately to the creation of this body, the greatest deliberative body in the world.

Therefore, it is particularly ironic that the leadership of this body is right now contemplating abrogation of that right for the residents of the Eighth Congressional District of Indiana.

Make no mistake, my colleagues, about the seriousness of the action that is being contemplated here, the precedent that is being set. If the votes of the citizens of the Eighth District of Indiana can be disregarded, if the laws of that State can be ignored for partisan convenience, then none of us are safe in our seats in the future.

More important than that, no one who ever runs for or holds a seat in this body will be safe in the future. Because if it can happen in Indiana, it can happen in California and in New York and even in Massachusetts.

In unsheathing the sword of partisanship, in resorting to tyranny by majority, you are risking retaliation and chaos by other majorities, by other bodies, by the States, by the voters themselves, who do not take their voting rights lightly.

I urge my colleagues on the other side of the aisle to seriously ponder what they are about to do. Are you willing to risk the consequences of your actions? The undermining of faith in freely cast ballots, the integrity of this House.

If so, you may one day find yourself in the same position, the holder of an election certificate with no seat to sit in.

Mr. FRENZEL. I thank the distinguished gentleman for his contribution.

Mr. Speaker, I took a 1-minute speech today to describe what I called, was my deep feeling of disappointment and my regret, and in fact my outrage about what the task force of the Committee on House Administration on Indiana's Eighth District had done to the Republic and to the spirit of representative government.

Just let me recap quickly: It refused to consider the man who was certificated and declared the winner by the State of Indiana. Instead, it threw out the Indiana law, established a whimsical and arbitrary set of standards of its own, then commenced a recount of the vote, and when they got down to the end of the recount, the task force violated its own rules and stopped counting just in time to elect its man.

Obviously a perversion and a theft in our system.

But the man who represented the minority on the task force, and who spent a great deal of time in Indiana and working on the task force in Washington, and who is probably more intimately familiar with the details of this outrage, is the distinguished gentleman from California, and there he is.

I would like now to yield to my distinguished colleague, BILL THOMAS, who has struggled so valiantly under 2 to 1 odds, and been outvoted every time on the basis of a partisan vote.

I yield to the gentleman from California.

Mr. THOMAS of California. I thank the gentleman from Minnesota for yielding to me.

Mr. Speaker, as we begin a series of discussions about the task force and the circumstances surrounding the failure of this House yet even today to seat an individual to represent the Eighth District of Indiana, I think we ought to return to the opening session, the opening day of the first session of the 99th Congress, in which most of us experienced that somewhat unique pleasure of being sworn in as a Member of the House of Representatives.

□ 1950

There were several individuals who were not allowed to stand with the rest of us and raise their hands and be sworn in. In fact, when the day had ended, there was only one gentleman who held a valid certificate of election who was not allowed to be sworn in. That was Rick McIntyre of the Eighth District of Indiana.

The majority party, the Democrats, in offering a resolution to not seat either Mr. McIntyre or the former Representative in that district, Mr. Frank McCloskey, offered a resolution with an explanation, and the maker of that resolution was the majority leader of the House of Representatives, Mr. WRIGHT of Texas. And I would like to share with you some of the statements that Mr. WRIGHT made on January 3 when he asked the House to weigh the solemn question of denying a certified Member of the House the opportunity for being sworn in. Mr. WRIGHT said on that day, in part:

> The House will reject a certification only under the most exceptional circumstances, where the very ability of the State election procedures to determine the outcome accurately is put into serious question.

He went on to say:

> The election procedures employed in the 8th Congressional District have been neither timely nor regular, and serious questions have been raised with respect to their fairness.

He went on, asking, perhaps rhetorically, since it was never answered at any time by the Speaker or by the task force or by House administration—he felt that "neither has the State procedure been regular in its application."

The majority leader said:

> Fifteen separate counties are participating in the recount. Each such county is operating under its own set of rules. As a consequence, ballots bearing identical minor flaws are counted or not counted, depending upon the individual county involved. There is no uniformity of rule or application.

He then went on to say:

> Questions have been raised, additionally, about the extent to which the certification and recount procedures may have been subject to partisan pressures, and this puts into question the impartiality and the fairness of the process.

The upshot was that the majority leader asked this House, and on a straight partisan vote this House gave the majority leader what he wanted, and that was the House administration was to create a task force to investigate the supposedly unseemly conduct of the officials carrying out the election in Indiana's Eighth District.

The task force was chaired by Mr. LEON PANETTA of California, and the additional majority Member was Mr. WILLIAM CLAY of Missouri. That was two majority Members. This gentleman from California was the lone minority Member of the task force. There were two Democrats and one Republican, to examine an election, the question of which had been brought to House administration by a straight partisan vote on the floor of the House of Representatives. And their job was to get at the bottom of the "mess" in Indiana's Eighth.

The task force proceeded to create a series of rules by which we were to count ballots. A number of those rules directly violated Indiana law. But the claimed intent for the use of those rules was to make sure that we got at voter intent and we did not get hung up on technicalities or procedures.

Let me quote from a "Dear Colleague" letter sent out by the chairman of that task force, Mr. LEON PANETTA, as a matter of fact, today, April 22. Mr. PANETTA claimed that the task force brought uniformity to the process and remedied the disenfranchisement by adopting counting rules which gave primary emphasis to voter intent. Under these rules, a technical error on the part of an election official was not to serve as the basis for disallowing a vote. Very noble sounding. Unfortunately, it simply was not true.

As a matter of fact, we carried out a procedure in Evansville, IN, the major population center in the Eighth Congressional District, in which the task force on a number of 2 to 1 votes, both of those 2 being the majority party, the Democrats, and the one vote being myself as a Member of the minority, in which we took like ballots, ballots that were identical, counted some one way and did not count the others at all.

I will get into some specific details in terms of just exactly how the task force performed that, that is, saying that the reason we were to investigate the election was to provide uniformity where there was none and that in fact the end result was the task force not being uniform itself.

The majorty leader and Mr. PANETTA said that they entered that ticket to try to sort it out because there was disenfranchisement, that some folks did not get their votes counted.

Let me tell you that today, after the task force adopted its counting as to what the ballots were in Indiana, there are still some people in Indiana's Eighth District who have not had their ballots counted, otherwise valid ballots under the rules. Some folks are still disenfranchised in Indiana's Eighth Congressional District, and that is one of the primary reasons I am here.

It seems to me that after the very noble-sounding words of the majority leader and the eloquent pleading on paper of the chairman of the task force about what they did, Members of the House and those who are out there listening to my voice ought to really know that those noble-sounding words are in fact flawed, they did not do what they said they were going to do, and they did what many of my colleagues said was going to be done and that was they were going to make sure that no matter how they had the rule structured, they were going to argue Indiana law or they were not going to argue Indiana law, but the outcome, the goal, was never to be changed, and that was Frank McCloskey was going to be seated, as we say, come hell or high water. High water is here, and so is hell, and Frank McCloskey apparently is going to be seated.

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

Mr. THOMAS of California. Certainly I yield to the gentleman.

Mr. FRENZEL. Does the gentleman mean to tell me that, after all of this talk on the floor of this House by the majority leader about uniform standards, this task force had the unmitigated crust to count some similar votes and not vote other similar votes, after all of the pious statements that were uttered here about how, by golly, only the House can make a uniform count, and that really happened, as reported in the Evansville newspaper?

Mr. THOMAS of California. I would tell the gentleman from Minnesota that as we were counting ballots, attempting to determine voter intent and not to be hung up on mere technicalities, there were a number of ballots which were absentee ballots. In Indiana's Election Code, absentee ballots are required to be notarized to be ac-

cepted. There were a number of absentee ballots that were turned in that were not notarized. In addition, if a voter wishes to vote away from the polling place, they are confined, for example, in a rest home or a hospital, under Indiana law they are required to have two witnesses, one from each party, sign that absentee envelope, and if that is not done, that also makes that ballot invalid under Indiana law.

The clerk of each county, as they receive these absentee ballots, are supposed to examine them, and if they violate Indiana law they are to be retained by the clerk.

What happened in this election was, as happens in almost any election, there was not a complete and universal following of every specific election code provision. In some of the counties, and there were 15 counties involved in Indiana's Eighth Congressional District, in some of those counties the unnotarized absentee ballots and some of the unwitnessed absentee ballots were sent to the precincts, along with the valid absentee ballots. And in some of the precincts those unnotarized absentee ballots and unwitnessed absentee ballots were opened and counted as though they were valid.

In other precincts in some of the counties some of them were opened but not counted.

And yet in other precincts some of those unnotarized, unwitnessed absentee ballots were noted as having been received but were left unopened.

Now, as we began the process of trying to play Solomon on the various ballots, we realized that those unnotarized and unwitnessed absentee ballots that had been in the precinct and were now returned to the county clerk's office, since after the election all of the election materials were brought to the county clerk's office and were given some degree of security, that as the task force counters began examining ballots to determine whether or not they were counted, they noticed that they had in their possession, having retrieved those election materials from the county clerks, some absentee envelopes that were unnotarized and/or unwitnessed that did not have ballots in them. Obviously, those had been counted.

They had some that were opened but not counted. The question was: Should we pull out the ballots and count them? The task force's decision was, yes, pull out the opened but uncounted absentees and count them.

Now we come to the third category, unopened, unnotarized and unwitnessed that had been in the precincts but were now in the hands of the county clerks. What do we do with those? The feeling of the task force was 2 weeks ago that voter intent is the primary guide and that what we need to do, since the name of the voter is on the ballot, is to decide that perhaps this person ought not to be disenfranchised and in fact we ought to count their ballot. We opened previously unopened, unnotarized absentee ballots and unwitnessed ballots, and we counted them.

□ 2000

Last Thursday night, as the task force went out to Evansville for the last time, the staff had been told to go out and determine from the county clerks how many additional, unnotarized, and/or unwitnessed absentee ballots were in the possession of the clerks. And if they had any in their possession, the staff was to ask the county clerk to fill out an affidavit in terms of the security that had been provided those otherwise valid ballots that had not been notarized or witnessed.

We examined the affidavits from six counties that fell in that category. In two, especially, and in perhaps four, there was general agreement by the professional recount director that security had been virtually identical for those unnotarized and/or unwitnessed absentee ballots that had been retained by the clerk. This time the task force decided on a 2 to 1 vote not to honor voter intent. But to let a mere technicality disenfranchise a number of voters.

The argument that was provided was that since some ballots had gone to the precinct and come back, while other ballots and been retained under secure lock and key by the county clerk, that there was a difference between the two ballots. The concern I had was that there is a distinction but no difference. The security was the same for both. But with like ballots, unnotarized and/or unwitnessed absentee ballots, the plain fact of the matter is that in the House task force recount procedure, some of those unnotarized and/or unwitnessed absentee ballots were counted, and with like security, some were not.

Mr. FRENZEL. As I understand those kinds of ballots, they either bear the name of the voter, or they are within an envelope which can be opened to reveal the name of the voter. It can be readily checked whether that voter is registered; whether that voter in fact lives at the address stipulated. These ballots among all that we handled are about the only ones that can really be authenticated. Is that true?

I yield to the gentleman for his response.

Mr. THOMAS of California. I would tell the gentleman from Minnesota that we counted a number of ballots which in no way could be tied to the election day voting precinct in any way. That under Indiana law there is an initialing requirement and a precinct designation requirement, and we counted votes that in no way could be tied to any particular precinct on election day. In fact, we counted vote when there were more ballots than people in particular precincts. None of those ballots can afford us the same degree of certainty that a live and registered voter at Indiana's Eighth District actually cast them.

I can read you the names of those individuals who are registered voters who have been disenfranchised.

Mr. FRENZEL. Why do you not read them?

Mr. THOMAS of California. I thank the gentleman.

In Greene County we have 17 unnotarized absentee ballots, and I would say that perhaps there may be some embarrassment on the part of these individuals because they did not comply totally with Indiana law; that in fact on election night and recount night their ballot was not counted, but under the task force, some other individuals in exactly the same circumstances had their ballot counted. I think the minor embarrassment of not narrowly following Indiana law is certainly and ought to be replaced with a farily heavy degree of indignance over the fact that if other people had their votes counted, why have these people not? I am referring to Elizabeth Thompson, Robert Allen, Pamela Wilson, Cyril Willin, Mark Barkley, Margaret Forsdick, Lana Elrod, Laura Shake, Ethel McCombs, William McCombs, Tomothy Glenn, Angela Barlick, Amanda Heath, Robert Bradford, Laurie Ann Blaker, Rosalie Mark, and Anna McCain.

I might add additionally that there are even more ballots than just the unnotarized and/or the unwitnessed. There are in Greene County alone 13 ballots that were not presented to the House recount task force because of possible signature disputes. We know of one particular instance in which a ballot was examined by one of the local people they said, "Oh, well he had a stroke last October, no wonder his handwriting has changed." The point being the locals knew these people; knew them to be real voters, and in fact the task force disenfranchised them just as if they had been a ballot in which we never had the ability to tie it to the precinct place.

Mr. FRENZEL. If the gentleman can stop there, and I would like to ask a question. When, in all of our districts, the volunteer voting judges and often professional county employees go about the town on election night, they are pretty well trained in the local laws and they know local people, and they know what condition in which they receive the ballots, and they have a pretty good idea of what to count and what not to count.

What is the gentleman's opinion of a bunch of ballots delivered to the task in gunny sacks and feed bags 6 months after the election, after we have been through one count and one recount. Does it strike the gentleman that is a good environment in which to get an accurate count of any election?

I yield to the gentleman.

Mr. THOMAS of California. It seems to me that one of the criteria that we should have established early on and we could have done that by interviewing county election officials, was the condition under which the ballots were being held.

It seemed to this gentleman from California that before we could write any rules, we had to know the universe over which we were dealing with in writing those rules. However, it seemed appropriate to the majority that there was no need to interview either the candidates or county electiond officials in Indiana's Eighth Congressional District or State election officials. That seemingly it was easier and in fact better to write rules for the recount without having any firsthand knowledge of what is going on.

Several phone calls were made and the folks were in; they talked over the phones for a few minutes. If they were not, we passed on. What finally greeted us out there was something that I think sobered up a lot of people. That is that it is easy to stand on the floor of the House, as the majority leader did, and make pious statements about how unseemly the folks in Indiana's 15 counties of the Eighth Congressional District carried on their activities. When, in fact, if you will examine what the task force did, it was no more unseemly than what went on election day. Those folks knew the territory; they knew what they were doing, and if you will compare election night results with the task force's so-called final result, and understand that the task force was going to count ballots that were illegal and invalid under Indiana law. That they did a remarkably good job. As a matter of fact, they did as good a job, if not better, than the task force.

Mr. FRENZEL. Is there anything in the gentleman's experience that would lead him to believe that the judges and clerks in Indiana's Eighth District were any more or less competent or incompetent than election judges all over the United States, including the gentleman's own district?

I yield to the gentleman for his response.

Mr. THOMAS of California. I would tell the gentleman we saw quite a cross-section of individuals as we interviewed them finally after we had established the rules out in Indiana. I would say that there were several of them, one in particular that is as incompetent as anybody's county clerk anywhere in the United States.

There were others that were very professional in the manner in which they ran their county. I would say to the gentleman that the names that I read from the county clerk's office in Greene County, Greene County happens to have a Mr. Al Inman as its county clerk, interestingly enough, he is a Democrat, and he signed an affidavit in terms of his ballot security which would be a model in terms of the way in which those ballots were treated.

Ballots which were invalid under Indiana law were accorded maximum security and treated as any other valid ballot. He was very proud of the way in which he ran his clerk's operation and very well he should have been. Even the professional recount director, Mr. Shumway, indicated that the way in which ballots were handled in certain counties afforded them equal security.

□ 2010

So what you have, I would say to the gentleman from Minnesota, is what you usually get when you examine a cross-section of election officials and county clerks, and that is, you found some that were very, very competent, you found some that were less competent, and you found one or two individuals that no one wants to pattern as a role model.

But I would tell the gentleman from Minnesota that it was a very typical experience; that by and large those individuals offered an honest effort in counting the votes, and by and large they did as good a job, if not better, than most Members' counts in their own districts.

Mr. FRENZEL. Does the gentleman have a comment on the recount team? Were they in a position, being 6 months in arrears, or 4 months, whatever they were, and having ballots that had been picked over twice, were they in any better position to evaluate ballots, particularly from the standpoint of hanging chads on punch cards, or of spoiled ballots, or of distinguishing marks to make decisions than the judges and clerks on the spot on election day were able to make the same decisions?

Mr. THOMAS of California. If the gentleman will yield further, I think we have to understand that the only virgin count that occurred was, of course, the one that occurred election night, and that without knowing that it was going to a close election, those individuals engaged in a counting effort that I have to say was very commendable. The decisions they made were reasonable and rational.

On the recount, we were now getting the second rehash of the ballots, and as the gentleman well knows, there were a multiplicity of voting procedures in those counties, hence I would assume the majority leader's concern about confusion in the various counties. I am quite sure he was not privy to the fact that in those 15 counties they voted a combination of machine, that is, lever-pulled ballots; they also had punch-card ballots which operate a machine which punches a hole in a nonperforated ballot; they also had punch-card ballots in which you poke out a perforated spot; they also had paper ballots. When you take a combination and mix those within a county, you do have difficulty in terms of trying to be consistent because the ballots themselves are not consistent.

But after the recount night and the bags were sacked again and then the task force pulled them out and began examining the ballots, I can assure this gentleman that when you take something like a perforated card and give it the treatment that it had, and then you are required to make a decision is that particular chad, which is the center of the punch that is supposed to be out, is that hanging by two threads or three threads? When you get into that kind of a discussion based upon the way some of these ballots were handled, it gets to be a little ludricrous in terms of voter intent.

Mr. FRENZEL. I thank the gentleman. I hope the gentleman can remain a while, because I would like to ask about distinguishing marks and spoiled ballots and ballot security and antifraud statutes which were dismissed by the task force, but I would like to yield now to my distinguished colleague from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman for arranging this time for us this evening to discuss this very critical issue and commend the gentleman from California [Mr. THOMAS] for his extensive effort in trying to bring some order to this problem that really goes to the very heart of our constitutional process.

Mr. Speaker, it is regrettable that in the last 6 months, we have witnessed a barrage of verbal volleyball over which candidate is the winner of the election in the Eighth Congressional District of Indiana. Many of us have refrained from commenting during this time, since all of us are not experts on Indiana election law, although I had some misgivings over the treatment the minority would receive during the recount process as directed by the House task force.

Having reviewed all the pertinent information that has been made available to us, as well as discussing this issue with my colleagues on both sides of the aisle, I have come to the conclusion that indeed the voters of the

Eighth District of Indiana have been disenfranchised.

The minority membership of this House has once again become a victim where representation in this body is concerned. Previously, in this Congress, we have debated the serious problems which arose over inequitable ratios in our committees, and the unfair fashion in which the Republican minority has been treated. It saddens me, as a Member of the greatest constitutional body in the world, that in these vital issues of representation the majority party in the House rides roughshod over the rights of our constitutents.

The issue that has held our attention these past months is whether or not Indiana election law was legally carried out in the Eighth District of Indiana, where twice the Republican candidate, Rick McIntyre, was certified the winner. At the beginning of this 99th Congress, the Democrats proposed a motion, which was adopted due to their majority status here, that required Mr. McIntyre to step aside as we were being sworn in. What was subsequently adopted and carried out, was a recount which swept aside the requirements of Indiana election law. Many of us believe that this was done because the majority party knew it could not win this election without writing the rules by which the recount procedures would be carried out.

I find this arbitrary result of the long disputed election in Indiana personally repugnant, and feel that the outcome as announced by the task force, that is, a four-vote advantage for Mr. McCloskey, has been appropriately characterized by the Wall Street Journal, in today's editorial, wherein the Editor states:

> There is simply no way the Democrats can look good saying a Democrat's four-vote victory is valid after they said a Republican's four-hundred vote victory was invalid.

I regret that the bipartisanship with which we approached so many critical issues has greatly deteriorated; the losers in this issue are the voters of our Nation, who now will have reason to question the integrity of the decisions of this body.

Mr. Speaker, I urge the leadership of the majority party in the House, and my colleagues on the other side of the aisle, to join with us in setting aside the Indiana congressional election and ordering a special election, returning to the voters of the Eighth Congressional District of Indiana their right to select their congressional representative in this honorable body.

Mr. FRENZEL. I thank the gentleman for his contribution. I think what he said is dead right. Under the laws of Indiana, strictly applied as in the recount, the only winner can be McIntyre. Under the laws loosely applied as in the general election, the only winner could be McIntyre.

And so the Democrats on the task force rewrote the rules so that the only winner could be McCloskey, the Democrat, and when they got down to the end they found that they could not even follow their own rules, so after trashing the rules of the State of Indiana, they trashed their own rules because that was the only way they could make their man a winner.

Mr. Speaker, I now yield to my distinguished colleague from Virginia, [Mr. BLILEY].

Mr. BLILEY. I thank the gentleman from Minnesota for yielding.

Mr. Speaker, I want to congratulate him for securing this time. It is a shame that we have to be here to discuss this matter. I want to commend the gentleman from California for what must have been a very onerous job in trying not only to defend the rights of Rick McIntyre and the 500,000 citizens of Indiana, but indeed the Constitution and the very fabric of this body.

I would like to ask a couple questions of the gentleman from California if the gentleman will yield further.

In the history of this House, has it not always been the practice to seat the certificate winner unless there was some dispute about the certificate, but if he had a valid certificate that the secretary of state of the State in question issued, they were seated?

Mr. FRENZEL. I yield to the gentleman from California [Mr. THOMAS] for a response.

Mr. THOMAS of California. I would tell the gentleman from Virginia that there has been an attempt to create some historical precedent that, in fact, a certificated candidate has not been seated. There were some 19th century cases which, when you examine them on their particulars, have unique and conditioning circumstances around them, and that if you take a look at modern history, the gentleman is correct.

If an individual has had a valid certificate, and it has not been challenged, and there is no confusion over it, that individual has been seated.

Mr. HUNTER. Mr. Speaker, will the gentleman yield on that point?

Mr. FRENZEL. I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding.

As I recall, to speak directly to that question, there was one other case that was cited, and strangely enough it was an Indiana case, where supposedly a certificate was issued and yet the individual was not seated, but in that particular case, the secretary of state himself sent an affidavit to Congress saying: "I made a mistake. Disregard my certificate." So in that case you had the State officer saying the certificate is no good, but if you are talking about a situation in which a certificate is held out by the State to be valid, then in fact there are no modern cases in which a certified candidate was refused a seat.

□ 2020

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

Mr. FRENZEL. I yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it appalls me, it surprises me, and it hurts me a great deal. We have a case in which a candidate was certified and won on the night of election. There was a recount, he was certified again, and then we were told in this House that all the ballots were not counted, and that all the ballots were going to be counted.

Yet I heard tonight from my distinguished colleague, the gentleman from California, that indeed all were not counted, that when they actually asked the clerks to send the votes one week, and then when McCloskey, the Democrat, moved ahead, they decided not to count the votes, and that there were some votes from the citizens there in Indiana that were not counted. There were also military votes, votes from the military that were mailed before the election and were not counted.

Does the gentleman mean that with all that we have fought for in this country to have elections and with all that we have sacrificed, we send people to the military, we encourage them to participate in the process, and yet we did not count their votes, and yet the votes of other people we counted? If the gentleman does not mind me trespassing on his time and patience, may I ask, how did the committee rationalize not counting military votes?

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

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

Mr. THOMAS of California. Mr. Speaker, I would say—and I think it is worthwhile to engage in this rather technical explanation of the way in which the task force did not count votes—that I can assure the gentleman from Virginia that as I was participating in the disenfranchisment of individuals, I was not as calm and rational as I am now, because I think those folks had every right, if it was an otherwise valid ballot, to be counted.

The argument that was given by the majority for not counting military ballots that were postmarked prior to the election was that they were received after the election, and that under Indiana law they were invalid. We even had one instance of an individual in Europe who mailed his ballot in October and it did not get there until, I believe, November 8, and the election was on the 6th. For this person, the

majority voted on a 2-to-1 vote that that ballot would not be counted because of Indiana law, the task force again moving to Indiana law when it served its purpose and moving away from it when it did not.

Mr. BLILEY. Mr. Speaker, will the gentleman yield further?

Mr. FRENZEL. I yield to the gentleman from Virginia.

Mr. BLILEY. But we were told and we were promised on this floor by the Democrats that Indiana law is confusing, that Indiana law differs, and that there are 15 counties with different procedures and there is no uniformity. They said we were going out there and count all the ballots, and now we learn tonight that when their man moves ahead, we stop counting and we disenfranchise those people whose votes were not counted, but we gave the vote to others simply, I guess for no other reason than because McCloskey was behind, so we had to get more into the mix to get it back up to snuff.

Mr. FRENZEL. The gentleman is correct. The only thing that was confusing about that election to the House Democrats was that a Republican won. And if you go to any district in the United States, mine or yours or BILL THOMAS', you will find people at the precinct level and often at the county level making subjective distinctions between ballots with distinguishing marks, blank ballots, spoiled ballots, et cetera.

There was nothing confusing. Nobody was confused about that election except the House Democrats. They read their own press releases. But now there is confusion because they have counted the ballots in a different way so as to elect their own man.

Mr. BLILEY. Mr. Speaker, will the gentleman yield for one last time?

Mr. FRENZEL. I yield to the gentleman from Virginia for the last time.

Mr. BLILEY. Mr. Speaker, if this goes forward and they allow the seating of this gentleman from Indiana, never again will anyone be safe because the majority might come in and decide in any future election that the voters of the Third District of Virginia do not count, that we decide who represents the Third District of Virginia. This is tyranny of the majority at its worst.

Mr. Speaker, I thank the gentleman for yielding.

Mr. FRENZEL. Mr. Speaker, I thank the gentleman for his contribution. I think he has helped to reinforce a very important point.

If the Democrats of the House of Representatives can overthrow the will of the voters and the law of any one of our States, they can do it for every one of our States and for every one of our voters. And what we see here is the first step—rather, we saw the first step 2 years ago in the Hendon case. This is the second step, and it is more blatant. Usually grand theft and outrage and rape and conspiracy are perpetrated in the dark of night. The shame of this one is that there is no shame. They did it in broad daylight.

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

Mr. FRENZEL. I yield to the distinguished gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I thank my colleague, the gentleman from Minnesota, for yielding.

I, too, would to like to congratulate the two "Bill's" of the House Administration Committee, BILL FRENZEL of Minnesota and BILL THOMAS, my colleague from California, for the yeoman work they have done in this matter. I know it is not a pleasant task.

Particularly, I want to commend to the people of California the rather incredible job that my colleague, BILL THOMAS, did in carrying out this responsibility. He has handled himself professionally, he has done his homework, and he has handled himself as reasonably as one could expect until we reach the stage of outrage.

I must say that never in my experience in public life have I been one to want to emphasize partisan politics for the sake of partisan politics. Ofttimes I have come to the floor to suggest that one of the difficulties of this House is that we do find ourselves too often in partisan harangues. The fact is, however, in my years of public service I have never seen such an outrageous exercise of partisan political power by those people who happen to control this House. It is a totally unacceptable outrage that indeed fundamentally violates those portions of our Constitution that have to do with the people's right to franchise.

It is important that the American people realize the path that the leadership of the House has us upon at this moment. It is fundamental to recognize the history and the tradition of the States in running their elections and of individual districts through their counties having significant control over their elections, and that that is basic to that local government control and the people's ability to affect themselves in their own right to the elective process.

We find ourselves now on a different path because it appears that the partisans in the majority, that is, the Democratic majority around this place have found a new means of securing their position of power and control in the House. If you have close elections throughout the country in the future, if they are successful in this effort, if you have close elections in California or in Nevada or in Virginia, in any number of our 50 States, then the majority can see fit, if they wish, to supplant the election laws in those individual States and in turn can set the rules in a fashion that can make sure their person, once they get ahead, finally wins the election.

I must say that we have enough of cynicism, but the gentleman from California [Mr. THOMAS] will recall that on more than one occasion, in conversation with him, I said that it would appear that the people who are in control over on the other side "are just that cynical, they have gone this far, and they are not likely to let their person come away without winning."

Mr. Speaker, I say to my colleagues, those on both sides of the aisle who are willing to apply some reason to this process, please, I plead with you, look at the path we are putting ourselves upon. We can, through this process, destroy our history of democracy. We literally can undermine our Constitution by those who are willing to wield power in a fashion that is so arbitrary and so against American tradition.

Once again, Mr. Speaker, let me say that I appreciate the gentleman extending this opportunity to me to speak.

Mr. THOMAS of California. Mr. Speaker, will be gentleman yield further?

Mr. FRENZEL. I yield to my colleague, the other gentleman from California.

Mr. THOMAS of California. Mr. Speaker, I thank the gentleman for yielding, and I thank the gentleman from California [Mr. LEWIS] for his kind words.

The gentleman is absolutely correct. This gentleman actually thought that our colleague, LEON PANETTA, the gentleman from California, No. 1, would be his own man and, No. 2 would be relatively objective and fair in the process because it was incredible to this gentleman to believe that we could take a candidate who filed under a State law, ran for election under that State law, was elected under that State law, and then say, "No; we don't accept the certificate from that State," but say that the task force under the majority party will set up its own rules and then, in the process of counting those votes, change its rules so that they could in fact come out with the result that they desired.

And the gentleman from California is again correct because he said they would not have started this process if they were not going to finish it the way he said they were going to finish it, and that is that the Democrat was going to win. But my belief is that along the way all of the minority got an education, but I think some Members of the majority party also got an education.

□ 2030

They thought they were going to have an opportunity to be somewhat objective in the process. My belief is now that cynicism is rampant, that arrogance is rampant and that what we want to underscore to everyone listening now is not the argument that it is just one seat. The Democrats do not need another Democrat seat. The Republicans would like one, but it does not make any difference in terms of the relationship of the House.

The reason this individual and I think my party is outraged at what occurred is because of the fundamental constitutional challenge that we are faced with and that I could not, and I will admit it, I could not as we began the process believe that the majority party through its Democratic Campaign Committee chairman, TONY COELHO, directing behind the scenes as he usually does, or Mr. LEON PANETTA out front with Mr. COELHO pulling the strings for LEON to make or not make particular positions, that they would not affront the Constitution and the comity of this House in the way in which they have.

I will just end by telling the gentleman from California that being a little bit older than this gentleman, he probably was a whole lot more realistic about the way the world works. It was a very, very expensive education.

Mr. LEWIS of California. I wonder if the gentleman would yield further.

Mr. FRENZEL. I yield to the distinguished gentleman from California.

I am sorry, I should say, he referred to the gentleman's age. I happen to be just as old as the voting machines in one of the counties of Indiana's Eighth District, so I creak a lot, too, when I punch holes in cards.

I yield to the distinguished gentleman.

Mr. LEWIS of California. I am not nearly so sensitive as some might think about age since I did not have any gray hair when I arrived at this place 6 years ago.

Watching the processes has caused no small amount of that.

I might mention that one of the difficulties the leadership of this House is having on the Demoncrat side of the aisle is that they are very concerned with what they are reading on behalf of the public out there, what the public attitudes are about our two party system.

The polling indicates a distinct move in the direction of more and more people recognizing that this House has been run by a combination of two factors. The first, for too long now it has been run by a party of old ideas. On the other hand, for too long now it has been dominated by people who are just as cynical, who for purely partisan purposes are willing to override our Constitution in this fashion.

I must suggest if that pattern and attitude continues, if they take us on this path next week by seating their candidate, by literally stealing the election, if you will, they are just laying the foundation for more reaction on the part of the public.

I certainly hope that those in the land who are concerned about our Democratic history, about our two party system, will recognize that if they take their election controls away from them in this fashion, it will not be long until it will affect every State in our country.

I thank my colleague for yielding.

Mr. FRENZEL. Mr. Speaker, I thank the gentleman for his splendid contribution.

The reason that I took this time and the reason that I headed this discussion "The Great Election Robbery" is because this is more than the normal political mischief.

I think that many of our Democrat colleagues, and we will probably hear from them later on, many of them believe that this is just some ordinary bipartisan byplay and that if they follow their leaders, the public is going to forget about it and the Republicans are going to forget about it and by the next election they will be reelected and can do it again. I think nothing could be farther from the truth. We do not intend to let this matter go. There are going to be many nights on which this is discussed in the future. There are going to be many votes on this and we are going to remind the folks who believe that the people of a congressional district do not have the right to elect their representative, but they are going to be called to account.

This country has been blessed over the years with two centrist parties. This kind of election thievery is going to take those parties apart. As somebody indicated, how can we believe in a bipartisan effort anywhere if we cannot have trust in our Democrat majority even to follow its own rules.

There are none of my colleagues here to engage in this debate, none of my Democrat colleagues. I hope they will take their own time later and we will try to discuss it with them.

As I said before, we intend to discuss this at regular intervals for the rest of the year or until such time as Congressman-elect McIntyre is seated.

I would like to yield again to my distinguished friend, the gentleman from California, who suffered the abuse of serving with this task force, and I must say, I sat in on the last meeting of the task force this morning and found the gentleman was not even able to ask questions without being abused by its chairman. In fact, the chairman tried to answer the questions that the gentleman was putting to our election monitor and in many cases the chairman interrupted and tried to rephrase the gentleman's questions.

If that is the way the task force operated, I think everybody in America should be seeing films about how it did. I hope that we will have that opportunity.

I yield to the gentleman because I know he has other things to tell us, and if he does not, I would like to talk about distinguishing marks.

Mr. THOMAS of California. Mr. Speaker, I thank the gentleman for yielding.

I will only briefly say that the process he observed only partially had occurred a number of times in Evansville, as the task force went out to the Eighth District, and although he was not able to share firsthand the experiences, there were a number of individuals in Indiana's Eighth Congressional District who did; among them, representives of the League of Women Voters. They have since sent a letter, reaffirmed recently, that the League of Women Voters of Indiana feel that the only reasonable call in the Eighth Congressional District election is to have another election, to have a special election, because of the confusion surrounding this.

I might add that there have been members of the Democrat Party who have taken the well under the 1 minute who have been concerned about another portion of the task force rules and acceptance of ballots, so-called ghost voting, and they were concerned about it as well; so I might say that it is not just the Members on our side of the aisle, but other Members of the House and other responsible bodies who have examined and said, "Enough. Enough is enough. We do not think that we can really determine who won in Indiana's Eighth Congressional District, because it really was probably the closest election in this century and unless and until we count all the ballots, we will not know."

The task force by its decision today said, "We are not going to count all the ballots," and so I think the only fair conclusion then is to let the Eighth District of Indiana take another shot at it.

Mr. FRENZEL. Mr. Speaker, I thank the gentleman for that statement as well.

I note that the task force and its counters had trouble with hanging chads on machines. I note it had trouble determining which distinguishing marks would invalidate a ballot and in some cases they decided ballots were OK, that an election clerk would not pass.

In other cases they decided that ballots were OK that were not passed and in the opposite case as well.

The same is true of spoiled ballots. I understand that some ballots marked

"Void" presumably because they were duplicate ballots, were actually counted in the recount.

Can the gentleman comment on those two items?

Mr. THOMAS of California. There are a number of ballots that were marked "Void." Some were rejected after we attempted to discern their history and that in fact they were duplicates.

Under Indiana law, ballots must have a tab as they are submitted. If there is no tab attached to them, which is a corresponding number to a position in the poll book, they are considered invalid.

We had one just last Thursday night, a ballot which was marked "Void." It was assumed, there was no certainty to the assumption, but it was assumed that it was marked "Void" because it did not have a tab and it was therefore classified as an otherwise valid ballot and we counted a ballot which had "Void" written across it.

Mr. FRENZEL. Which may well and most probably likely was a duplicate ballot?

Mr. THOMAS of California. It may or may not have been. The assumption of those folks who were trying to define what the bag contained assumed that it might have been a ballot without a tab, but that was not with certainty determined.

Mr. FRENZEL. So while the task force refused to count those absentee ballots held at the county courthouse, which we discussed earlier, while the counted ballots with hanging chads, which may or may not have been legitimate ballots, and while they counted ballots with distinguishing marks, which the gentleman or I might take a different point of view, and threw out many and accepted many, they really violated the antifraud statutes of the State of Indiana when they counted hundreds of votes that had no marks on them whatsoever, punch card votes, which under the laws of the State of Indiana were required to have precinct markings on them at the very least; also some authenticating initials.

I presume that this was in the first rule that the Democrats wrote so that they could catch up as quickly as possible; is that correct, I ask the gentleman?

Mr. THOMAS of California. Mr. Speaker, if the gentleman would yield.

Mr. FRENZEL. I yield.

Mr. THOMAS of California. The gentleman might recall the moral indignation on the part of certain Members who discussed the fact that certain voters in Indiana's Eighth Congressional District, and in fact certain precincts, were disenfranchised by the uniform application of Indiana law during the recount provision.

□ 2040

And that, as a matter of fact, the individuals who applied the uniform Indiana recount law consisted of two Democrats and one Republican making up a three-member recount commission. And that the Democrat majority recount commission felt that given Indiana law, that is there was a requirement of two initials, one from each opposite party of poll clerks not on a ballot, they could not count it.

The task force rushed to count those. And let me underscore the fact that because of the recount the majority knew exactly where the ballots were and where they had not been counted, and they constructed rules that made sure that they counted those ballots. Some of the decisions were not known beforehand; hence, I believe the decision to count those unnotarized absentee ballots. But once you realized the predicament you were in, that we had additional ballots that showed the same security, but which put at risk your three or four vote margin, the only thing you could do at that point was to punt, bail out, reverse yourself and, in fact, contradict yourself, except for the rationale that those ballots were somehow different because one unnotarized absentee had been sent to the precinct and brought back for security of the clerk. The other one had been retained by the clerk. Both had had similar or equal security. That is the only rationale that the chairman has hung onto with both fingers turning white at the knuckles to make sure that these ballots that may in fact prove that Frank McCloskey won the election were not counted.

Mr. FRENZEL. I thank the gentleman.

Our time has expired so I will summarize by saying there was no fraud in Indiana and the odor hangs over this House.

Mr. THOMAS of California. Mr. Speaker, I ask unanimous consent that I be permitted to be taken out of order on my special order for this evening.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from California?

There was no objection.

THE GREAT ELECTION ROBBERY IN INDIANA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. THOMAS] is recognized for 60 minutes.

Mr. THOMAS of California. I thank the Speaker.

Mr. ECKERT of New York. Will the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman from New York.

Mr. ECKERT of New York. I would say to the gentleman from California after we had our session today and I was walking back to my office in the Cannon House Office Building, I happened to be walking along with a senior member of the Democratic Party. He said to me that it was kind of easy this afternoon to vote on some of the resolutions we had voted on. We all, after all, voted in favor of grandmothers, and we voted against murderers. And we joked about that and he is one of the humorists of the Democratic Party and one of their national leaders. And I said to him, "Well, we are going to vote on some serious constitutional matters in a couple of days, the situation in the State of Indiana." And he said, "Yes, that was a serious constitutional issue." And we discussed it briefly.

He is someone that I do not know well, and I am a new Member. And he said, "I wish that there was some way, in light of all of the controversy that surrounds us, that we could go back to the beginning, maybe, and admit that maybe we have all been wrong. Maybe we should just go back and vote in a special election, but I don't think we can do that."

I said, "Well, I think we can by simply voting not to seat either one."

He turned to me and he said, "Well, do you have any evidence that would indicate that there has been some serious questions?

I mentioned to him that I had watched the tape of the proceedings and I asked him if he had seen the tape of the task force and he said that he had not. I said that I had. And I said that I thought that the gentleman from California [Mr. THOMAS] had raised some very incisive questions, and the gentleman made a point, as I recall, in watching that tape, of the differences in how some of the procedures have been applied.

I wish if the gentleman could he would answer for me how you feel that there were differences in the application.

Mr. THOMAS of California. I would say to the gentleman from New York that one of the ongoing concerns that this gentleman had was that it was a lot more complicated out in Indiana than someone thought. Somewhat complicated in one way and very simple in another. And that is that when the majority leader said on the floor that it was very confusing, and there was an unequal application of the law, that, in fact, once we got out there and began investigating what occurred on election night, there was not that much confusion and there was not that much difficulty in terms of the way in which the law was applied.

There are differing sections of the election code based upon the differing kinds of ballots that are used. And when you take those 15 counties and they have a different mix of ballots, sometimes paper for the absentee and paper for the regular same day voters, punchcards for the same day voters

and punchcards for the absentees, machine voting for the same day and by paper ballot for the absentees, you have to understand that you have to deal with the different sections of the law based upon the kind of ballots that you have.

So a very cursory examination might lead someone, like the majority leader, to mistakenly think it appeared to be very, very confusing when there was regularity. Once the task force got into its examination we found out there was a high degree of uniformity and regularity applied. And, as a matter of fact, if you look to election night, not the recount in which a very strict application of Indiana law was applied, but if you looked to election night they virtually counted all of the ballots. And under the task force rules, using voter intent as a criteria, and not disenfranchising someone for a mere technicality, we wound up counting a number of ballots that were clearly invalid under Indiana law.

But in the process of examining that universe of ballots that had not been counted election night, had not been counted recount night, but were now presented to the task force, it was clear that there was a difference between counties in the way in which they handled the unnotarized absentee ballots.

What I thought the task force was going to do was to apply some uniformity to the way in which we dealt with those ballots, that if they had adquate security, that if we felt comfortable about the fact that he had not been added later or they could have been tampered with sometime during the process, if they had adequate security, that notwithstanding those technicalities we would go with the voter intent and we would count the unnotarized or the unwitnessed absentee ballots.

We did that initially, and then we stopped counting them. The rationale that was offered by the chairman of the task force was that in his mind he could see a difference from those ballots that were sent to the precinct and then returned to the county clerk unopened, and those that were retained by the county clerk unopened, even if they had equal security. And what I began to see unfold was an attempt to find an excuse not to count certain ballots.

It was this excuse not to count certain ballots that so incensed this gentleman from California, because it seemed to be motivated by the fact that the previous week when we counted those unnotarized ballots the Democrat was behind. But last Thursday night with the Democrat ahead by three votes, we did not want to pursue the unknown of these additional ballots. They were comfortable with the known results and they therefore changed their position.

Mr. ECKERT of New York. Will the gentleman yield further?

Mr. THOMAS of California. Certainly.

Mr. ECKERT of New York. The gentleman from California now I confess has far more years of experience in the House of Representatives than I do. I am a new Member. Before my service here I was the U.S. Ambassador involved in diplomacy on behalf of the United States. Before that I was a New York State legislator. Before that I was a leader in local government.

Some of the things that I have learned here since the first of the year in listening to the gentleman and to my colleagues are hard for me to understand. But I think it is harder for the American people to understand if it is hard for someone who has had the privilege of representing them in different capacities to understand. But is it a fair characterization to say that there have been three counts in the State of Indiana, one on election night which showed that the Republican candidate prevailed and the Democratic candidate did not, the incumbent did not prevail; then there was a recount, and that showed that the Republican prevailed by an even greater margin than was originally thought, and the Democrat lost by an even greater margin than was originally thought; and then you have had a recount again by a majority party of this House, the Democratic leadership, by a two-to-one margin.

□ 2050

And they showed that it is 4 as opposed to 400 the last time the people of Indiana counted, when the Republican won by more than 400 votes. But when people from Washington counted the Democrat won. So you have had three counts.

My question: I would think the average American looking out there would say how many times do you count? I mean if you have one count and the Republican wins and then you say well there is a doubt so you have a second count and the Republican wins. Well, they do not like that. Then you have a third count and the Democrat wins. And then they say well, you stop at a part of it. The gentleman is saying they did not count all of the votes; is that correct?

Mr. THOMAS of California. They did not count all votes that were like votes that we had already counted.

Mr. ECKERT of New York. Well, in the gentleman's superior experience in this body is there anything he has ever experienced which is similar to this?

Mr. THOMAS of California. I would tell the gentleman that there are a number of experiences which come fairly close.

Mr. ECKERT of New York. In the United States?

Mr. THOMAS of California. Never have I seen in this body in the short time that I have been here, never have I seen the sheer arrogance as displayed here. Let us remember that the majority leader said the reason we have to thrust the House into this election procedure is because of the disenfranchisement in Indiana's Eighth Congressional District and because there was no uniform application of the law. Ironically to achieve that four-vote victory for his man, voters were disenfranchised and like ballots were treated dissimilarly. There was lack of uniformity and there was disenfranchisement and they did not complete the process.

Mr. Speaker, I yield to the gentleman from New York.

Mr. ECKERT of New York. I say to the gentleman from California that my first knowledge of him, observing him as a Member of Congress and I was impressed by his decorum, his intelligence, his articulation of the issues. And also by his moderate statements of issues and their factual presentation.

I read in the newspapers where the gentleman described his experience in pretty harsh terms. He called it a rape and said some pretty harsh assessments that frankly were contrary to my first impression of his generally moderate, cautious assessment of issues as generally perceived from my experience, previous experience as a diplomat, as being diplomatic in tone and cautious. Yet I saw those comments and knowing the gentleman and respecting his intelligence and his views and his articulation, I walked into my office this afternoon and talked to my administrative assistant who had spent 20 years in this Congress as an administrative assistant to my predecessor, Congressman Barber Conable and before that a few years to Congressman Conable's predecessor. He commented to me about the same observations I made about the gentleman that I have just expressed and he said that things must be pretty extreme, pretty severe for the gentleman from California to make those strong statements.

I would ask the gentleman to expand a little bit on the strength of that conviction because it is stronger than I have known the gentleman in the few months that I have known him, strong in its force, stronger than that of many people who have known him for many more years than I have.

Mr. THOMAS of California. First of all, I thank the gentleman from New York [Mr. ECKERT] for those very kind words. I tend to try to operate in a rational fashion. I think logic ought to be applied, I think reason is the tool that we use. And you try to compel persuasion in the marketplace of ideas. That has always been my motto

in attempting to carve out a career. Prior to coming to this body I was in the State legislature for a brief time but really my vocation is that of college professor.

I have tried to present choices before people in a kind of rational way and I tried to do that again today.

But I do want to share with the gentleman from New York the very deep feelings that I have about this process. I would tell the gentleman that in an attempt to function as a thinking member of this task force that this gentleman from California was radicalized. That as I sat there and noticed that no matter how persuasive my arguments, no matter how factual the presentation I need merely wait and I was going to be defeated, if it was a substantive point, on a 2-to-1 vote.

After you go through that for the weeks that I have gone through, you begin to better appreciate some of those individuals who have said that there is no recourse under the law and that as a matter of fact we had to take physical action to correct wrongs that we knew to be wrong. I better understand now some of the conversations that I had with some blacks, elderly blacks who were involved in some of the activities in some of our Southern States some decades ago.

So when the gentleman has seen me in the light in which he was not familiar in seeing me, I would tell him only that it was a reflection of the process that I found myself in when I realized that I had no recourse to logic, I had no recourse to facts; that what I was going to be was run over by a majority that had a preconceived notion of where they wanted to go and no amount of facts, no amount of logic, no amount of presentation of how inconsistent they were was going to slow them down.

And when you find yourself in that context, you ask yourself what is going on? Why? The absolute arrogance of these individuals for a seat that does not mean anything to them? They did not need it. Why are they doing it? I will tell the gentleman I came up with the conclusion that what was happening to me and therefore to my party was rape. Now this is a very, very harsh term. But the more we studied the psychological set of rapists, we find out that it is not the mere physical act, that in fact it is the attempt psychologically to dominate an individual, to take control of that individual, and to show that individual that any time the rapist wants to they can humilate that individual.

The process that I saw as a direct participant day by day was the fact that I believe more and more what the majority party wanted to do was to basically let us know that they totally control us; that when they want to they can turn it on and when they want to they can turn it off, even extending to the point that they can take a member of our party who had a valid certificate of election and say, "No." Then drum up charges as to why you can go into that district, ignore the laws under which that candidate ran and was elected, set up your own rules, and then in process of trying to get the outcome that you had predetermined, change the rules whenever you wanted to, to make sure that the results came out the way you wanted them to. After you undergo that process you become a bit more radicalized than you ever thought you could have.

I am going to speak out tonight, I am going to speak out at every opportunity to let my Members know but also to let other people know that what we are dealing with is a group of people who claim to be Democrats but who have not followed the democratic process.

I yield to the gentleman from New York.

Mr. ECKERT of New York. As I mentioned earlier, the gentleman from California has considerably more experience in this body than I do.

When you first get elected to Congress it is a great honor. It is a great honor to be able to represent the American people as a Representative in Washington, being the one body in which you must be elected to speak.

You can be appointed, as has been seen in recent American history, to Vice President; you can be appointed to the U.S. Senate but in this body, the House of Representatives you can only get in if you are elected. It is a great honor. I remember when I was first elected, cognizant of that history and that sensitivity to the concerns that I have as an American and the people that I represent have, and I have watched this experience.

I was in Washington at a meeting and a Member who had served previously but had been defeated and was coming back took me aside and said, "Fred, one of the great thrills that you will have under the rules here is that if you have a child under 12 you can take that child into the Chamber and as you raise your hand to take the oath of office your child can stand next to you and for as long as you live that would be one of that child's fondest memories."

□ 2100

I thought about that, and that I should do that, and my 12-year-old whom I brought in has had some high honors in her brief time in life, she has had the privilege of coming in with her other two siblings to the Oval Office of the President of the United States when I went overseas as U.S. Ambassador; she has had the privilege of having lunch with the gentleman who now serves as President of the United States.

She walked into this Chamber as someone who knew some of the leaders of this body, and I thought what a special privilege that is for a child.

The next day, my wife and my three children went back to Rochester, and I went to a seminar for new Members of Congress held in Williamsburg, VA. At that session, we talked about the great issues facing America and we debated them, and one of the persons participating was Rick McIntyre. Rick and I sat in on some sessions; we thought a lot alike on some issues. I was very impressed by him; a bright, articulate young man.

Late one night we were talking about his situation, and we went into historic Williamsburg, a place where the Founders of the Republic had frequented. Rick and I did what some of the Founders did; we sat down in Williamsburg and we had a beer together, and we talked.

I asked him about his experience. I told him about mine, what it meant to my family, what I heard is one of our current colleagues and then former Representative of this Congress. I told him about how carefully I had listened to those comments; how I had taken them; how much they meant to me.

I told him as I had told that former Representative now serving with me, how much that meant to me. I said to Rick McIntyre, did they tell your family before you came here that you might not be seated? He said no.

I said, "You had no idea?" He said, no. I said, "Well, what was that like?" Rick is considerably younger than I am. He said, Well—his wife, who is an attorney in Indiana and had done an enormous amount of work in his campaign, and is very supportive to Congressman McIntyre—and I say Congressman McIntyre, because I think he belongs in the Congress.

He said, "No." He stood on the floor. We all saw that picture where we all raised our right arms but he couldn't. He said that his child was up in the gallery. Tonight, I must tell you, I have friends of mine from Rochester, NY, who are watching as I speak. That's different than having your wife and child there.

I said, did they understand? He said his son was a year and a half, maybe 2 years old. I said, "Well, at least he didn't understand." He said, "No, Fred, he understood. He looked down from the gallery and he tapped his mother and he said: Mommy, when they're through speaking, are they going to be mean to daddy?"

Well, on a personal basis, and to the McIntyre family, they were mean to daddy. But more important, to Rick McIntyre, to his son and family and to Members of the Congress, and to the American people, they were mean to more than Rick McIntyre; they were

mean to the constitutional system of the United States of America.

I came here with a determination to preserve and protect the Constitution of the United States. We all swear an oath to it. That means, too, to preserve and protect the values that we all fight for, on the floor, off the floor, for America, and I have seen those values trampled since I have been there.

I think the sensible thing to have done on the first day would have been to have said, as has often been done, that you seat a Member on the basis of the election returns in contemplation of the outcome. If he wins, so be it; if he does not, so be it. That was not done.

We have had a deviation from that since. Again, as I say, I am a new Member. As we walked out of the Chamber today, I walked with a senior Democrat, and he said he wished they had an out. He wished there was another way.

I think there is. I think the first time you had a count of the votes in Indiana in the Eighth District it showed Mr. McIntyre won. They had another count. It showed Mr. McIntyre won. A third count shows he did not win. I think what we ought to do is if Mr. McIntyre has won two; Mr. McCloskey has won one.

I think as a minimal standard of fairness, if we cannot resolve it, if we are going to argue over technicalities, and put it back to where it belongs, let the people of Indiana, in the Eighth District of the State of Indiana decide once and for all who is their Member of Congress. Let them go out and once again vote and tell us who they want to seat; whether they want to seat someone on this side of the aisle; the other side of the aisle, but let's not have a partisan committee that is 2 to 1—that side of the aisle decide who is going to be seated.

Let the people of the State of Indiana decide. I will abide by their decision. They have made their decision twice; and it was for McIntyre. Others have made the decision once, against McIntyre. Then let us make another one, once and for all, that Indiana be Indiana—let Indiana decide who represents Indiana.

As a New Yorker, I will take the wisdom of the people of Indiana, but I do not like the wisdom of someone from Boston, MA, or a narrow district of California telling us who ought to run Indiana's representation.

I would like to see Rick McIntyre here, but let it go back to the people of Indiana; let them decide again, as they have before, who they want to send to the Congress of the United States, but let not the Speaker dictate who is going to represent Indiana any more than he ought to dictate who is going to represent the 30th District of New York or your district in California, or someone in Rhode Island or someone in Massachusetts.

We are a confederation of 50 States, let the voters of those States decide, and let not Mr. O'NEILL dictate who is going to represent everyone in this House.

Mr. THOMAS of California. I thank the gentleman for his very heartfelt statements, that were clearly personal, and from the heart.

Mr. KANJORSKI. Will the gentleman from California yield?

Mr. THOMAS of California. For what purpose?

Mr. KANJORSKI. I would like to inquire into whether or not the gentleman from California raised any questions as to the count in the McIntyre election and how it was carried out.

Mr. THOMAS of California. I will yield for a question. We have been talking about that for nigh onto 2 hours now.

Mr. KANJORSKI. Mr. THOMAS, I am a freshman Member of Congress, so I have not had the opportunity to know you personally, but I have heard of your reputation, and I have a great deal of respect for what I have heard.

On my side of the aisle, a Member of Congress from California, LEON PANETTA, I think you feel that he has an engaging integrity and personality and reputation. Is not that correct?

□ 2110

Mr. THOMAS of California. I did not hear the end of the question.

Mr. KANJORSKI. I said, do you have any question as to the integrity of Mr. PANETTA?

Mr. THOMAS of California. I will tell the gentleman that I have known Mr. PANETTA for some time, he shares the district next to me, and that up until the direct relationship that I have had with the gentleman, as he chaired this task force, I had a great deal of respect for my colleague from California.

Mr. KANJORSKI. You no longer entertain that respect for his integrity?

Mr. THOMAS of California. I would say that my ability to relate to the gentleman from California [Mr. PANETTA] has been altered significantly, in that I honestly believe that Mr. PANETTA was not his own man, that in fact the outcome was dictated by individuals who, let us say, assisted Mr. PANETTA in coming to the conclusion that we should not count otherwise like ballots, that that was not Mr. PANETTA's own decision, that in fact he was put in a pressure situation which in part was unfair to him, but I would have to say that he could have made a decision different than the one he did, and he did not.

I am reminded of the Nuremburg trials, when the question was put to the various Germans who were involved in the Nazi operation, saying, "All we did was follow orders." My belief is that Mr. PANETTA followed orders.

Mr. KANJORSKI. Do you feel that he gave up his personal integrity to in some way make a misjudgment and an improper calculation as to this election?

Mr. THOMAS of California. I would say that he has been very able to rationalize the way in which he separated the ballots, but to an objective person there was in fact no difference in those ballots, and if you counted the one set, you should have counted the other. I have no doubt he has been able to rationalize in his mind why he counted some and did not count others. I believe he can rationalize that.

Mr. KANJORSKI. Well, Mr. THOMAS, is not the case that the ballots were counted by the General Accounting Office?

Mr. THOMAS of California. No, the General Accounting Office did not count the ballots. Auditors under task force control counted the ballots.

Mr. KANJORSKI. Well, were you part of that task force, sir?

Mr. THOMAS of California. Yes, I was a member of the task force.

Mr. KANJORSKI. Did you register any objection on the record of this House during the counting of those ballots which indicated you were not satisfied with the integrity of that task force?

Mr. THOMAS of California. If you will examine the record of the testimony taken in Indiana and here, you will find repeated indignations by the gentleman from California. If you will examine the CONGRESSIONAL RECORD, I have taken the well under 1 minute, I have taken the well in special orders and I have indicated several times in both documents, task force, committee testimony, and in the CONGRESSIONAL RECORD, starting from January 3, 1985, the first day of the first session of the 99th Congress, that this process stunk.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield to me?

Mr. THOMAS of California. Certainly, I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

Mr. Speaker, when the Democrats voted by a party line vote not to seat the Congressman-elect from the district, they referred the matter to the House Administration Committee. As ranking minority Member, I had to appoint somebody to a task force to do something that we did not believe in, that we believed was unprecedented, was fraudulently created and was, as we described it, an abuse of raw power by an arrogant majority.

We indicated our objection to that vote, to the reference of the matter to the House Administration Committee.

And when I appointed Mr. THOMAS to that task force, he was reluctant to take it because he said the deck is stacked against him.

When the task force had its first meeting in Washington and established the rules under which they would count the Indiana votes—and I will remind you, if you were not present, that those rules absolutely threw into the trash can every election law of the State of Indiana and superimposed some arbitrary, wanton and capricious rules designed in the House Administration Committee by our majority. When they did that, BILL THOMAS walked out of that task force. That is a matter of record. He said, "Forget it, I am not coming around anymore. This deal is crooked." And it was.

Now, I prevailed upon him and said, "Go back into that task force, you have got to defend us. The Democrats can count everything in the world, at least hold them to their own rules, at least make sure they stick with the rigged rules of their own invention."

And Mr. THOMAS went back in and he observed the rules. He was outvoted on nearly every controversial vote by 2 to 1 majority. The record is replete with his protestations. You can see him on television at the 6 o'clock news and the 10 o'clock news objecting, he continues to object, he came back and he objected this morning. I sat through a whole task force meeting where, when he tried to ask a question of the monitor of our election contest recount, he was not even allowed to, by Chairman PANETTA, who continued to interrupt him, to try to interpret his questions and to ask them.

So if you ask the gentleman if he has protested, if you have not heard his screams of pain, you must be well insulated.

I thank the gentleman for yielding.

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

Mr. THOMAS of California. Certainly, I yield to the gentleman.

Mr. KANJORSKI. Is it not correct, Mr. THOMAS, that you had a set of rules by which you wanted these ballots counted?

Mr. THOMAS of California. I believe it is correct to say that as we entered into the task force proceedings, we attempted to write a set of rules. There was an attempt to provide us with rules from the Democratic majority. I asked our staff to examine what options we had for alternate rules. There was a statement made by the chairman that we would try to come up with jointly agreed upon rules. On those minor points where we found agreement, there was a general acceptance. For example, under Indiana law there is a requirement that in the box on a paper ballot you put either a check or an "X." We were under agreement, obviously, that if there was a clear voter-intent mark there, it did not necessarily have to be an "X" or a check and they did not necessarily have to use the blue pencil, as stipulated by Indiana law. But when you got into fundamental rules, such as, do you count a ballot that has nothing on it to tie it to the precinct polling place of that day, do you count the ballot? I said no, we can count it if it has something on it that ties it to the polling place. The majority said no, we are going to count it if there is no way whatsoever to tie it to the polling place. There I objected to the rules, and on a 2-to-1 vote those ballots were to be counted and, in fact, they were counted.

Mr. KANJORSKI. Listening to your argument now, I have to tell you, quite frankly, I have not been involved in the task force accounting. I feel that the opportunity and the honor of sitting in the House of Representatives is quite unique, as we have heard discussion tonight. I suspect we do have to have someone to determine who can sit in the House of Representatives, and ultimately that decision has to be the House itself. And I suspect that when we have a close contest such as we have here, that is actually decided by a few votes, in this instance, four, as I understand it, there has got to be a winner and a loser. Are we interminably going to yell fraud, deception, deceit, if one side or the other is disappointed in the results?

Now, I have to say this, that I have met with the Members of the freshman group of the Republican side. I have assured them that I would listen to their argument and that anyone who could convince me that they were right, that is the side I would support. I had the pleasure of seeing Mr. PANETTA from California being appointed to the chairmanship of this task force. I have the highest regard for his integrity. During the course of his counting these ballots, I talked to Leon on several occasions, and I reassured him that those of us on the Democratic side who were looking forward to getting this seat resolved wanted him to respond in accordance with his integrity, and he had at all times assured us.

I am rather surprised and shocked and disappointed that because the count is so close we now have again this question.

Could I suggest: Why don't you bring those ballots in and count them here on television? I mean, are we going to go interminably for this whole session of the first session of the 99th Congress, or is it only the resolve now that after the count has been made, after we have established rules and have held to those rules, whatever they may be, that either side which is disappointed, and your side apparently is disappointed by a count of four, yells fraud, deception, and wants to have a recount or a new election——

Mr. THOMAS of California. Reclaiming my time to respond to the gentleman, because I believe he is doing it very sincerely and I will give him as sincere a response as I possibly can, it was the gentleman's side who yelled irregularities, disenfranchisement, and lack of uniformity about the people of Indiana on January 3. It was your side that refused to seat Mr. McIntyre after the recount was carried out under Indiana law.

And I will tell the gentleman that I shared initially his enjoyment that Mr. PANETTA from California was named chairman of the task force, because I said to myself and to others that maybe the leadership is going to allow a fair contest in Indiana, maybe we have a chance for an objective resolution, because if anyone can give it to us, it is probably the distinguished gentleman from California [Mr. PANETTA].

□ 2120

Mr. KANJORSKI. And now you cast aspersions on him.

Mr. THOMAS of California. Let me tell you, I went through that process with the gentleman from California, and I think the gentleman from California [Mr. PANETTA] suffered just as much or even maybe more than I did because the gentleman from California [Mr. PANETTA] had an experience that I would not want to offer anyone.

It is my firm belief that the gentleman from California was basically told what to do. The test of an individual's merit, as far as I am concerned, is that when they come upon that challenge, do they want things more than they want to listen to that inner voice? Do they want to have those things that other people look at to realize that other people think you are a success? Or do you have to decide that if you want them you have to sell your own soul just a little bit.

My belief is that in that moment of truth, the gentleman from California looked toward and not inward.

I yield to the gentleman from Minnesota.

Mr. FRENZEL. I do not mean to be participating in beating up on a questioner who is asking questions in order to improve his information about a subject. I do have to say, however, that you and your colleagues put us into this pickle. It is now said that my goodness, why do we have all this terrible complaint; why do we have this great problem before us. We did not have to have it; the people of Indiana did not bring it here; the Democratic Caucus of the House of Representatives brought it here. All we did was try to have the Congressman-elect certificated by the State seated. But, no, the Democrats' wisdom was greater.

They said that the Indiana law which elected every other Congressman in Indiana, was just perfect for them, but in this one case, it was no good.

Well, let me tell you what you did when you voted to do that. You voted against the Pennsylvania law because your State may be next. Then Minnesota, and then California, and then Arizona. So whatever questions you are asking, may I say that in my humble judgment, you brought them on yourselves.

Mr. THOMAS of California. I yield to the gentleman from Arizona.

Mr. KOLBE. I thank the gentleman for yielding.

I asked the gentleman to yield because I am wondering if the gentleman from Pennsylvania has had the opportunity to either read the testimony of the hearing, the transcript of the hearing on Friday that took place in Evansville, or whether he has had an opportunity to see any of the tape of that hearing which is all on tape; all 6 hours there. I have had the opportunity to watch that, and I can tell the body here tonight that I was physically revolted by what I saw in the way that hearing was handled.

It was an outrage; it was a travesty; it was a disgrace; it brought shame on this body.

Mr. THOMAS of California. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. I thank the gentleman.

All I hear is the final results. Quite frankly, as a Member of Congress and a new Member of Congress; I have got hundreds of issues to familiarize myself with and little time to do so. I may say that there are some Members of the minority party that see fit to drive us out of our committee hearings at most inopportune times, and make us come over here to answer rollcalls when we could least afford it so that we could get the information necessary to make some of the judgments we have. But it seems to me that we always hear this call of "wolf."

It seems to me for 2 months—I have only been here 100 days myself and I do not consider myself a wolf. If the minority party is casting aspersions on the entire majority of this House, I do not know whether there is a political advantage in that, gentlemen, but I tell you, I am grossly disappointed in that because I spent many an hour meeting with your freshman group to assure them as a representative of the freshman group on this side of the aisle that we were willing and able to vote this question as our conscience would see it.

As a matter of fact when the first occasion occurred here in the House, my suggestion was that rather than all of us take that break and go home and we sit here that weekend and the following week, if necessary, and count those damn ballots right here in the well of the House, and decide who was the elected Member of that seat in Indiana once and for all.

There is no way that the House of Representatives can afford to stop the legislative activity in the United States for 3, 4, or 5 months, and to address itself to chairs that I see appearing on signs on Members' doors, castigating that this chair should be filled by some Member or another

I think we had to resolve this question, and I quite frankly have not heard yet a sound proposition or role as to properly address the question of a contested seat or a contested election. I do not know a great deal about Indiana, but I do know that it has been in the court system for a number of years as to how they gerrymandered the districts in that State. I do know that we have winners and losers declared in this particular race innumerable times, and certifications accordingly. I do know that there has been a lot of castigation on the subject.

If you have this testimony that is shocking, why not bring it down here and play it? If you feel so strongly on this issue, I think that if we are going to stay here all night tonight, why not stay for the next week and retry this issue that was tried in the committee so that you and the minority and the majority and the American people can see it.

Why do we have to interminably go on and cast aspersions on reputable Members of this House and particularly of the majority party and particularly a Member of the delegation from California, which I have only known for 100 days, but have been highly impressed with his integrity.

I dare say, not only speaking for the Members of my side, but I would think that the Members of the Republican side if put to a test would not cast the aspersion, Mr. THOMAS, that you are casting on Mr. PANETTA, but would in fact say that they have a high regard for his integrity.

Mr. THOMAS of California. I would tell the gentleman from Pennsylvania that we can poll the delegation any time he wants to.

I would ask the gentleman if he would join me in seeing if we could ask the Speaker and the appropriate individuals if we could utilize say, channel 6 on the closed-circuit television to show the entire 5-plus hours of the hearings that took place last Thursday in Evansville, IN, so that anyone who wishes to see it, a Member of the majority or a Member of the minority, can in the leisure of their own office, take a look at a 5-hour performance as to what went on in Indiana and a typical example of the decisions that were before the task force and the way in which they were decided.

I would also tell the gentleman that even though he has only been here 100 days——

Mr. KANJORSKI. Mr. THOMAS, you do not have to go on and convince me, I will join you in that.

Mr. THOMAS of California. I appreciate that. Let us see if we can get enough to make it happen. I appreciate the single individual making the offer.

I would also tell the gentleman he has only been here 100 days, and he also happens to be a Member of the majority. I do not think he fully appreciates the feeling on this side of the aisle of some individuals who have been here for a quarter of a century and because of the rules of this House and the way in which they operate, they have never had a chance to chair a subcommittee, they have never even had a chance, as freshman Members do on the Democratic side, to come up and preside over a session such as this.

We have been told repeatedly in a number of ways, that we do not count. But when you come to the point that a State certifies you as a winner and you come to this floor as a winner and you and your party, because on January 3 there were no Democrats that supported us. None whatsoever. You can talk and talk is cheap. But no Democrat put a vote up there and said that maybe the State election law has some sanctity; maybe we ought to give the benefit of the doubt to the guy who carried the certificate, as we have done in every other case.

I would have looked for one soul on your side not to use words, but to use action and say maybe we ought to seat, at least conditionally, the guy who had the piece of paper. No. What we were told, unequivocally, by a straight partisan vote, is that Rick McIntyre did not count, and by implication, every other Member on this side of the aisle did not count.

You have only been here 100 days; you have been a Member of the majority. Let me tell you: What you have operating on your side, and it is difficult for you to see it, is an absolute arrogance of power, as witnessed by what occurred in the Energy and Commerce Committee in terms of subcommittee assignments. What occurs every day to a Member of the minority in the way in which they are treated in subcommittee, committee, and on the floor of the House.

□ 2130

What has happened is that all of those concerned about small "d" democrats——

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

Mr. THOMAS of California. No. I want to finish my statement.

What concerns me is that you feel that we somehow should allow what

has happened to us to happen because somebody supposedly has some integrity. Let me tell you, the basic integrity of this House has been challenged by what you and your party did beginning January 3.

I appreciate the kind words that the gentleman has said in terms of the way in which he has heard that I have tried to operate, and I will tell you that the process that I went through as a member of that task force has radicalized me far beyond any point I thought I could be radicalized because I saw firsthand what your people do, and what they did was to be arbitrary, capricious and, in fact, reversed themselves as long as the outcome that was predetermined by their leadership was achieved. I was embarrassed for people on that task force in terms of the way they had to operate.

I will tell you that on the basis of having gone through it, my respect for Members on your side of the aisle from the person who is the Speaker on down is that you are arrogant partisans, you have been in power too long, you do not understand what democracy really means, and that you always think you are right. You can never be wrong. We are always wrong.

I will tell the gentleman from Pennsylvania that once in a while you are wrong. You came to the floor looking for information, and I will provide you with transcripts from the task force hearing. I will explain to you the way in which some like ballots were counted and others were not. And you will leave that session saying that folks on your side of the aisle are objective and they are right; people on our side of the aisle are not objective and we are wrong. What we are trying to tell you and those like you who have not been here long enough to be fully infested with the arrogance of the majority is that you do not understand the way in which you people treat us, and we are going to have to communicate it, verbally and otherwise if necessary.

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

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

Mr. LUNGREN. I thank the gentleman for yielding.

Mr. Speaker, I would just like to ask the gentleman from California, since we are talking about this issue now coming forth from the committee on which he serves, what is the ratio on the full House Administration Committee?

Mr. THOMAS of California. We are trying to get an exact number. On House Administration it is a 6-to-4 ratio.

Mr. LUNGREN. 7-to-4, I believe.

Mr. THOMAS of California. Sixty-four percent Democrat.

Mr. LUNGREN. Sixty-four percent. Does that reflect the representation of membership here in the full House?

Mr. THOMAS of California. It does not.

Mr. LUNGREN. And the task force that was established, what was the ratio of that task force?

Mr. THOMAS of California. It was two Democrats and one Republican.

Mr. LUNGREN. Does that reflect the ratio of the House?

Mr. THOMAS of California. It does not.

Mr. LUNGREN. I would just hope the gentleman from Pennsylvania would understand the concerns that some of us have on an issue such as this. If the gentleman knows, on the question of ethics in this House, we are determining the fate of a Member who is already seated. We have established a 50-to-50 proposition with respect to the committee that judges that Member, as well as the subcommittee that initially deals with it, and we have done that why? Because we want to have the ultimate fairness. Not only actual fairness, but the appearance of fairness.

Yet on this question, when it is the question of whether someone will even be seated here, we are not treated the same way. Then rules are established by which the counting is to take place. They are established by a 2-to-1 vote, and on every controversial issue it was a partisan vote 2-to-1. So when the vote comes out that favors the majority by four votes when they decide not to then count 32 more ballots that are like or similar, similarly situated to ballots that were counted, the gentleman should not be surprised that we are concerned about it and that we cannot see ultimate fairness.

I was a trial atttorney before I came to this House, and at least in the courtroom I felt that I got an even break because everybody was operating under the same rules, no one got to fill up the jury box with their advocates over somebody else. But what we do is, we go before a jury that is skewed against us from the beginning, and we go before a subcommittee task force that is skewed even worse, even worse.

Mr. KANJORSKI. Will the gentleman yield?

Mr. LUNGREN. I do not have the time. The gentleman from California has the time.

The only thing I am trying to convey to the gentleman is, if you have been in the legal process in the practice of your profession and you come to this House, you are astounded by the lack of either fairness or the appearance of fairness, and when we are talking about the fundamental question of whether one ought to be seated here, and whether what the people intended from the district ought to be carried out, when the appearance of fairness is gone, and then on decision after decision apparently there is no fairness, we cannot mildly sit here and say, "Well, it has been 2 months. It has been 3 months. Why do we have to keep talking about it?"

Mr. KANJORSKI. May I suggest to the gentleman from California I am outnumbered about 8 to 1 here.

The SPEAKER pro tempore. The gentleman from Califonia has the time.

Mr. THOMAS of California. I yield to the gentleman from New York [Mr. ECKERT].

Mr. ECKERT of New York. I appreciate the gentleman from California yielding.

Mr. Speaker, in the press there has been considerable talk about the counting done by the General Accounting Office, but I think there is a clarification in order and I wish that you could explain.

Is the General Accounting Office doing the actual counting independently or is it auditors who otherwise work for the General Accounting Office who are now working for the task force doing the counting, and to whom are those auditors reporting, to their normal, independent auditing responsibilities or to that 2-to-1 majority of the majority party here?

Mr. THOMAS of California. I would tell the gentleman from New York that although the chairman of the task force and others on the majority side have continually referred to the counters, those clerks carrying out the mechanical functions under the task force rules as GAO auditors, they are not. They are not functioning in the capacity of General Accounting Office auditors. There will be no independent report from the General Accounting Office.

Mr. ECKERT of New York. They are, in fact, then if I take it right, the employees of the majority party.

Mr. THOMAS of California. They are being paid by the task force, and they were recruited from, I believe it is, the Cincinnati office of the General Accounting Office, but they are in no way affiliated with the General Accounting Office as they proceed on the recount under the task force rules. They are functionaries of the task force, and as the gentleman well knows, the task force is controlled 2 to 1 by the Democrats and, therefore, the decisions that they are provided with in terms of how to count are a function of the 2-to-1 Democratic majority.

Mr. ECKERT of New York. Will the gentleman yield so I can ask the gentleman from Pennsylvania a question?

Mr. THOMAS of California. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Guys, you know I appreciate your problem.

Mr. ECKERT of New York. It is our problem.

Mr. KANJORSKI. I have been in the minority at times and I have been in the majority at times, but I have to

say there are eight of you and there is one of me. If you keep talking 8 to 1, you are just serving a perfect example of the problem you are complaining about. If we want to talk about this thing, just because I happen to be 1 and there are 8 or 10 of you over there, why do we not talk? But if you are going to take 8 minutes or 10 minutes and drive your points into the ground ad nauseum and not give me an opportunity to respond to some of these points, I might as well go back to my office or go back to my apartment and let you have the rest of the night.

I really watched your debate. It disturbs me. I would like to talk about it. I am here on the majority side because a lot of our Members are tied up at other functions and they cannot be here. I am willing to have a bit of a discussion, and I see my good friend from Missouri has shown up, and I think we ought to have a discussion back and forth, but if this is the purpose, to filibuster for the next 24 hours on national television to prove some political point, tell me and I will go home.

If it is the purpose of arriving at some fair solution of the rules to seat a Member of Congress, I will stand here all night and talk about it.

Mr. THOMAS of California. I would tell the gentleman that I have difficulty understanding the point of the gentleman from Pennsylvania, because beginning on Day One, his majority leader laid out the reasons why we had to overturn the election in Indiana. Following that, we created a task force. There have been three or four votes on the floor of the House.

Mr. KANJORSKI. Mr. Thomas, if you will yield, I will try and tell you some of my points.

Mr. THOMAS of California. Let me indicate that I will be more than willing to yield if one of the reasons you are here is to ask questions, because clearly you do not understand the minority's point. But what I just heard a minute ago was a minifilibuster on your part, and we rarely have the ability to control the situation, so it is kind of exciting for us, I guess. We get carried away. I would apologize to the gentleman.

Mr. KANJORSKI. If 3 minutes is a filibuster in this House, I should go home.

Mr. THOMAS of California. I would yield to the gentleman for purposes of clarification, of asking a question, of making a point, of inquiring about the process.

I would yield to the gentleman from Pennsylvania.

□ 2140

Mr. KANJORSKI. Mr. Speaker, I appreciate that. I think I can appreciate the frustration that a party that has been in the minority as long as your party has been in the minority in this House has.

I have a very personal friend standing there. We go back to when we were walking around these halls as pages 32 years ago, and the party on your side of the aisle has not been in the majority that often. To expect chairmanships of subcommittees, I suspect that Members like Barber Conable of New York would have liked to have been chairman of the Ways and Means Committee, and God only knows I sat and talked with him enough. And I know you succeed him, and he had all the ability in the world to be so. But the breaks of the political reality did not afford him the opportunity to be so. That is not my fault or the fault of the majority on this side of the House. That is the reality of politics.

But let me point out that for that unfairness to you on the minority side of the House that you seem to feel, how about those of us that have to deal with your President? I was there today because there is a very important issue coming before the House tomorrow, and at the request of—I guess you would say of the minority President, but I think he is clearly the majority President, I gave up most of my day and traveled over 300 miles overnight to be here so I could come and hear his words of wisdom. So I appreciate it, and I spent 40 minutes with him, and I had five colleagues on my side of the aisle with him.

But we have had problems in politics with the administration. I have a candidate that will be running against me for office that has the Director of the CIA at his campaign functions. Now, that is politics. That is not the issue here before the House.

What I want to say is that the issue here in the House is the seating of a Member. We have only 12 new Members on this side of the aisle this year. All of them have made themselves available, and I have met with one of our freshman Members on your side, Mr. JOE BARTON from Texas, with a willingness to hear whatever arguments JOE has, because I have a great deal of respect for him and his integrity.

Mr. THOMAS of California. Mr. Speaker, I would tell the gentleman that I have only a minute left out of my time, and I would like to tell the gentleman that our reaction is not just in frustration, but that if we honestly thought we had a chance to participate, if we thought we could be a part of the system, if we thought our ideas counted, if we thought our presence meant something here, we are more than willing to play a role because we thought it was a coming together in an attempt to write policy. We have been told we do not count. We have been told in no uncertain terms that we do not count. We have been told that we win only if you folks decide we win. That is the stem of our frustration. That is the reason we are reacting the way we are. You folks have told us in no uncertain terms that we do not count. What we are trying to tell you is that you are wrong.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. THOMAS] has expired.

ORDER OF BUSINESS

Mr. LUNGREN. Mr. Speaker, I ask unanimous consent that I may take my 1 hour now for a special order and proceed out of order.

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

There was no objection.

THE GREAT ELECTION ROBBERY IN INDIANA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. LUNGREN] is recognized for 60 minutes.

Mr. ECKERT of New York. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I am happy to yield to the gentleman from New York.

Mr. ECKERT of New York. Mr. Speaker, let me respond to that point made by the gentleman from Pennsylvania. We are new here together. We spent many hours and attended many seminars preparing for the Congress together. He is a very sincere gentleman, and he makes the point that he is on the floor tonight outnumbered. That is true. I would suggest that it is because many people would feel uncomfortable defending some of the actions that have transpired since January 1 of this year.

I would appreciate it if the gentleman could explain this, and I would ask if he can think of any comparable examples of what we have experienced this year, any samples in which we would have a situation in which you had an election and a State would certify a winner and the Congress did not do other than seat the declared winner.

Now, admittedly there may be questions. There could be in some circumstances questions, and the Congress would tend to seat conditionally. Why was that not done?

And also let me take you back to the memory of the civil rights issues in the United States and to some of those debates. In this Congress—and I remember reading about it when I was a student—there was a question about the State of Mississippi having a dispute about which delegation to seat. When I was a student reading about it, I can remember the Member who is now the majority leader of this House taking the floor and arguing that we must honor the election of the duly elected

officials of the State of Mississippi, and much to my surprise, as I stood here or sat here moments after taking the oath of office, I watched that very same Member argue that the people of the State of Indiana ought not to have the same States' rights protections.

How do you square that? That is what I cannot understand. If I were in your shoes, I would be defending the indefensible. How do you defend that?

Mr. LUNGREN. Mr. Speaker, if the gentleman would like me to yield to him, I would be happy to do so.

Mr. KANJORSKI. Mr. Speaker, I thank the gentleman for yielding.

All I can say is that we have spent times together, and you may recall some of the weekends we spent in seminars were tough weekends. We tried to do something, and that is why I came over tonight.

I have to deliver a message that I did deliver to the President today. I think America needs some bipartisan responses to some issues. I do not want to castigate you because I can appreciate and sympathize with what it must be like to sit in the minority and feel you have been wronged. But I think the point and the example you are making out of this case will be far more destructive to the minority position than what will ultimately result from what we will attain on the seating of one Representative from the State of Indiana.

We have seen ourselves torn as a newly elected class trying to put bipartisanship together, and now we have been here a hundred days and we get—I guess it is a matter of perception. I had to leave a meeting with the President today because we had a vote called on the record, and I assumed it had been called by our perennial vote caller on that point on your side of the aisle.

Mr. ECKERT of New York. With all due respect, it was not my colleague from the State of Pennsylvania——

Mr. KANJORSKI. It was not. No; it was not. I was pleasantly surprised, I might say.

Mr. ECKERT of New York. Mr. Speaker, my question was, Could you cite any examples? I have two questions to my friend and fellow freshman and fellow colleague from Pennsylvania. My first question is: Can you cite any comparable example of what you and I as new Members are now experiencing versus what occurred before we were here?

Second of all, how can you possibly square what the majority leader of your party stood up on your first day as a Member and advocated, as opposed to what he did in another region of the country? How do you square those two? What is the comparable example, and why is it that what is good for Mississippi is not good for Indiana?

Mr. LUNGREN. Mr. Speaker, I would be happy to yield briefly again to the gentleman from Pennsylvania, but I would like to get in on my own hour at some point in time.

Mr. ECKERT of New York. I would like to hear the answer to my question.

Mr. KANJORSKI. Mr. Speaker, I will tell you very frankly that I have had the highest regard for the members of the task force, including Mr. THOMAS and certainly Mr. PANETTA. I am very disappointed that the gentleman concluded that his integrity is worth nothing.

Mr. ECKERT of New York. I am not passing judgment on anybody's integrity.

Mr. KANJORSKI. Mr. Speaker, I have to assume, I say to my friend, the gentleman from New York, that Mr. THOMAS has concluded that a free and independent will with high integrity was not carried out by Mr. PANETTA, and I find it unreasonable to conclude that.

I do not know all the facts of the case of the Eighth District of Indiana, and I have no intention of spending the rest of my term in the 99th Congress of the United States being the sole trier of those facts. And I should think if the other 434 Members of this House have any reason left in their minds, they are not going to spend the next year and 8 months to conclude that fact.

□ 2150

I think we have a procedure here in the House that we have put the issue to. They are to make a report back to this House. To my knowledge there is no report back at this moment. Am I mistaken? Are we not anticipatory or is there a decision by the House Administration Committee now before the House?

Mr. ECKERT of New York. The judgment is on the facts; but I yield to the gentleman.

The SPEAKER pro tempore. The gentleman from California has the time.

Mr. LUNGREN. I will be happy to yield, but it is going to be very short.

Mr. ECKERT of New York. Mr. Speaker, will the gentleman yield to me for just a second?

Mr. LUNGREN. I yield to the gentleman from New York.

Mr. ECKERT of New York. Mr. Speaker, I would trust that the gentleman did not take anything I said to question other than the judgment of people based on the facts. I would trust that is so, is it not?

Mr. KANJORSKI. Excuse me. I am sorry.

Mr. ECKERT of New York. I say, I would trust everything I have phrased, I have been careful to phrase in a question of judgment of persons based on facts. Is that a fair assessment?

Mr. KANJORSKI. I am sorry. I still have not been able to get it.

Mr. ECKERT of New York. Well, I will restate it for the third or fourth time.

I would trust that the gentleman——

Mr. KANJORSKI. Mr. Speaker, can we have a little order? I cannot hear the gentleman.

The SPEAKER pro tempore. The gentleman from California has the time and yielded to the gentleman from New York.

Mr. ECKERT of New York. I say to my colleague from Pennsylvania, perhaps the gentleman misunderstood something, perhaps the gentleman did not understand me, but I want to clarify something before I have to leave.

I would trust that it is a fair statement to say that each of my questions to the gentleman was phrased on a question of judgment, on conclusion of fact by persons other than the gentleman from Pennsylvania, but in no sense ever questioning their integrity. Is that a fair statement?

Mr. KANJORSKI. I respect that.

Mr. ECKERT of New York. Then the gentleman did not mean in his previous statement to suggest that it was otherwise.

Mr. KANJORSKI. No; I am responding that I heard the gentleman from California [Mr. THOMAS] indicate that he had lost some respect for some of the Members.

Mr. ECKERT of New York. Well, for the gentleman from California [Mr. THOMAS] is that not also true, his question was phrased in the same manner?

Mr. KANJORSKI. I understood the gentleman from California [Mr. THOMAS] to say that he had lost his respect for the integrity of the gentleman from California [Mr. PANETTA].

Mr. LUNGREN. Mr. Speaker, I reclaim my time.

I just want to say, it was an interesting line of questioning the gentleman from Pennsylvania had, because he phrased his questions to the gentleman from California [Mr. THOMAS], where he had to either ignore the question or he had to answer it with respect to what he thought the position of the gentleman from California [Mr. PANETTA] was.

I do not think that ought to be what we are arguing here, nor do I think that we should be arguing about whether or not Members on the minority side ought to be chairmen. We would all like to be chairmen. That is really not the point. The point here is fundamental fairness. The point here is the Constitution.

I can understand the gentleman from Pennsylvania's desire not to be dealing with this from now until the end of the Congress and I can tell the gentleman that we share that desire, but I cannot say with any assurance that this will not be what we deal with from now until the end of the 99th

Congress, because this is fundamental to the Constitution. This goes to the question of whether the Constitution is going to be so trivialized, frankly, that all it means is whoever has the majority of votes in the House of Representatives can call the tune to which everyone dances, including the constituents of any particular congressional district.

This is offensive because this procedure has been without precedent. This procedure has been from day one different than anything ever done by this House before. Over a 200-year period of time we have always seated the person with the certificate, with two exceptions. One was the Adam Clayton Powell case, in which the Supreme Court said that we must seat a person who meets the three qualifications. We can then oust him or discipline him. That is not the claim in this case.

The other one was the famous case in the early 1960's, I think it was 1960 in Indiana, in which the Secretary of State certified two winners and in that case this House said that since we have "two certified winners," we will exercise our discretion to not seat anyone and we will investigate.

Absent those two extraordinary circumstances, the practice of this House has always been for 200 years to seat the individual who was the presumptive winner and during the course of the investigation allow that person to be seated and if the investigation showed that he or she should not be seated, then that person would no longer serve and the other person should be seated. That was not followed here.

Arising out of the case in 1960, the House considered the question of how to deal with contested elections. The House amended the Federal Contested Elections Act in which it said that henceforth anyone who has a claim of contest must proceed under this act, but what it said was that the presumptive winner will be seated pending that.

Now, I will tell the gentleman from Pennsylvania that Mr. McCloskey never proceeded under the Federal Contested Elections Act.

No. 2, Mr. McCloskey to this point never made a claim that there was any fraud, deceit, or in any way, shape or form, was there an irregularity in the proceeding itself. He allowed the time sequence to go by during which time he could in fact make such a filing before this body.

So in those instances, this whole thing was exceptional and it suggested that somehow we were not going to treat this as we had previous elections.

We have I believe it is four or five Members on our side of the aisle who were elected with a smaller margin than the recount margin that seated Rick McIntyre.

Is there any wonder why Members on our side of the aisle would be perhaps a little sensitive about when the majority rams something down their throat, when instead of saying that since this is an extraordinary circumstance, we are going to proceed in an extraordinary manner, but to insure fairness we are going to proceed in the same manner that we proceed on questions of ethics. We are going to set up a task force made up of one Member on the Republican side and one Member on the Democratic side.

The gentleman keeps referring to the gentleman from California [Mr. PANETTA] and the gentleman from California [Mr. THOMAS]. I have yet to hear the gentleman talk about Mr. CLAY. There was another person there and what it meant was whatever they decided on the Democratic side was the way it was going to go and—well, we cannot use the words I wanted to say at this point—but the heck with Mr. THOMAS' ideas or positions.

Time and time again on every particular controversial call the vote was 2 to 1, 2 to 1, 2 to 1.

Mr. KANJORSKI. Mr. Speaker, if the gentleman will yield, does that presumptively prove that it was an improper vote?

Mr. LUNGREN. No.

The next point that I would like to make is that proceeding under those 2-to-1 rule decisions, under the rules established, the task force then failed to follow the very rules that they had established and they created an exception to those rules, when perhaps it is by coincidence, I am not going to cast aspersions on anybody's motivation here, perhaps it was mere coincidence that on those occasions when they set aside the set of rules that they had established overcoming Indiana law, it happened to go to the benefit of the Democratic candidate.

Now, the point is that we have somewhere between 25 and 32 ballots that are nonnotarized, nonwitnessed, absentee ballots. Those remain in controversy.

Similarly situated ballots were accepted as the vote took place and Mr. McCloskey finally, finally, finally got a lead; but the ballots in the predominantly Republican counties, either four or six counties, from which these ballots came, those ballots are not being counted.

Additionally, we have I believe it is at least 10, somewhere between 10 and 20 ballots cast by members of the military in which the postmark was prior to the date of the election, but because of the postal service they did not arrive until after the election. They are not being counted because under Indiana law they would not be counted.

We set aside Indiana law under other circumstances, but not here.

What are some of the things we set aside under Indiana law? Characteristics that are marked on ballots. People say, "Why worry about that?"

Because if you have any knowledge of electoral procedure, one of the ways you make sure that you do not have a corruption of the system is that you do not allow identifying marks. Why? Because somebody can get paid to go in and vote and how do they make sure they get paid? They make a characteristic mark on the ballot and the person who happens to be part of that corruption sees it and makes sure they are paid.

In one circumstance, we had three such ballots that were counted for Mr. McCloskey—three such ballots that had identifying marks for Mr. McCloskey that were allowed in, but one that happened to be for Mr. McIntyre that had a number on its back, even though there was a strong argument that the number had been made by poll clerks in counting ballots, not by the voter, that was not counted.

One of the very ballots that was counted for Mr. McCloskey was marked by the voter with a star that Mr. Shumway, the person that was hired by the task force to establish the rules, had earlier used as an example of the ballot with the distinguishing mark in training the GAO recount auditors not to count.

□ 2000

So in the circumstances in which we were confronted with the questions on 2-to-1 votes, on 2-to-1 votes on the task force to decide whether the ballots in question ought to be adopted, we lost. We lost.

Now we have somewhere between 23 and 50 ballots that are still out there and we have been told by the task force they will not be counted because they are substantially different. The testimony, the testimony of the individual who was given the responsibility of establishing whether or not there was security that was presented around those ballots; that is, were those ballots secure from the time they were handed in until the time now, answer: yes to the question posed to him in this morning's task force meeting. He said there was similar security with respect to those ballots that the Democratic majority is refusing to have counted as those ballots that have been counted.

So the question is first of all you have a man who has been certified as the winner on election night. Then a recount is called for by both sides, and the result of that recount is that he establishes a victory margin that is well over eleven times as large. And then you say no, no, that is not good enough; we are going to set up rules. And we have set the rules up and then the rules are not even followed. There

are exceptions created to the rules that just happen to benefit the Democratic candidate.

Mr. KANJORSKI. Will the gentleman yield?

Mr. LUNGREN. If that sounds like fairness, if that sounds like fairness, then the Soviet Union happens to be the best spot for anyone to exercise their ballots on election day.

Mr. KANJORSKI. I do not think a Representative of the U.S. Congress means that.

Mr. STANGELAND. Will the gentleman yield?

Mr. LUNGREN. I will be happy to yield to the gentleman from Minnesota.

Mr. STANGELAND. I appreciate the gentleman yielding, and I would like to visit just briefly with my colleague from Pennsylvania because I think he is here to try to discern something. And I sat in my office and I heard him infer that because now the recount had gone against Republicans that we were crying and we were crying foul.

Let me walk the gentleman through a few instances. And I do not know your background, sir, and I apologize for that. But I served 8 years in the Minnesota Legislature and I have served 8 years here. In any legislative body the first law is the Constitution of the United States. In the State legislature the second law is the State Constitution. The third law is the rules established by the legislative body. In Minnesota we had Mason's Rule of Order backing our rules.

But the fourth rule is the rule of precedent, precedent meaning things that have happened, taken place without challenge consistently.

In this case it is not Republicans crying because we have lost the third recount. It was the gentleman's side crying because the wrong man came with an election certificate. And the precedent of this House has always been to seat one man with one certificate from one district from one State.

Mr. KANJORSKI. Will the gentleman yield?

Mr. STANGELAND. My colleague from California elucidated where that had been transgressed. And it was in the Adam Clayton Powell case, and it was in Indiana when not the Secretary of State, but the Secretary of State issuing one certificate and the Governor another.

But never before had any Member ever been denied his seat when he had the valid certificate from his State, his certificate of election. But in this case the majority chose to exercise unprecedented power not to seat that man, to say that he is not qualified.

Now, the precedent has always been to seat him, allow his opponent to file the election campaign charge to claim whatever, and then the House judges. And so we are not crying crocodile tears, we are not the first, but we are defending a system.

Let me tell the gentleman the system we are defending——

Mr. KANJORSKI. Will the gentleman from California yield so I may respond to the gentleman from Minnesota?

Mr. STANGELAND. Let me finish and then my friend from California will respond, or someone will respond.

Let me tell you that what we are doing here is the essence of democracy. But we are not a democracy; we are a republic. And there is a difference, and a very distinct difference. In a democracy majority rules and the power holds. But in a republic we are established by law and the law holds. And the law is the Constitution, and the law and the Constitution give to a sovereign State the right to set its laws. And in this case we have set aside the laws of the sovereign State of Indiana to suit our own purpose.

Mr. KANJORSKI. Will the gentleman from California yield so that I may respond?

Mr. LUNGREN. I will be happy to yield to the gentleman.

Mr. KANJORSKI. I most respect the gentleman's 8 years in the House of Representatives, and anyone that can tolerate that long to be a good man.

Mr. STANGELAND. And 8 years in the Minnesota Legislature, by the way. That is 16 years.

Mr. KANJORSKI. I have to go back to what the gentleman said. Am I properly informed that there is not presently before the House a decision of the House Administration Committee on the results of the election in the Indiana Eighth District; is that correct?

Mr. LUNGREN. I believe that is correct.

The task force has made its report. We have yet to have it confirmed.

Mr. KANJORSKI. And I assume that all day today we have had some assumptions that that decision has been made. But let us assume that it has not been made and we now have some strong evidence that it has not. Let me just turn it around. Let us assume tomorrow the decision of the House Administration Committee is that Mr. McIntyre of the Eighth District of Indiana has won the election by four votes. Are you now telling me that you do not want to respect that decision?

Mr. LUNGREN. If I may reclaim my time, I would say that if all of the votes were counted under the same rules, I would say we ought to respect that decision.

Mr. KANJORSKI. I would say to the gentleman from California, please do not ask to find out what the results are before you are going to decide on the rules.

Mr. LUNGREN. No, no, that is not what I said. That is not what I said to the gentleman. I will reclaim my time.

I said to the gentleman if all of the ballots were counted under similar rules and if the decision had been made that we are going to ignore Indiana law, then I would say whoever is the winner ought to be the winner. But that is not what happened here. We have had set aside Indiana law and we have not even counted all of the ballots.

Mr. KANJORSKI. We have made a fundamental mistake, if the gentleman from California will yield. We should have appointed a task force in a committee of this House to write in the details and the unmistakable terms of what the rules are. We need another 25 volumes of paperwork, I will say to the gentleman.

Mr. LUNGREN. I will reclaim my time.

I would say to the gentleman if the gentleman were here a couple of years ago, and Mr. HENDON, who was a freshman Member was up for reelection, and was defeated in a case in which the Federal court found grounds of massive fraud in the election process and in fact unconstitutional action, but said his recourse was either to the House or another election. And under those circumstances this very same august body, this very same House Administration Committee, with some different Members at that time said, "Wait a minute, we must follow the law of the State of jurisdiction, North Carolina." That was good 2 years ago but it is not good now.

So it leaves us a little less than standing on solid ground to say yes, we will rely on what the House Administration Committee comes up with, because what the House Administration Committee comes up with depends on what the result is. It seems, anyway.

Mr. KANJORSKI. It seems to me that we do not have a position of the House Administration Committee.

Mr. LUNGREN. I appreciate the gentleman's remarks. I would just say if you think a 7-to-4 House Administration Committee is going to act more objectively than the 2-to-1 task force, then I will say to the gentleman that I hope the next week that I can say to him, "You are right." But based on what has happened thus far, I have some strong doubts about that.

Mr. KANJORSKI. Is the gentleman from California telling me that he feels that the mathematical makeup of a committee in this House means the result of that committee?

Mr. STANGELAND. Yes.

Mr. DORNAN of California. Yes.

Mr. LUNGREN. If the gentleman asks that, I am in my seventh year in the Judiciary Committee, and we are known as the Bermuda Triangle. We are tough on law enforcement legisla-

tion. But we are not known as the Bermuda Triangle where you send a bill in and it just disappears off of the radar screen, never to be seen again. We are also the graveyard of constitutional amendments, and it is not because of the way the people in this House feel; it is because of the way that committee is constituted, overwhelmingly Democratic, far out of proportion to this House, and it has been in subcommittees until we fought this year. But ideologically, no way does it reflect this House.

Mr. KANJORSKI. May I ask the gentleman to yield so that I may ask the gentleman a question?

Mr. LUNGREN. Sure.

Mr. KANJORKSI. Has there ever been a piece of legislation that has passed this House that has been introduced by the minority and has become a piece of legislation with a majority vote in this House?

□ 2010

Mr. LUNGREN. Maybe we could find one, probably a commemorative day. But by and large that is what happened.

Mr. KANJORSKI. Well, I do not know, I just lost a vote a week ago on the MX when I was in the minority and I am sitting on the majority side of the House.

Mr. LUNGREN. I appreciate the gentleman. I thought LES ASPIN was a member of the majority. I would have to find out which party he is in. Although it is interesting, you ought to watch what happens in my committee; if it is a good idea on our side of the asisle it usually is voted on but it has a Democratic Member's name on it.

I would also instruct the gentleman that it is too bad he was not here in the last Congress when the Senate, on a bipartisan basis, overwhelmingly passed the Comprehensive Crime Control Act. They passed it in two Congresses. We could not get it out of subcommittee. It was only because I attached it on a motion to recommit, to a spending resolution, a 655-page bill on a spending resolution, that we ever got it on the floor and it was ever voted on. We spent 52 weeks after the President called us into the Oval Office asking us if we would work on it. And it was worked on on a bipartisan basis in the Senate 52 weeks before it was ever broken up and sent to the appropriate subcommittees.

So, yes, very definitely, committees and subcommittees play a role in stopping legislation from getting to the floor and determining the outcome.

I yield to the gentleman from Ohio.

Mr. KASICH. I appreciate the gentleman yielding to me.

I would like to engage briefly in an exchange with the gentleman from California [Mr. THOMAS] because the gentleman from California [Mr. LUNGREN] very eloquently talked about the fact that on election night, and this is really for the American people and not to continue a debate that we clearly know the answers to here within this House and to argue whether the makeup, Democrat or Republican makeup of a committee has any impact on the resolution of legislation before this House. The gentleman from Pennsylvania clearly knows the answer to that.

Mr. KANJORSKI. Is the gentleman suggesting that I leave?

Mr. DORNAN of California. No, sir.

Mr. KASICH. Let me say we know if has been established that our candidate, Mr. McIntyre, won on election night, he received his certificate. When the recount was conducted and completed his vote total increased. We have already heard Mr. THOMAS talk earlier tonight, and Mr. LUNGREN, about the absentee ballots and the fact that some absentee ballots were treated differently than others, that ones that were accepted were ones that gave votes to Mr. McCloskey and the ones that were rejected presumably would have given votes to the Republican candidate or at least it was presumed enough that those ballots were never counted.

We know there were distinguishing marks, as Mr. LUNGREN clearly pointed out. In fact, they counted McCloskey ballots that actually had erasures on those ballots. There are, however, several other examples of irregularities in the process of this particular task force and I would like Mr. THOMAS first of all to touch additionally on the question of reconciliation. If he could explain to the American people what reconciliation means, what is the impact of this reconciliation?

For those that are watching and trying to understand this you have to understand that this task force is now saying that Mr. McCloskey has won by four votes. By four votes. And we face all these irregularities.

Would the gentleman tell us about reconciliation?

Mr. LUNGREN. I would be happy to yield to the gentleman from California.

Mr. THOMAS of California. I thank the gentleman for yielding.

Reconciliation is a term that we use around this House when we normally talk about the budget process as an internal piece of jargon.

For want of a better term, reconciliation was the term that we used as the task force attempted to reconcile the number of ballots in a precinct with the number of names on a voter poll list. There were situations in some counties in which the poll list showed more names than there were ballots and in other counties and precincts there were more ballots than there were names.

Mr. LUNGREN. Reclaiming my time, in other words, as most voters understand when they go to a particular polling place they normally identify themselves and at the time they identify themselves they check or a line is drawn through their name and they sign, indicating that they have taken a ballot. That is the type of polling list the gentleman is speaking about?

Mr. THOMAS of California. Yes, although it is done slightly different in States. They are basically the same. That is a sign-up sheet is there, you are then given a ballot after you sign up, and you vote. At the end of the day the ideal situation is that the number of ballots in the ballot box equal the number of people who signed in. That is the objective.

Mr. LUNGREN. That is fundamental, I would think?

Mr. THOMAS of California. I would think that it is fairly fundamental.

When you examine the 15 counties, what we came up with were discrepancies numbering 103 in total of either too many names for ballots or too many ballots for names. When determined county by county whether that was a surplus of ballots or a surplus of names, it nets out in the Eighth Congressional District; that overall there were 32 more ballots that were cast in the Eighth Congressional District than we can find names to attribute to them.

In other words, to respond specifically to the gentleman from Ohio [Mr. KASICH], we could not reconcile the numbers. They did not fit.

What the task force did on a 2-to-1 vote, two Democrats and one Republican, was to simply accept the numbers and ponder about why they came out the way they did.

Mr. LUNGREN. I yield further to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. I thank the gentleman for yielding.

Is it not true, I ask the gentleman from California [Mr. THOMAS] that in Crawford County the task force added two disputed McCloskey ballots even though the ballot count exceeded the number of voters in the poll books?

In other words, McCloskey got two more votes. That meant, in effect, there were two more votes than there were people who could possibly have voted in the precinct. Is that in fact the case?

Mr. THOMAS of California. It was the case, but we had already examined several counties in which we could not reconcile again the number of ballots and the names. The question at that time at least, among the majority members of the task force, was that it was more important to take voter intent than to worry about having the number of ballots equal the number of names on the roll. So if it looked like an otherwise valid ballot we ought to

count it. But, of course, that was fairly early in the process.

Mr. KASICH. One other issue if the gentleman will yield further, and that is the issue of spoiled ballots. Another issue, in addition to absentees and distinguishing marks and the question of reconciliation, what about the issue of spoiled ballots? Could the gentleman explain to us how those were handled and what the implications of that fact were?

Mr. THOMAS of California. We have a number of categories in which there are classified ballots. Normally a spoiled ballot in which a voter, and this very often a paper ballot, but it can also be punchcard ballots, that when a voter intends to mark the ballot a certain way, and they make a mistake on the ballot, what they are supposed to do is then return it to the election officials and receive a clean ballot. The election officials then indicate on the ballot by writing "Spoiled" on it, "duplicate issued" or some other notation and initial it or sign it so that when they begin counting the ballots they realize that more than likely this spoiled ballot was a duplicate ballot and that a valid ballot was counted.

Now, we know that at times individuals did not bother to try to exchange a ballot when they made a mistake, they simply crossed out or earsed it or did something else to it. Those would tend to fall into the distinguishing mark category for decision.

Mr. KASICH. If the gentleman would yield on that further, is it then not possible that an individual could possibly have cast two ballots in the same election?

Mr. THOMAS of California. Well, if they had a spoiled ballot and went and cast a second ballot and the task force in examining the spoiled ballot bag containing spoiled ballots and void ballots, felt that it was an otherwise valid ballot and there was no way to fully determine why "Spoiled" was written on it, it may very well have been counted. I know of one instance in which "void" was written across a punchcard ballot and because it was determined that it did not have a tab and that it was voided on election day by the election officials, then under Indiana law we wound up counting the ballot that said "void" across its face.

Mr. LUNGREN. Reclaiming my time for just 1 moment, because I think this is extremely important. In any election that you have mistakes are going to be made. I is a human institution, but it tends to do the best that it can.

Individuals at ballot places all of us know are normally volunteers or get paid a very, very small amount of money. Yet from what the gentleman for California has said, there does not appear to be evidence that the recount under the rules established by this task force are any better, are any safer, eliminate any more fraud than the rules followed by the people in the State of Indiana.

Mr. Speaker, I would ask the gentleman to comment on that.

□ 2020

Mr. THOMAS of California. I would say to the gentleman that we have to remember that on election night, as the ballots were counted, no one knew that this could very well be the closest election in the history of the House. That those individuals simply carried out the task of counting the ballots in the Eighth Congressional District of Indiana, to try to get it done in a reasonable period of time so that the voting constituency can find out what the result was, and the media, and the rest.

In hindsight, they did a fairly decent job. I would say to the gentleman that I have a 16-year-old son who was involved in an accident in which he had to go to the hospital, and he told me afterward that if he had known he was going to get into that situation, he would have worn a better pair of socks. He would not have worn a pair of socks that had holes in them.

I would tell the gentleman that on election night, no one knew that their socks were going to be examined. They just went ahead and carried out the procedures of the election as best they could, and they did a very good job of it.

In comparison to the task force that had the ability to know what was in those ballot boxes by virtue of election night and the recount. And then they went ahead and wrote rules based upon what they knew to be in the boxes, and attempted to write rules to count enough ballots to win, and when they got in the process, they found out that their rules had holes in them and that they had to change the rules in the middle of the stream.

Mr. LUNGREN. Further directing a question to the gentleman, I just wonder whether anyone could assert—and this is the gentleman's objective opinion I am asking for—that there is any more fairness in the count that has been established by this task force than there was in the original count or the recount by the State of Indiana.

Mr. THOMAS of California. I would say that if the objection in this House by some Members to the Indiana count was because of disenfranchisement and failure to apply standards uniformly, that the task force is flawed on those same points. That people were disenfranchised, and that there was not uniformity applied to like ballots.

Mr. LUNGREN. I would also direct a question to the gentleman, and that is I have seen on tape the chairman of the task force, Mr. PANETTA of California, stating as a preface that there is no evidence or allegation of fraud or intentional vote irregularity with respect to this election.

Is that a correct representation of the gentleman from California's statements to the task force?

Mr. THOMAS of California. That is correct. There was no statement of fraud filed by the candidates under the Contested Elections Act, as the gentleman from California has previously pointed out.

Under the task force rules, we provided for a window of opportunity for not just candidates, but any other individual to step forward with an indication that there was or was not a fraudulent activity in this particular election, and none came forward.

Mr. LUNGREN. So one of the things that we ought to keep in mind as we go forward in discussing this is that this whole exercise is not an exercise, or was never presented to be an exercise to root out some sort of evil intent on the part of anybody; it was never an exercise to try to decipher the existence of fraud in the electoral process.

In other words, this process that was engaged in was not for the purpose of overcoming fraud or corruption in the electoral outcome in the Eighth District of Indiana.

Mr. THOMAS of California. That is my understanding. It was an attempt to make sure that some folks were not disenfranchised and that uniformity was applied. Fraud was not the question.

Mr. LUNGREN. One other question I have for the gentleman. That is, as I understand the rules that govern the counting, that ballots that were in unsealed envelopes; I guess these would be absentee ballots which, as I understand under the rules of Indiana would not be counted if the envelope in which they were obtained was unsealed, were in fact counted. Is that correct?

Mr. THOMAS of California. That's correct?

Mr. LUNGREN. And is it not true, in our home State of California, that a requirement for an absentee ballot is that it be received—by mail, at least—be received in an envelope that is sealed?

Mr. THOMAS of California. That is correct, but we are really not focusing on the ceiling of the ballots. We are focusing on, at least the universe that I am aware of in terms of options in Indiana's Eighth, were whether or not the signature was notarized, and whether or not the signature was witnessed, depending upon the category.

The opened envelopes, it is assumed, were opened by poll clerks, but the election ballot materials and the application were still inside. So the assumption was that they opened it, and then on examination and reflection, decided

not to count it. Not that it was received in an unopened fashion.

Mr. LUNGREN. That is the assumption. Do we have any proof one way or the other on that?

Mr. THOMAS of California. I am not aware of direct testimony that would indicate which condition it was.

Mr. KASICH. I appreciate the gentleman yielding to me. If I could just summarize my comments and I do appreciate the gentleman giving me the time.

I think Mr. THOMAS would have to agree when—again, to summarize—when you have a gentleman that is elected or is certified the winner after election night, Mr. McIntyre, you have a recount; he comes out even farther ahead. Then we set up a task force, 2 to 1 with the majority party ruling that decides what kind of ballots we are going to count and what category.

We have problems with counting absentee ballots, we have got problems with distinguishing marks and bypassing those rules; we have problems, as Mr. FRENZEL said earlier, with ballots showing up that had never been counted election night or the night of the recount in feed sacks and just showing up that were in the basement of some courthouse somewhere in Indiana.

We have got the problem of spoiled ballots, and reconciliation, and we have every major newspaper in America, every single major newspaper in this country that has analyzed this case, has said, "They're taking the election away from the winner." Let Mr. McIntyre be seated.

The Wall Street Journal today—not the remarks of the Republican Party; not the remarks of anybody who has a vested interest in this race; the Wall Street Journal said today:

> Throughout all the partisan contentiousness over this dispute, nearly all had agreed that if the outcome of the recount in this admittedly close election came down to a handful of votes, there would be a new election. What no one took into account, but probably should have, was that this whole show has been run by arguably the two most partisan Democrats in the House—Tip O'Neill and Tony Coelho.
>
> From where Mr. O'Neill and Mr. Coelho sit, Mr. McCloskey's new, four-vote win is mainly an opportunity to stick it to their nemesis in the White House by staging a straight party-line vote on the seating. Such victories may afford the Speaker some pleasure as he battles toward the sunset, but we wonder whether younger House Democrats might not be wondering if that loud sound they hear is their party crashing into the rocks at the bottom of the falls. There is simply no way the Democrats can look good saying a Democrat's four-vote victory is valid after they said a Republican's 400-vote victory was invalid.

I do not think it can, frankly, be said better than that, and this is not just the opinion of the Wall Street Journal, but the opinion of every single major newspaper in America that has judged this issue on the basis of the facts and fairness.

Mr. LUNGREN. I appreciate the gentleman's remarks. I would just like to direct one more question to the gentleman from California, and that is this.

As I understand it, then, some spoiled ballots were counted; spoiled ballots including one that had "void" written across it. Some ballots were counted that were not even in—or were not known to be in existence, at least by the official counters on election day, as Mr. FRENZEL made reference to, exceptions were made on absentee ballots that were not notarized and not witnessed, and yet there are at least 10 ballots cast by members of the military which had postmarks on them before the election, although they arrived after the election date. Is that correct?

□ 2230

Mr. THOMAS of California. That is right. I would say to the gentleman from California, if he will yield, that anytime you go out and look for ballots in an election, as the task force did, and search every bag and search every protective envelope, that you may find several that were not counted election night, again the haste to get the vote out you have that circumstance. That was not this gentleman's primary concern, about the fact that we actually discovered ballots that had not been counted. I want to underscore the fundamental concern that this gentleman has, and that is that once we discovered a category of ballots, those unnotarized and/or unwitnessed absentee ballots, in which some had been counted and some had not, that we had to determine whether or not all of them shared a degree of security. And what we discovered was that some did not but many did. And out of that group that shared the same security, some were counted and some were not. And that decision was made on a straight partisan vote, to count some and not others. And if the whole purpose of this exercise was to make sure that people were not disenfranchised, we have ballots with names on them, of individuals who, under other circumstances, through no fault of their own, had those ballots been sent to the precinct, they would have been counted. Equal security, a different circumstance which really made no difference whatsoever, and they were disenfranchised.

We had a rule which was not applied uniformly, and the majority leader came to this floor and said that we have to do the job, the House has to do the job, because the folks in Indiana did not apply the laws uniformly.

I am here to tell you that the task force did not apply its own rules uniformly. And if the requirement was to have another group count the votes because of disenfranchisement and failure to have uniformity and that group was this group, this count is flawed the same way. And it seems to me that at this point, to say that Mr. McCloskey won by 4 votes, when there are between 30 and 60 votes still on the table, some of them in an identical like security condition to those that were counted, to honestly say that it is time to quit, let us roll up the operation, let us announce a winner, is, to me, one of the classic heights of hypocrisy, and at the very least what we ought to say is that we do not know who won that election.

I am not here to say that we ought to seat Mr. McIntyre. But I am certainly also here to say that we ought not to seat Mr. McCloskey. Either we count those votes or we admit that we do not want to count them because we do not want to know the outcome, we were satisfied with the four-vote win. That is unacceptable to me, and at the very least we can let the folks who are most affected decide, and that is the people in the Eighth District of Indiana.

Mr. LUNGREN. I thank the gentleman for his remarks and for his service. I just find it somewhat ironic that in many cases what has been a driving force of the decision by this body, and that is basically the majority, both in the full body and the committee and the task force, has been some suggestion that the State of Indiana did not act in a perfect manner and, therefore, it required Federal intervention. In the case of those military folks who happened to have their ballots sent by a quasi-Federal agency, the U.S. Post Office and, therefore, those ballots, for whatever reason, did not get in on time, even though they were postmarked appropriately, we do not make exceptions under those circumstances, we do not change the rules there, when we have changed the rules all the way along and trampled on the rules as they were established by the sovereign state, or at least prior to this time what we had assumed to be the sovereign State of Indiana. When I went to school there at the University of Notre Dame, we thought it was a sovereign State. I guess times have changed. It either has been made an exception in this case or every other State in the Union, every territory, had better look to its own procedures, because you may not see them very long. We have established a precedent in which the U.S. House of Representatives, under whichever party happens to dominate—and maybe this is a precedent for the Senate, maybe there will be a close election in the Senate the next time and maybe the Republican Party will be the party saying, "Hey, maybe we ought to count this again and do it under our rules, and we will give ourselves every benefit of

the doubt." I would hope that our party would not do that, but I will tell you, when you establish a precedent like this, it is not good for the country no matter who is involved and no matter which party happens to be in the driver's seat.

Let me yield to the gentleman from Minnesota, who has been waiting patiently.

Mr. STANGELAND. I thank the gentleman for yielding, and I would just like to engage the gentleman from California [Mr. THOMAS] in a few questions, if I may.

Just to give a better clarity to this, when I vote in my precinct, which is a rural precinct, and I go to my town hall, I check my ballot, and it is all paper ballots, and I have at least two election judges to have to initial that ballot. Without that initial, that ballot is not official. I would anticipate that the requirement in Indiana of the tab on the ballot is somewhat that kind of a certification that that person did indeed cast that ballot; is that not so?

Mr. THOMAS of California. If the gentleman will yield, I will tell the gentleman from Minnesota that the requirement that he apparently has in Minnestoa is virtually identical to the one in Indiana. If it is a paper ballot or a punch card ballot in the voting place, there is a requirement under Indiana law that there be an initial of each of the poll clerks from an opposite party. And absent those initials, that ballot is not to be counted, because obviously it is a question of ballot security, ballot validity.

But the task force waived those rules and counted those ballots, notwithstanding their failure to comply with Indiana law.

Mr. STANGELAND. And so what the task force has done is establish a precedent that some local officials does not have to certify to the eligibility of the voter in an election, and so what they have done, in effect, is establish a precedent where people can come in and steal an election, something similar to what may have happened a few years ago in electing a Senator from Texas, and a number of years electing people from Chicago, where there was not that kind of verification of the actual voter establishing and voting his conscience and his ballot; is that not true?

Mr. THOMAS of California. If the gentleman would yield, I would tell the gentleman that there are a number of election officials in Indiana who came to me and said:

If we feel that we don't have to worry about honoring those requirements set up under law by the people of Indiana through its legislature and upheld by the courts, that if we know that someone is going to come in and count, notwithstanding those rules, there are an awful lot of things that could go on in an election, and that the reason we put those provisions in there was to make sure that those kinds of activities did not go on, and that certainly it is an invite in the future for someone to realize that they can do just about anything they want to do and if the House task force came in under the same rules by precedent, that virtually all of those ballots would be counted.

Mr. STANGELAND. If I might make one more point, what we are fighting for here, as much as anything else, is the sanctity of each individual citizen's ballot to comply with the election laws of his State and his county and his congressional district, because if we throw out the sanctity of those laws and determine that we will count whichever ballots we choose to count, laws notwithstanding, we can have elections stolen, we can have candidates defeated, not at the will of the people but at the will of a majority or a power base, is that not true?

Mr. THOMAS of California. If the gentleman would yield, I would say that the gentleman from Minnesota states the extreme case, but whenever we begin to move down the path, I think it is useful to examine the extreme case to understand where we can very well wind up.

Mr. STANGELAND. I thank the gentleman very much.

Mr. LUNGREN. I thank the gentleman for his comments. I think it is important for us to know that each State of the Union—and some have given this responsibility in certain ways, delegating the responsibility to subdivisions or political subdivisions of those States—have established procedures whereby they believe they can protect against fraud imposing itself and corrupting the electoral process. And that is the reason for the signatures, that is the reason for certain procedures that are used in each and every occasion.

And the gentleman made reference to Chicago. That is my mother's hometown. I still have a number of relatives who have found immortality in that State or that part of the country. It seems we put them in the ground several decades ago but they have been voting ever since. It was a remarkable place. It is the only place where you can reach immortality I think in this world. The whole reason for us attempting to set up these procedures in the various States is to eliminate that sort of thing, as they have done in Illinois or attempted to do with their procedures and as they have done in the State of Indiana. And what we have said here is, irrespective of the reasons for establishing those rules, we are going to forget about those rules because we, the House of Representatives, somehow have a superior ability to elicit the determination of the people of a particular congressional district. And that may be well and good in a centralized governmental scheme. That is not the way this place is supposed to operate, this governmental system is supposed to operate, or this country is supposed to operate.

If the gentleman from Arizona would like me to yield, I would be happy to.

□ 2240

Mr. KOLBE. I thank the gentleman for yielding.

I listened earlier as the gentleman from California [Mr. THOMAS] outlined the procedures that were followed on the task force and the votes that were cast on Friday and on previous days as the rules were adopted. I am wondering if he can tell us just roughly how many votes were cast by the task force in adopting the rules and then perhaps during the course of the meetings and deciding on specific ballots to be counted or not counted.

Were there, was it in the hundreds or the dozens?

Mr. LUNGREN. I yield to the gentleman from California for his response.

Mr. THOMAS of California. It was clearly over 100 and may have approached 200.

Mr. KOLBE. What number of those were cast on the basis of 2-to-1 votes versus unanimous votes?

Mr. THOMAS of California. I would tell the gentleman from Arizona that a quantitative analysis there probably would not yield as significant information as would a qualitative analysis of the 2-to-1 votes.

There were a number of votes in which there were times that the staff out in the counties examining the ballots would react to each other in terms of what they considered an unfair call being sent up so they were going to get another ballot for the other candidate and send it up. There was some gamesmanship on both sides being played.

So that a number of decisions that were made were clearly ones that should not have been made by the task force, and the ballots should have been retained in the respective counties and counted in the county totals. So there were a number of votes in which there were 3-to-0 votes, because there was no reason not to do otherwise.

On qualitative analysis, I think the gentleman would find that on virtually every vote, save maybe two or three, that the decision that was made was a 2-to-1 majority decision, to the point that finally last Thursday night, this gentleman from California simply said: "You folks figure out where you want to be, and if you need me, I will vote." Obviously, if the two Democratic members of the task force agreed on the dispensation of a ballot, this gentleman from California had no role to play. So he simply waited until there was a disagreement between the chairman and his colleague on the majority side, and then was allowed to partici-

pate in the decision and I would have to then decide one way or another.

So from a qualitative point of view, I think you will find out of those several hundred votes there were probably no more than a dozen to a dozen and a half that were truly meaningful and out of that dozen to a dozen and a half, off the top of his head, the gentleman from California recalls perhaps two in which he participated as part of the majority on a 2-to-1 vote.

Mr. KOLBE. If the gentleman would yield further, I think, as I understand what the gentleman from California, Mr. THOMAS, is telling us is that on all of the substantive issues, on the really basic, gut issues where decided whether or how we were going to rig this election to come against Mr. McIntyre, on all of those basic decisions, the vote was a straight 2-to-1 and two Democrats, one Republican on those substantive issues; is that correct?

Mr. THOMAS of California. On those key, cutting-edge votes which would have had a significant impact on the outcome of who had how many votes the answer is "yes."

Mr. LUNGREN. Mr. Speaker, I yield back the balance of my time.

ORDER OF BUSINESS

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that I be allowed to proceed with my special order at this time, out of order.

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

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. KOLBE] is recognized for 60 minutes.

THE GREAT ELECTION ROBBERY IN INDIANA

Mr. KOLBE. Mr. Speaker, we have listened this evening to a number of comments that have been made by our colleagues in a very long and lengthy colloquy that we have engaged in, and I cannot help but come to the floor this evening with a deep foreboding. What we saw last Friday in Evansville, IN, on the task force was a dark day in the long and largely glorious history of this heretofore distinguished body.

Again, today as that task force ratified its decision and made its recommendation to the full Administration Committee, I think we have seen a dark day in the distinguished history of this body.

I think we see today a very dark day in the history of this country. I listened earlier this evening to the remarks of my colleague, the gentleman from California [Mr. THOMAS] and I listened to the remarks of the gentleman from Minnesota, the ranking Republican on the House Administration Committee, Mr. FRENZEL, as they described a procedure; as Mr. THOMAS described what had happened in Evansville, IN; what had happened here in Washington, DC, leading up to that climactic meeting last Friday in Evansville.

All the votes that were taken by the task force to establish the rules under which this count by the House would be rigged to come out the way that they wanted it to come out, I listened to all of that, and I listened to Mr. FRENZEL as he described the procedure that was taking place in the House Administration Committee.

I cannot help but think, Mr. Speaker, as we listen to these arguments that are put forth here, and we have listened to all of them as Mr. THOMAS has elucidated very clearly, the very technical issues that are involved here.

But those are not the issues that are at stake here today, this evening, on this floor, in this body. The issue is not reconciliation; the issue is not chads, as they are called; the issue is not hanging threads; the issue is not notarization of absentee ballots; the issue is not absentee ballots themselves; the issue is not the tabs on the ballots. The issue, Mr. Speaker, is fair play. The issue is justice. The issue is representation in our Government.

I watched earlier today, some several minutes of the film of the hearing in Evansville, IN, last Friday of the task force, and as I said earlier this evening in part of a colloquy with my colleague from Pennsylvania [Mr. KANJORSKI], I came away from watching that with a sense of literally physical revulsion at the way that the majority on that task force demonstrated the sheer arrogance of their power of overwhelming fair play and of overwhelming the minority.

That task force, Mr. Speaker, brought shame on this body. Their action was a disgrace to every Member of this body. Let us be very clear about the issues that we are talking about here tonight. That task force never had any intention of counting all the votes; that task force never had any intention of being fair; that task force never had any intention of fulfilling its sworn responsibility to abide by the rules of this House and uphold the law of this land.

No, that task force had its marching orders and they were to seat Mr. McCloskey. They abided by the rules that they were given. To heck with the truth, disregard the facts; steamroller the rights of the minority. Toss out the Constitution of the United States.

Mr. Speaker, this is a tragedy; Mr. Speaker, this is a travesty. But the issue, the issue is far larger. The issue is far larger than Mr. McIntyre. The issue is much larger than the individual who is at consideration here in the Eighth District of Indiana. The issue is much larger than who will represent the Eighth District of Indiana. The issue is much larger than the rights of the minority in this House, as important as those are. The issue is much larger than the rights of all Members of this body, as important as that is to all of us who believe in the importance of this body, and believe in the rule of law; who believe in the precedents of this body.

No, Mr. Speaker, the issues are much larger. The issues that are at stake here are our rights as Americans. Our rights to elect our representatives to represent us at the court house, in the city councils, and in the legislative chambers. And, yes, in the Hall of this body, in the House of Representatives of the United States.

The issue that is at stake here is our right as citizens of individual States to enact laws at the State level that governs our elections. There have been suggestions made and I have heard them from some of my colleagues in our meetings and in private discussions that we have had, that we need to take very strong action to register our utter contempt for the way that this issue has been handled by the majority in this body.

□ 2250

There have been suggestions that we need to shut down this House. There have been suggestions made that we need to disrupt this House, and, yes, there have even been suggestions made that we need to engage in civil disobedience if we are to make our point known.

Mr. Speaker, these statements that have been made are not trivial statements and I do not believe that the members of my caucus who made those suggestions do so lightly. They have been around many, many years than I have been here.

I think tonight as we consider this issue, we have to each search our souls and ask, Is there a higher order? Is there a greater morality? Is there an overriding rule of law? Do any of these things, does that higher order, does that greater morality, does that commitment to the rule of law, do any of these things cast against our solemn oath to uphold the Constitution of this country? Do any of those things mean more than simply our role in this House of Representatives?

We are not the first to ask this question, we are not the first. Men and women through history have asked it.

There were individuals who stood on the campus of a German city during the Nazi era and distributed leaflets with the sure knowledge that they would go to a concentration camp for that, but they felt they had to do it to make a statement about their contempt for that regime.

There were opponents of Soviet tyrants in Hungary and Czechoslovakia who stood against those regime and today there are men and women who die every day in Afghanistan because they believe in freedom and they intend to make their point.

Do I cast these things too harshly? Do I speak of them too strongly? Mr. Speaker, I think not. You might have seen the column by David Broder in the Sunday Washington Post where he spoke as he left for a trip to Europe with a greater foreboding for this country than he had seen in a long, long time, and when he discussed that foreboding, one of the things that he was particularly concerned about was the growing contentiousness in the House of Representatives, a dark cloud of contentiousness that has been cast over this House and I think in large measure by this issue.

Mr. Speaker, we are facing, in my opinion, a constitutional crisis on this issue. I implore the majority if there is any sense of decency left, if there is any sense of fairness, if there is any sense of objectivity, if indeed there is any integrity, do not trample on the sacred right of Americans to elect their representatives to public office. Do not refuse to seat the winner of the race in the Eighth District of Indiana simply because and only because you have the votes to say you will not seat him, that you are going to seat somebody else.

Mr. Speaker, the Constitution is too sacred for that. The honor of this House is too important. In the name of God, now is the time for us to turn back while we still have the opportunity to do so from committing this great travesty.

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

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

Mr. GUNDERSON. Mr. Speaker, I want to commend the gentleman for the outstanding and heartfelt remarks which he has just made. I hope if they say nothing else, they indicate to those who are paying attention to this discussion and this debate the intensity of the feeling on this side of the aisle.

I think it is fair to my colleagues on both sides of the aisle to describe me as one of those people who is not in the leadership, a partisan activist on our side. I try to be bipartisan in almost everything I do. I come from a very swing congressional district. I want that perspective and that image known, and yet this issue perhaps more than any issue in the 5 years I have been in Congress could be called the issue which is the radicalization of the Republicans in the U.S. Congress, not because we want to defend the Republican Party or because we are concerned about whether or not we have another Member, but because we want to defend, frankly, the Constitution of this Republic. That is what we see as the issue. We see it from so many different perspectives, as the gentleman has indicated in his remarks.

I think it is absolutely hypocritical what this Congress is going to do this week. On the one hand we are going to spend all day tomorrow debating how we provide the opportunity for freedom and democracy and self-determination in Central America and then we are going to turn around probably less than a week later and we are going to make sure that freedom and opportunity and self-determination have nothing in terms of meaning and existence in the Eighth District of Indiana, or frankly in the Congress of the United States.

Just this past week we have seen many, many commemorations of the Holocaust, of people who frankly stood up for the rights of individuals.

We are not following any commitment we made to people regardless of their ethnic background or religious heritage now as we look at where we are proceeding in this Congress, because the inconsistencies used by the task force in counting these ballots can be nothing more than deplorable, can be nothing more than morally repugnant.

You know, it used to be in this country that we gave the States the right to handle their own elections. I came to this Congress in 1980. I came with BILLY HENDON. BILLY HENDON was defeated in 1982 in a very close, very contested, very controversial election. They brought that election to the U.S. Congress. They brought it to the same committee that is handling the present contest in the Eighth District of Indiana, and do you know what, the committee at that time decided that they could not get involved. They could not get involved, because after all, this was a States rights issue. The State has the jurisdiction to set the rules by which they handled and proceeded, not only with the election, but with the recount process.

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

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

Mr. HUNTER. Mr. Speaker, on that point, that election was so extraordinary that in that election you had voters who went to the polls and polled the straight Democratic lever and then they went over to BILLY HENDON'S name, the Republican's name, and they marked an "X" next to his name and that was counted as a vote for his opponent. In fact, it held in the Federal Courts to have been an unconstitutional procedure, an unconstitutional calculating of the ballots, and yet when it came to the House floor, when they had a Federal Court decision behind them saying that this is unconstitutional to count that vote as a vote for the Democrat, when the "X" was marked next to the Republican's name, this House said no, the certificate rules. The guy who has got the certificate from the State is the guy who should be presumed, strongly presumed, to be the winner and we are going to seat his opponent, and they did seat his opponent. Mr. HENDON is back with us now, but for 2 years his opponent was seated in an election in which Mr. HENDON got the majority of the votes.

Mr. GUNDERSON. Exactly, and I think the gentleman from California will agree, while BILLY HENDON is a personal friend of both of us, that is not the issue. The issue is whether or not we are going to abide by the laws we have established, the precedent this Congress has established, which is that the States shall set the conditions by which they judge their elections. In the 98th Congress, that was the rule of law.

Now, however, we have decided that ought not to be the rule of law in the 99th Congress. We ought to change the law. So what do we do?

First of all, after the initial certification and the recount came back from the State of Indiana, done by the law of Indiana and by the election clerks of Indiana, we say it is not good enough, so we are going to set up our own. The task force gets together and mainly on two to one votes they set up this whole new set of laws and regulations by which they are going to govern their count of the election in November 1984 in the Indiana Eighth District.

That goes along fine and then all of a sudden something happens and they decide that they ought not to be consistent, because you see, Indiana election law says that you are supposed to take ballots, absentee ballots mailed in to the county clerk, which are not opened, which are not notarized, which are not certified, and you are supposed to keep them in the county clerk's office.

Well, that happened in most cases, but in a couple cases they decided no, they were going to send them on to the precincts. They sent them on to the precincts and they were counted.

Now, you are going to hear in the debate when we get to this issue that the Congressman from California, who was chairman of the task force, say, "Well, what could we do? They are already in the pool. We could not just count every vote in that particular precinct."

No one is suggesting that those ballots should have been rejected, but as the official counter hired from the GAO by the task force admitted under questioning, if you look at the transcripts, if you look at the review of the proceedings, there were all kinds of unopened, uncertified, unnotarized

ballots, that were opened and counted if they had been sent to the precincts, but if they had not been sent to the precincts, as in Indiana election law said they should not, they were not counted.

□ 2400

That is the kind of inconsistency that we see in this particular issue.

And you add to that a number of military absentee ballots mailed long before the election, but because these young men and women happen to be serving overseas perhaps did not arrive on time. They were not counted.

If the intent of the task force was, as it was originally stated, to determine the intent of the voters of the Eighth District of Indiana, then, folks, I must admit the task force failed, and it failed miserably. And that is why Members of this body and Members of this side of the aisle, whether they be liberal, conservative, moderate, partisan or nonpartisan, are more united and are more up in arms about this issue than any issue this Congress has faced in a number of years.

Mr. KOLBE. Before I yield further, I would like to just respond to the gentleman from Wisconsin on a couple of points he made, and then I will be happy to yield to the gentleman from Pennsylvania.

The gentleman from Wisconsin made the point, and I think it is a good one, with regard to the question of Central America, and that is we are going to be debating a very important issue as to how we can support democratic forces in at least one country, or in that region, and that will be the subject of our debate tomorrow, almost today, in this body.

I had the privilege a few weeks ago of serving as one of the official observers for the delegation for the elections in El Salvador, and I think those elections were, by and large, very straightforward and very clean and very simple in the way that they were conducted, and very efficient.

But I can tell you, I certainly saw nothing, nothing that would compare to the kind of travesty that has been perpetrated upon this body in this issue as we are clearly rigging an election to steal an election from the elected Representative in the Eighth District of Indiana.

Now that is why I said earlier that it is a very central constitutional question. It is very easy for us, I think, to get trapped into being sucked into the trap of talking about all the technicalities that are involved here as to how this vote should have been counted, or whether this vote should have been counted, and yes, that of course is exactly what the task force had to do. They had to go through all those processes and consider each of those ballots, consider each of those issues.

But that is not the fundamental issue that is before this body. The fundamental issue that is before this body is whether or not we are going to seat the individual who was elected and certified in the Eighth District of Indiana, whether we are going to abide by the law of Indiana, which no one has questioned in this body or in this task force. There has never been an allegation, never been a court suit filed. No one has brought a charge before anybody of this House, and yet we have decided, this task force and this body is about to decide to substitute its own law, its own election law, which is written out of whole cloth, decided to substitute that for the Indiana law.

So I think we need to keep that fundamental central question before us as we discuss this issue.

Mr. WALKER. Will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I was interested in his point that he had been an observer in the El Salvador elections.

It occurs to me that the same people who are perpetrating this horror on the House of Representatives are the people who on tomorrow intend to come to the defense of the Communists in Nicaragua, who have their own election system which is surprisingly similar to the one that is being perpetrated in the Eighth Congressional District in Indiana.

But the point that I wanted to make originally, and I think that is important to get across here, is we have been hearing now for weeks from Democrats who were telling us we want to count all of the ballots, and they put up posters, they have come to the floor in 1 minute speeches and they have said they wanted to count all of the ballots. And now it turns out that that is not really what they meant. It turns out that they wanted to count all of the ballots that they needed in order to win the race. And then they were going to set aside some other ballots because those might jeopardize their chances of having the count that they wanted. And in fact, from what I understand, they even went into the spoiled vote bags in order to pull votes out which in effect means that despite the fact that some military men, active duty military men did not have their votes counted, there are some people in Indiana's Eighth District who had their votes counted twice under the procedures used by the task force, and in fact what you ended up with was a process where in some precincts you actually had more people voting than people who signed up on the poll sheets.

Now you know, that is counting all of the ballots, but it is counting all of the ballots in a way that is outright fraud. I mean the gentleman said that this election was stolen and he is absolutely right. We are dealing with outright fraud here. We are dealing with the kind of thing that the task force did, that is simply conducting a fraudulent election in the name of doing it right.

And here these people who have for months told us that the Indiana laws were a horrow show, then they come up with this kind of a procedure. I think that it is an outrage that the American people will thoroughly understand once they begin to understand just the lengths to which the Democrats went to steal this election.

Mr. KOLBE. I thank the gentleman from Pennsylvania. He is absolutely correct. There is an issue of fraud in this election, but the issue of fraud is not and never has been raised in Indiana or in the Eighth District of Indiana. The issue of fraud is in this body. The fraud that is being perpetrated in this election is right here. It is the fraud that has been begun by the House task force from the day it started its work, and it adopted rules which were designed specifically to rig the election to come out the way they wanted it to come out. That was the beginning of the fraud.

And even that was not going to be enough. So they had to, as they proceeded through the counting of the votes, they had to shut off the counting at some point. They waited until they got ahead and then they had to shut off the counting, change the rules right in the middle of the counting, and decide not to count any more ballots because Indiana law now applied to this matter. That is the fraud and that is the fraud which will be perpetrated, continued tomorrow when the House Administration Committee continues this. And it will be continued most likely next week when this body votes on this issue.

Mr. WALKER. Will the gentleman yield again?

Mr. KOLBE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Let us make the point that the reason why they were able to do this is because they established the House Administration Committee in the first place on the opening day when they passed their rules then, and started this process, and they stacked the House Administration Committee in ways that are totally different from what that committee should be in terms of ratios in this House. They started there and then they stacked the task force 2-to-1 and the fraud to which the gentleman refers was passed time after time after time on 2-to-1 votes, 2-to-1 votes by a Democratic majority that was artificially created

to perpetrate exactly the kind of actions to which the gentleman referred.

I think it is absolutely essential that we understand that this is the kind of dictatorship of the majority that we see not only in this case but we are seeing in a lot of instances around here. This is not the first time we have had this kind of practice go on. But it is a total outrage and an aberration of such magnitude that I think that virtually the entire minority now recognizes that the dictatorship of the majority here is in fact real and it is in fact a direct attack upon the constitutional system that this country has known for 200 years.

I thank the gentleman again for yielding.

Mr. KOLBE. I thank the gentleman from Pennsylvania for his remarks.

Again, you know it is very easy for us to find ourselves very outraged at what is going on here because it is being done to us as minority Members of the House of Representatives, and it is being done to us as a Member of the House of Representatives.

What we need to keep very clearly in mind is we are not talking about our rights. I am not talking about the rights of one individual who sits here in this body. We are talking about the rights of the American people, fundamental, constitutional, legal rights which are guaranteed in the Constitution and written into the laws of our land. We are talking about the rights of Americans to select their Representatives in this body and in every other body which are being trampled on by an abusive majority in the House of Representatives.

We are talking about fundamental rights of fair play, justice. Those are the rights of the American people that are being trampled on.

Let us not forget that. Let us forget that we are not defending something that is being done to the Republican minority in the House of Representatives of the U.S. Congress of the United States of America. We are talking about the people of the United States. We are talking about what is happening and how their rights are being slowly stolen away from them by the majority in this body.

Mr. SWINDALL. Will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Georgia, and then I will yield to the gentlewoman from California.

Mr. SWINDALL. Just very briefly, I was somewhat alarmed by what I heard you mention. If I heard it correctly, that is, if I understood correctly, you are saying that the rules were originally established by this task force at the outset, and then those very rules were changed midstream as they began the process of counting the votes. Is that correct? Did I hear the gentleman correctly on that?

Mr. KOLBE. Mr. Speaker, that is correct. They were changed essentially last Friday when they got down to the final decisions that had to be made. At that point they had, after all of the machinations they had gone through, they had managed to rig through the fraud they were perpetrating, they had managed to rig the election so that they were four votes ahead.

□ 2310

And so they changed the rules at that point and stopped counting any other votes.

Mr. SWINDALL. The reason I am concerned about that is I heard time and time and time again, as I came down and listened to the floor debates on this issue, the point being made that this task force was going to set up fair and equitable procedures whereby every vote would be counted, and it just seemed eminently clear to me that if you wanted to be fair and equitable that at the very outset you would establish the rules before any of the votes were personally known to the task force members, and that they would then, using those results that were predetermined, go through each and every one of the ballots, using the same rules so that they would not fall into the trap that they basically had accused the very State of Indiana of having fallen into.

Is that a fair assessment of that situation?

Mr. KOLBE. The gentleman from Georgia is essentially correct. In this case what they did is they had opened some of the votes so they knew how those votes were going to stack up. In that case they decided to count them. Thirty-two votes that they did not count had not been opened, those ballots, or envelopes are still to this day sealed, and rather than take any chances, since they were ahead at that point, they changed the rules and decided not to count those.

Under a rule that they had previously adopted, they would count those ballots. They just changed it, they just stopped and did not count it.

Mr. SWINDALL. If the gentleman will yield further, am I correct that I have heard repeatedly the assertion that all of the ballots would be counted, and am I further correct that I heard that the House Administration Task Force this day said that they would not even count those ballots, much less reveal the contents of those ballots so that we might at least know speculatively what would ultimately come from the counting of those last ballots? Is that true?

Mr. KOLBE. Mr. Speaker, that is essentially, as I understand it, correct. I am obviously not a Member of the Task Force. I was not there. I listened very carefully as the gentleman from California [Mr. THOMAS] elucidated the outrageous fraud that was perpetrated on the task force and the way they handled this case. I think that is an essentially correct statement.

Mr. SWINDALL. Having heard that, I understand the gentleman from Arizona's outrage.

Mr. Speaker, I yield back, having made the point that I was outraged when I came in about what I thought to be the case, but after having heard the gentleman's reaffirmation of what I just suspicioned was true, I understand the gentleman's being here even at this late hour talking about this situation, and I commend the gentleman for it.

Mr. KOLBE. I appreciate the comments of the gentleman from Georgia.

I thank the gentleman. Those are the details of how, to use the word that Mr. THOMAS of California used, how this rape was perpetrated on this body. Those are the details. But let us no forget that the fundamental issue is that the right of Americans to have their votes cast and counted is what is being trampled on here today.

Mr. Speaker, I yield to the gentlewoman from California.

Ms. FIEDLER. I thank the gentleman very much. Listening to the debate, I just simply want to say that this is probably one of the most important issues that we as Members of Congress will deal with in a very long time. As a matter of fact, I got on an airplane a little less than 24 hours ago, and still have not yet had a chance to get any rest over those long hours. But I felt it was important to come to the floor and support the statements the gentleman was making. Long ago I realized, as an elected official, that the most important task that I have is to try to preserve the protections that exist in the Constitution. Those protections, once taken away, will never be returned.

It seems to me that when a process of this kind tries to deny the American people the right to their representative Government that it is something that not only a Republican, an independent or a Democrat has to stand up and yell about, but people all across this country, to appreciate and who are a part of the democratic process that we enjoy, because what essentially is happening here and what we are saying is that if a majority has control over the rules and regulations, they can take away the rights of a minority. While today it may be a Republican Member of Congress who is losing his rights to sit and serve his people, on another day it might be a Democratic Member of Congress or it might be an independent Member. It is a very, very important issue, critical to all of us, something that is worthy of public attention.

So, Mr. Speaker, I want to commend the gentleman and the other Members who have taken their time to be here

this evening to try to really protect the rights of all Americans. The Constitution provides us with the rights to representative government, and if we simply give that up because of convenience, because somebody happens to vote in a majority today, tomorrow it is not just going to be someone else's rights, but it is going to be ours that we lose. When you think about what most of the battles are that take place here in the House and between the various powers across the world, the only fundamental difference between our form of government and that of, let's say, the Soviet Union, is the fact that we have the freedom to express our opinions, to say them publicly, to see them in the press, to express them here on the floor in the public arena, where they can hear us all across the country through the benefits of television, and we have got to make certain that our views are heard and that our rights are protected as a part of this effort. Otherwise, one of these days it is going to be you or me.

I would like to share a little experience that I had: When I was elected to Congress I won by 472 votes, not a very large margin. There was a recount, and I was duly seated.

That kind of a close election would be under threat if this process is permitted and it would be under threat whether it would be in the House or in the Senate when this kind of tactic worked.

Interestingly enough, in my last election I faced 2 opponents in the Democratic primary, and the one who won that primary won by only 10 votes. Well, that was challenged as well. Ultimately, the winner was the other opponent, and he ended up winning by 18 votes.

That kind of a process often happens where there are close elections. But it is important that the fairness and that the equity and that the even-handedness of the decisionmaking is something that is applicable to both Democrats and Republicans alike. And when you see this kind of a process take place, all you know is, there but for the grace of God go I, because in fact we never know who is going to be next. If we permit this to happen, and permit it to happen in silence, you know the old saying is, "All that is necessary for evil to triumph is for good men" and, hopefully, "women, to remain silent."

Well, this is one thing we are not going to be silent about.

Mr. KOLBE. Mr. Speaker, I thank the gentlewoman from California for her remarks. I want to respond to the gentlewoman from California because I also flew in last night on a Red Eye and have not been to bed. I canceled several important engagements that I had this morning in my district in order to be here today, because I felt it was important that we be here.

As the gentlewoman from California has said, we have a constitutional responsibility and I think most of us take that very seriously. I stood on the floor of this body on January 3 and took an oath of office to uphold and defend the Constitution of the United States. I do not take that oath of office lightly. I do not think most of the Members of this body do. But I think it is one that each of us now needs, and I implore, as I did earlier, my colleagues on the other side of the aisle in the majority, to look, to search deeply into their hearts and remember that oath of office that they have taken, and ask themselves, indeed, are they upholding the Constitution of the United States when they do indicate this kind of a travesty?

The gentlewoman from California also spoke about the closeness of her election. I also had a close election in 1982 when I was on the losing side of that election. And again in 1984 when I won my election.

I have to ask myself if it can be done to one person in the Eighth District of Indiana who came, just like me, with a certificate of election from the secretary of state unchallenged by anybody else, if it can be done to that individual and he can be not only told to stand aside but then denied ultimately the seat from the floor of this body, then who is next? Which among us is next? Who is safe?

□ 2320

Mr. SWINDALL. I thank the gentleman for yielding to me.

Mr. Speaker, I ask unanimous consent to move the special order that I have requested, to come up sometime soon in the list, and move it to the end of the special order list.

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

There was no objection.

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

Mr. GUNDERSON. I appreciate the gentleman yielding, and I, too, want to respond to the eloquent and excellent remarks of our colleague from California.

She was talking about the difference between elections in the Soviet Union and elections here in the United States. I must tell you in all honesty that if I were part of the propaganda machine in the Kremlin, I would certainly take the Eighth District election of Indiana, and make this a prime example of what does go on in the United States.

I would hope that everyone would understand the absolute level of frustration that many of us feel on this whole issue. There is an election in November; there is a certified winner; there is a recount, and when this House convenes in January, we decide that none of that is good enough.

We are going to throw out all of the election laws of the State of Indiana, where no fraud is allegated on either side, where there is no official contest of the election filed, we are going to throw all of that out. We are going to decide not to seat the duly elected and certified winner of the Eighth District of Indiana.

You wonder why Members on this side are upset? So then what happens? Then we decide that we are going to have this task force, and we are going to set up rules by which the task force is going to count the ballots, and then when in the process of counting the ballots by the rules the task force has set for themselves, they decide—seven-eighths of the way through, to change the rules, and change the counting process.

Then you wonder why some of us are standing here tonight at this late hour. And I have paid my respects and my apologies to the staff who is forced to endure this with us, but it is that important.

Why are we here today? Why are we in exasperation saying, OK, a special election, a new election; because there are probably more contested ballots and there is a difference between the two candidates.

If anybody would have asked me 3, 4 months ago if I would ever even support the concept of a new special election in the Eighth District of Indiana, I would have said, "You're crazy."

But there is one thing worse: There is one thing worse than even a new election, and that is for the wrong person to win. That is for this election to be stolen, and that is for the Constitution of the United States and the laws of the State of Indiana to be set aside for partisan political purposes, and that is what we see being thrust upon this Congress today and tonight and in the next week.

Ms. FIEDLER. Will the gentleman yield?

Mr. KOLBE. I thank the gentleman from Wisconsin, and I yield to the gentlewoman from California.

Ms. FIEDLER. I think that you raised the real issue. It is very easy to get lost in a discussion, get lost in a concept of an abstract election, but what we are really saying is that there are a group of citizens whose votes were simply cast aside because they voted, in the opinion of a certain individual or group of individuals, the wrong way.

Now when you think about that statement, we are talking about a very, very important issue. If you or I vote a certain way, and the people in power decide that that way is the wrong way, then our votes do not count.

We in essence have no stake, no involvement in the political process, because we are not a part of the anointed few; that group who is voting the

way that the majority wants, or the people who are in control want.

As citizens in a free society, we are totally negating and giving up our rights to participate as equals in the system, and that really is the only difference between us and other forms of government, and that is that we do have an equal share of the system if we choose to exercise it.

But here comes along a process whereby certain individuals who happen to be members of the majority of this body, have the authority and the power to cast aside our existence and our presence in the political process, and that is something that none of us can afford to tolerate, regardless of the detail, the minutiae behind all of it, all of the rational behind it.

That's something that we cannot afford to do ever, is to say that one American has validity in the political process and that another one does not.

There was a time not so long ago historically when there was a certain group of citizens in this country who were not permitted to vote, because they couldn't afford a poll tax. Now, that was deemed to be unconstitutional, because it was segregatory; it segregated out a certain group of citizens and denied them rights that other citizens of this country enjoy.

And this is exactly the same kind of thing. We are saying that one group of citizens, because they happen to think the way a particular group who happens to be dominating in the majority think that their votes count and are meaningful, but others in the process do not.

That is something that can be turned at any time on any one of us, and on, in fact, the people who sit as a majority here today. It is possible that sometime in the future, and I certainly hope that the Democratic Party does not represent a majority in this House.

Does that mean that they should lose their rights as sitting incumbent Members of Congress? Any more than their constituency should lose their rights to participate in the process as equals?

We are really talking about equal protection under the law, and I do not care who sits over there in the Speaker's chair. Those rights are protected under the Constitution. It is up to us as Members of Congress, and it is up to each and every citizen watching this debate today to make certain that they are heard in this process, because if they are not, then this democracy cannot work, and I will not accept that, as one citizen of this Republic.

Mr. KOLBE. I thank the gentlewoman from California. I do not think that the words could have been put any better.

I will yield in just a moment, just to respond to what she said. I think it is entirely accurate to suggest that the issue here is what is happening to an individual who happens to be a member of the minority, that the tables can be turned, and the rights that accrue to any Member of this body are the same, the rights to be seated in this body; the right when you come with a certificate to be given the presumption that you represent that district.

That has always been extended to a Member of this body who has been elected. It has been extended to the others of us. Why? Why has this one individual been singled out? There has never been a suggestion that his certificate was improperly issued; there has never been a suggestion that there was fraud in the election; there has never been a suggestion that there was anything wrong in the way, in the conduct of the election; it was just that the election was close. And, "We've got the votes, and we're not going to seat that individual."

If that can happen to one Member on this side of the aisle, Mr. Speaker, I suggest it can happen some day to some Member on the other side of the aisle.

I yield to the gentleman from California.

ORDER OF BUSINESS

Mr. DORNAN of California. I thank the gentleman for yielding.

I want to make a unanimous-consent request, because my name came up on my special order that I signed up for last week, and I was in the Cloakroom and unable to take it and defer it to you.

I ask unanimous consent that I be replaced in the order of the special orders tonight.

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

There ws no objection.

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

Mr. GUNDERSON. I thank the gentleman for yielding again. I would like to take a moment, now, if I could to respond to a couple statements that were made by our distinguished colleague from the other side of the aisle from Pennsylvania [Mr. KANJORSKI] who was down here participating in this whole discussion earlier this evening.

He made a statement that while he was willing to support the counting of all of the ballots on TV. And you know, he is not all wrong. That is where we are coming from, folks. What we are saying is, if we are going to count the ballots, and if you are going to have these signs up in your offices that say "When all the ballots are counted, our guy wins," whoever our guy may be; whether he be a Republican or Democrat.

If you are going to count all the ballots, and that is going to be the basis for the recount, follow the intent of the legitimate voters of the Eighth District of Indiana, then count all the ballots. It is that simple: Count them all.

But do not randomly count certain ballots and ignore others, all by the same standard. Do not decide that military ballots from active duty men and women voted, cast, mailed, dated, all before the election, but because the U.S. Postal Service, or perhaps the Middle East postal service or some other postal service did not get them there on time, if our intent is to follow the intent of the voters of the Eighth District of Indiana, then let us count all the ballots.

□ 2330

The second thing the gentleman from Pennsylvania suggested was that we need to find a different way to properly handle contested elections.

Brother, you are so right. And we told you that back in January. If we are going to deal with a contested election, where we do not have a winner, then let us deal with it in a fair and impartial manner. We have other methods by which we deal with these kinds of delicate issues. We have our ethics panel, absolutely bipartisan in terms of numbers and in terms of representation. Why did we not start that same process? Think what would happen tonight, where we would be tonight and the different tone of this issue if when we had started this whole process we had had a task force made up of an equal number of Republicans and Democrats to go in and to look at the issues and to try to resolve them in fairness and to properly reflect the intent of the voters of the Eighth District of Indiana.

These are just some of the many, many reasons that we are so concerned and I guess we are so abhorred. It gets back to what I said earlier. There are many of us who are not very radical, we do not like to call ourselves radical, but I would suggest that history will look upon this event and say it was the radicalization of the Republican Party, not in defense of the Republican Party, but in the defense of the Republic and the Constitution which has guided this Republic for almost 200 years.

Mr. KOLBE. I thank the gentleman from Wisconsin. The gentleman has made a point that I think is an important one, that there are other procedures for dealing with this kind of delicate issue. There is also another one that he did not mention, and that is the Federal contested elections law, a law that this body put into place one of the times it dealt with this kind of an issue, when they were faced with a very difficult issue, and it was decided

there ought to be a law to govern how these questions would be considered. That Federal contested elections law is in place, but it is not being used in the Indiana Eighth District. There has never been anything filed under that.

The loser in that election, Mr. McCloskey, has never filed anything suggesting that there was some impropriety in the election, that there was some reason that the Federal contested election law should be brought into play which should bring him before the bar of this House to be seated. He has never suggested that. He has just come to the majority of this body and said: "You have more votes than they do. Seat me and not the other individual, because this election was close, and I want you to seat me."

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

Mr. KOLBE. I yield to the gentleman from Florida.

Mr. MACK. I would just like to respond to a comment the gentleman from Wisconsin made just a few minutes ago in reference to not counting all of the votes. I am not sure I have the exact number of votes that were not counted, but is that somewhere in the neighborhood of 30 or 32?

Mr. GUNDERSON. Thirty-two is what I usually hear is the number.

Mr. MACK. Thirty-two.

I heard during some of the discussion earlier today something that I think sheds a little light on why those votes were not counted. I understand that they are all absentee ballots; is that correct?

Mr. GUNDERSON. That is correct.

Mr. MACK. And the absentee ballots have the names and the addresses of the individuals who cast those votes, and one could very easily go back and determine whether those individuals were registered as Democrats of Republicans.

What I am suggesting to you is that I think when you look at those you are going to find that those votes I believe were 17 registered Republicans, 6 were registered Democrats, and the balance were independents. So if you were trying to determine the outcome of the election and you finally got yourself to four votes, I would suggest if you had that information, which I assume that they did, that that might be a convenient place to stop.

I thank the gentleman for yielding.

Mr. KOLBE. I thank the gentleman from Florida for that comment, because I think it is an appropriate one and certainly highlights one of the issues here.

I suppose that if they had looked at those 32 ballots and found that 31 of them were Democrats and 1 was a Republican, they might not want to roll dice either, as long as they were 4 votes ahead. And they might still have discounted them. But under the circumstances, you are absolutely right, you are rolling the dice with them stacked against you or perhaps stacked against you.

The fact of the matter is, Mr. Speaker, in the course of this aborted recount which has been taking place by the task force in Indiana, during the course of that recount the absentee ballots have split remarkably close, even though the majority of the absentee ballots are Republicans, they have split right down the middle, a testimony to the very good job that the Democrats and Mr. McCloskey did of getting the absentee ballots on their side.

So one could look at those ballots and say they are going to come out just about down the middle and we will still end up with four votes.

But the fact of the matter is, once they got to the point where they are four votes ahead, they stopped. They just changed the rule. They said:

> Oh, Indiana law now applies here in these cases, these absentee ballots were not sent out to the precincts, and so therefore we will not count them, even though we have affidavits from the clerks of each of those counties saying that the security on those ballots is exactly identical to the security of those absentee ballots that had been sent out to the precincts and which were counted by the Task Force.

They were treated, although they were identical in the kind of ballots, identical in the fact that they had not been notarized or signed, identical in the way the security had been provided, they counted 19 of them and they decided not to count the next 32 because they were ahead. It was just as simple, as blatant, as outrageous as that.

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

Mr. KOLBE. I yield to the gentleman from Florida.

Mr. MACK. What you are saying to me is that—I got the impression during this discussion earlier that there were a certain number of absentee ballots that apparently were not notarized, and I got the impression that those that were not notarized had not been counted. Are you telling me now that there were some absentee ballots that were not notarized that were actually counted by the task force?

Mr. KOLBE. Absolutely. Those that were sent back in violation of Indiana law to the precincts and were put into the precinct ballot box, those were opened and counted. They went back to the precinct, the precinct realized they had not been notarized, and so they said: "Even though we received them back from the clerk, we are not going to open them and count them." They put them in the box. They did not count them. The task force opened them and counted them. They were not notarized, they were not signed.

But in this case the ballots had not been sent from the clerk because the clerk spotted the discrepancy that they had not been notarized or signed and so the clerk put them in the safe in their country courthouse and stuck them there and certified with an affidavit that they had received the same security as any other ballots. They did not open those and count them. Exactly the same kind of ballots. And to compound the grossness of this, they then said: "Because the clerk had complied with Indiana law we will not count them. Now, those that did not Comply with Indiana law, we will count them." Some kind of discrepancy, one might discern in all of that.

I yield to the gentleman.

Mr. MACK. I am standing here in almost total disbelief. What you are saying to me is that the ones that violated Indiana law were counted?

Mr. KOLBE. Were counted.

The ones that were sent back to the precincts in violation of Indiana law because Indiana law says that if they are not notarized or signed the clerk is supposed to hold onto them and not send them back, they were sent back in violation of Indiana law, and they were counted by the task force. The ones where the clerk complied with the law and did not send them back, there they decided not to count them.

Mr. MACK. Well, I certainly wish that Mr. PANETTA could be with us tonight. I am sure he would have some explanation as to why they would change the rules. Of course they change the rules around this place all the time, so I guess it would be something that we would expect them to do during this recount. But it sounds to me what you are saying is that they changed the rules as they went along.

Mr. KOLBE. They changed the rules as they went along. I certainly wish that the gentleman from California was here to explain to us how he managed to justify this change, how he managed to rationalize this change, but I think it is very clear why they did it. They did it because he had his orders from the leadership to make sure the election came out in behalf of the Democratic candidate in the eighth district.

Mr. MACK. Possibly the reason he is not here tonight is that this is too open a session, I mean it is too much of an opportunity for people to question him as to what happened during that discussion.

Mr. KOLBE. That may well be. I certainly wish we could get the gentleman.

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

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

Mr. GUNDERSON. I think it is very, very important that we understand around here that it is not simply a number of us here in Congress. Members who are concerned about this

issue. I would like to read from a printed document, if I might, and I would like to read from an editorial in the Evansville Press of last Saturday, talking about this whole issue of uncontested ballots. It says:

The recount appeared to be a fair one. It simply stopped 25 votes short of the end. Since the rationale for a Federal recount was based on obvious major inconsistencies in the earlier local recount of votes, there should be no tolerance for smaller but equally obvious inconsistencies where an election is being decided by a handful of votes. Unless those votes, all of the votes, are counted, those shouting for a special election, a costly adventure that could set the State back as much as a half million dollars and possibly still not clear up this mess, may more and more begin sounding like the voice of reason who have the candidates' best interests at heart.

□ 2340

Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding because I think the point that was made here just a couple of minutes ago is an important point. Watching the proceedings on my office television a little bit ago, I noticed we did get one Democrat out here who participated in the exercise and so on and who seems to have left the floor since.

The Democrats seem strangely unwilling to come out and engage in this kind of debate.

PARLIAMENTARY INQUIRY

Mr. MACK. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MACK. Mr. Speaker, there was a reference by a colleague that maybe I violated the rules of the House, and suggested that maybe my words ought to be taken down.

Is that an idle threat that is being posed, or did I in fact violate the rules? I certainly have no intention of violating the rules of the House, but it would be helpful to me as we continue our debate tonight for me to know the parameters in which I can deal.

The SPEAKER pro tempore. The Chair has received no request from the floor to have the gentleman's words taken down.

Mr. MACK. So as far as the Chair is concerned, anything that I have said so far this evening certainly would be within the rules?

The SPEAKER pro tempore. The Chair would caution the Members not to question the integrity of other Members or to impugn the motivation of individual Members.

Mr. MACK. Mr. Speaker, when you say the "motivation" does that mean a negative or a positive motivation? If I make a statement about the positive motivation on the part of the Members, does that certainly fall within the rules, I would take it?

The SPEAKER pro tempore. The Chair would rule as each particular incident is brought to its attention. We ought to be cautious as to our personal comments about our colleagues.

Mr. KOLBE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding because this point may well be going along with what the gentleman from Florida was just inquiring about. It does seem strange that we do not have very many of the Democrats out on the floor this evening defending the actions of the task force. This was a task force created by the majority side. They did it on a purely partisan vote. They stacked a committee of the Congress, the House Administration Committee, and then further stacked the task force itself, and now not seem very willing to come to the floor to defend the actions that turned out to be an outrage.

It seems to me that we ought to probably be hearing from some of them because while many of us are disturbed enough about what has taken place to show up on the floor even at this late hour, the fact is that we are not hearing very much from the other side. Perhaps it is just indefensible, what they have done.

Mr. KOLBE. I yield to the gentleman from Minnesota.

Mr. SIKORSKI. I thank the gentleman for yielding. I do not absolutely want to intrude upon your proceeding this evening, although two points should be made for the record, as long as the issues were raised.

The first is that certain people are not here in part because this matter was raised and kept secret until very late in the legislative day, and were not given the lead time notification.

Second, that when people have attempted to participate in these discussions this evening, the time was withdrawn from them; they were cut and others. That is all I care today and I thank the gentleman for yielding.

Mr. KOLBE. I thank the gentleman for his comments. I would point out that I do not know of any secrecy that is involved in this. The special orders for tonight are promulgated at the same time that they are every day; there was nothing that was secret about this.

I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

I would like to answer the gentleman's question because I have scheduled most of the people who are speaking now and will speak later on tonight. A member of the Democrat staff came over and asked us shortly after the Republican conference broke up if we were planning an all-night session, and one of our staff people came over and said what should I tell them, and I said you go back and tell them we are going to plan an all-night session and ask them if that is OK with them.

In doing that also, several members of the staff for the House came out and asked me if in fact there was going to be an all-night session, and if so, they needed to plan for it so that they could be accommodated in there schedules, and I said absolutely.

Then several people called up and said can we tell the newspapers that their is going to be an all-night session and I said "absolutely." This was not a secret session; this was an idea that was brought up during the Republican session today, and we needed to get enough people on board to see if we could get enough people to make the thing go. But once it went we did exactly that.

I would like to hear Mr. PANETTA give an explanation, and I hope it is a better explanation than the one that he made in the hearing in Indiana. So I would welcome his participation. I would welcome the majority leader, Mr. WRIGHT, coming before the full House and explaining to us how we fulfilled his uniformity requirements that he said we must impose on the State of Indiana when we went there and we counted absentee ballots until the Democrats had a 4-point lead and then we quit counting absentee ballots.

So, let me just say to the gentleman if he thinks there is some kind of a surprise that has been sprung on the world by us going on television and apparently no Democrats knowing about it for many, many hours, I would welcome the Democrat leadership to come down here tomorrow morning and confront this issue and explain why they had to impose this uniformity that really was not very uniform on the State of Indiana and on the people of the district which elected Mr. McIntyre to a seat in the House of Representatives.

Ms. FIEDLER. Mr. Speaker, will the gentleman yield?

Mr. MONSON. I am happy to yield to the gentlewoman from California.

Ms. FIEDLER. I thank the gentleman for yielding.

I would just simply like to ask the Democratic representative how he happened to find himself here on the floor of the House of Representatives? How do you know about this special order and how did you get here?

Will the gentleman please respond to the inquiry?

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

Mr. MONSON. I yield to the gentleman from Minnesota.

Mr. SIKORSKI. Will the gentleman from California answer for the fourth time now my question as to the time frames and second, the question he

raised Mr. PANETTA's name several times now, did you have conversations or anyone from your staff have conversations with Mr. PANETTA upon his presence here—your request for his presence here?

Mr. HUNTER. Let me answer the gentleman's question if the gentleman will yield. I will tell you what. I have not raised Mr. PANETTA's name here. I did not contact Mr. PANETTA, but I will tell you what I will be happy to do for the gentleman, let me call Mr. PANETTA's office right now and let me call him again tomorrow morning and ask him to come down here and explain to use why he did not count those last 29 ballots. I think that is the whole question.

Now as far as timeframes go, it usually takes you about 3 days to put together a special order that has a lot of Members participating in it, at least it took at least that many last time. I do not know when we had our full conference, but I think it was about 4 o'clock in the afternoon. And by about 6 o'clock we had the thing basically together. That means going out and getting a lot of people, sometimes from your side of the aisle as well as ours, but this time obviously it is a partisan thing, getting maybe 30, 35 Members together, and as soon as we got enough people together where we knew we could go ahead and have the thing, the staff people came over and said that your staff people were inquiring about whether we were going to have something, I said go ahead and tell them of course we are going to have something.

So let us say that was 4:30 and I think that inquiry was made to me by your staff folks about 6:30 or so. I think we went out of session about 7 o'clock, did we not, out of regular session.

Ms. FIEDLER. If the gentleman will yield further, I think that the gentleman from California has answered your question, now I would like you to answer my question. How did you find yourself on the floor if it was such a big secret?

Mr. SIKORSKI. Will the gentleman yield?

Mr. MONSON. I yield to the gentleman from Minnesota.

Mr. SIKORSKI. The gentleman has not answered my question. He has not put a timeframe on the conversations with regard to this. No comment was made. No request was made of Mr. PANETTA. Yet several times this evening his lack of presence here was constructed to be an affront to the truth process and indicated that somehow that there was a lack of substance on his side of the argument. I think that that is outrageous. I think that is not appropriate debate, nor is it especially instructive.

If you want to restrict yourself to the facts, go ahead, use the facts.

I thank the gentleman for yielding.

Mr. HUNTER. Let me be as precise with my friend as I can be. I think the conference was finished about 4:30 and I think we had this thing together about 6:30 and that is about when the staff people came over and said the Democrats want to know what is happening and I said you go tell them we are going to have a special order all night. So, 4:30, 6:30 approximations for my friend and I hope we did not surprise the world with this special order.

Mr. MONSON. And I would like to point out to the gentleman from Minnesota that the gentleman from California answered that question several times in the process. Each time it went unacknowledged for whatever reason, probably to raise more partisan arguments.

Ms. FIEDLER. If the gentleman would yield further, I would like to ask the gentleman again how he found out about this session. Everytime that I have asked that question he has again reiterated his questions to the gentleman from California indicating he was not satisfied with his answers.

Well, you may not have been satisfied, but at least you got an answer. That is more than you have extended to me. How did you find out about this session if it was a secret?

Mr. SIKORSKI. If the gentleman will yield, I thank the gentlewoman for raising the question. I learned approximately at 7:30 this evening or 7:15 that this special order was going to be participated in this evening and was requested to sit here and to guard against certain tactics that have been utilized in the past. In fact, the very thing that caused me to ask the gentleman, the previous gentleman, to yield. That is why I am here.

My concern, of course, was that a particular person was spotlighted as an individual with an incredible amount of information and a story to tell and yet his lack of presence here was used as some kind of admission of guilt or used as some kind of constructive evidence as to the weakness of his argument.

I simply suggest that that is not appropriate or fair, especially in light of the approach that was taken in planning and scheduling it and the fact that the gentleman—at least I am not aware that the gentleman from California [Mr. PANETTA]—was not even requested to be here to present his side of the argument.

Mr. MONSON. May I just comment. I think that the comments that were being made were more as an invitation to the gentleman from California to come and engage in conversation.

Mr. SIKORSKI. If the gentleman would yield, that certainly is a legitimate request, but it was not made as a request for a time in the future, it was made for the time present and it was not a request, it was a comment upon his absence here in other Members' presence.

Mr. MONSON. As long as we are in session, I think it is incumbent upon the Members to know what is going on on the floor.

Mr. SIKORSKI. And does that include votes this afternoon as well?

Mr. MONSON. Please it is my time.

And as we know what is going on on the floor, we have an opportunity to participate.

I think we were pointing out the fact that there was no one here representing the other side. An invitation was being given to attract those Members here so that we could carry on this conversation.

I will yield to the gentlewoman from California.

Ms. FIEDLER. I think what we are hearing here is the fact that the gentleman on the other side of the aisle does not believe that the process is fair. Well, that is what this entire issue is about, the fact that there is not a fair process taking place. Only in this particular case there is nobody who is telling Mr. PANETTA that he cannot come to the floor. He simply is choosing not to come to the floor and participate in this particular debate.

In the case that we are talking about, there is no choice on the part of the minority party. As you can see, it is not very nice to be on the other side as a member of the minority, even here today. But at least under these circumstances, your party controls the rules and we are working under the rules and if other Members from your party would choose to come and participate in open, valid discussion here, we are prepared to have that discussion.

Unfortunately, our Member of Congress who is duly elected, was not given the same kind of equity. I think that is the whole reason why we are here today, the fact that there has not been equity in the electoral process.

If your party members who are involved in the process do not feel that they have had fair opportunity to discuss the issues, then we invite them all to come to this floor and continue this discussion. But what we are looking for is more than just a discussion, but equity in the final outcome of the debate itself.

Mr. MONSON. I thank the gentlewoman for her comments.

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

Mr. MONSON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I spend a good deal of time around the House floor. I must say that it is absolutely incredible to have the argument made that the problem was the Democrats do not have leadtime.

Good heavens, over the last several weeks not even the Republican leadership was informed about legislative scheduling around here. We have had major bills pulled off the calendar arbitrarily without even consulting with the Republican leadership. Just today we got less leadtime with regard to the rule that was pulled on Nicaragua this afternoon than the gentleman's party got with regard to this special order.

Now there is all the time around here, the actions by the majority side, which simply violate the entire legislative process with regard to scheduling.

And to come on to the floor and suggest that somehow the Democrats are being abused by not giving them adequate time to respond is just plain clear nonsense. Then to suggest further that the problem is that no one would yield to them when they come out here, I think we have been awfully conscious of the need to yield to Democrats when they are out here debating with us. I would defy anyone to suggest places where they have not had adequate opportunity to discuss these issues.

I would also point out that there was a member of the Democratic leadership, the deputy whip, was out here on the floor while this whole action was going on a little bit ago. He knew doggone well we were not doing it in secret. He was out here on the floor. He could have participated right then. That is the kind of participation that I was referring to. I do not think we have to have the chairman of the task force. What I am suggesting is that there are a lot of Democrats who have voted on this issue time and time again who have gone to the well of this House, cast votes, supposedly understanding what it was their leadership was asking them to do.

The fact is that when it comes to debating the issues out here on the floor, they refuse to show up because they do not have a case to make. It has nothing to do with the process that is being used around here. The fact is they are afraid to come out here and debate this issue because they know what has been done already by the task force that they empowered is just absolutely crummy. There is no way that they can defend that kind of fraudulent practice out here on the floor.

Mr. MONSON. I yield to the gentleman from Arizona.

Mr. KOLBE. I thank the gentleman for yielding.

The comment of the gentleman from Pennsylvania reminded me of something when he talked about the time that was taken, given by the majority to the minority and certain notification.

I recall a colloquy on this floor last Thursday between the majority leader and our minority leader about the fact that the Rules Committee was at that very moment meeting to consider the resolution introduced by the gentleman from Illinois, our distinguished minority leader. And the Rules Committee, even though it was his resolution, the resolution regarding Contra aid, the gentleman from Illinois had not even been given the courtesy of being notified that his resolution was being considered in the committee.

Mr. WALKER. If the gentleman would yield to me for 1 moment, I just wanted to reemphasize the point that the gentleman from Arizona was making.

The gentleman from Illinois [Mr. MICHEL] was the chief sponsor of the resolution that was being considered by the Rules Committee, he had not, as the minority leader, nor as the chief sponsor of the resolution, been informed. In fact, the minority members of the Rules Committee had not been informed. And I understand at that meeting we only, because of the notification procedure, were able to find one Republican who could get to the meeting. This was on one of the most important votes that we will cast this year because the Democrats decided they did not want Republicans there to participate and so they used the short notice time in that case to their advantage.

Now, the fact is that this special order that is being engaged in now was decided upon in a Republican caucus that was held this afternoon and we came to the floor, I think everybody acknowledged we were going to go ahead with this, anybody who wanted to ask, after that conference. I think they got far more notification than they normally give the minority party.

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

Mr. MONSON. I yield to the gentleman from Florida.

Mr. MACK. I thank the gentleman for yielding.

I just want to make one comment. I think that what you see happening here is the typical type of situation that the Democrats are very good at. We were carrying out a discussion about what was happening with McIntyre and McCloskey and what was happening with the election and the various procedures for counting and then all of a sudden the smokescreen appeared out of nowhere. All of a sudden now for the last 20 minutes or so we have been responding to these meaningless points that have been raised by the opposition.

I would suggest that we get back on to the issue that we are here tonight to discuss.

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

Mr. MONSON. I yield to the gentleman from New York.

Mr. GREEN. I thank the gentleman for yielding.

I would love to pick up on that because that is precisely why I came over to the floor from my office because I think we are dealing with an important constitutional point.

I think the willingness of the Democrats to disregard the Constitution of the United States is something that ought to be brought to the attention of the House and the country.

I would like to go back to some very basic constitutional law and call the attention of my colleagues to article 1, section 4 of the Constitution of the United States.

Article 1, section 4 of the Constitution of the United States provides, "that the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, but the Congress may at any time, by law, make or alter such regulations."

As the recent Chadha case in the U.S. Supreme Court makes clear, action other than an act of Congress cannot enact a law of the United States. Yet the Democratic leadership in this House, in total defiance of article 1, section 4, is seeking to change "the manner of holding elections for Representatives," in the Eighth District of Indiana. It is saying that it will count ballots in total defiance of Indiana law, at least until the very moment the Democratic candidate comes ahead and then it will stop counting still other ballots that would previously have met its standards.

I think that really presumes too much because I think the Democratic Party is saying it is prepared to defy the Constitution of the United States, to defy the rights of the States under article 1, section 4 of the Constitution of the United States, to provide the time, places, and manner of holding elections for Senators and Representatives until the Congress of the United States changes that by law as we have done in certain cases, the Civil Rights Act, and other changes, constitutional and statutory.

It will do that up until the very minute when it moves ahead and then it is going to throw down those same requirements of the laws of the State which it has totally disregarded for months, and then at that last minute in accounting when there are just scores, not hundreds of thousands, but scores of votes remaining to be counted, suddenly it says, now we are going to throw down that same mantle of laws that we totally disregarded for months and that is what is going to decide the outcome.

I would suggest that this is a plain violation of a constitutional provision in article 1, section 4 of the Constitution as to how the elections for Members of the other body and this body are to be conducted and that that is a very dangerous thing.

I would suggest that the Founding Fathers, in providing that the laws of the States are to be disregarded only when there is an act of Congress that has changed the provision in that State for electing Members of this body were very much concerned with our Federal system and they did not want to permit the tyranny of a majority in either House to do the kind of thing that we have seen in all too many other countries which can override the will of the people. That is why we have the Federal system in this country. For the majority of this House, the Democratic Party, to insist on overriding State laws which they plainly did by the resolution with which they started this count and to override that law consistently day after day, week after week, month after month, and then only when they had gotten ahead, to pull down the curtain on the last score or two of ballots, that, I think, is a shameful thing in the annals of this country and a very dangerous constitutional precedent, one I hope that this House will not countenance and will reverse when this issue comes to the floor.

Mr. MONSON. I thank the gentleman from New York for his comments.

I came to this House on January 3 like many other Members for my first time. And on that day, there was a lot of excitement within me as I anticipated the next 2 years and anticipated the important decisions that we would be making.

I listened intently because everything was new to me on that day, the things that were being said. I was reminded today of one of the arguments that was used in getting us into this situation in the first place. The majority leader of the House said that we needed to take control of this election process in order to avoid a partisan confrontation. I think what has happened is far more partisan than we ever would have had, had we gone ahead and done the right thing on January 3.

I was very discouraged as I watched the events that began to take place after that. Having left a position as a chief election officer in the State of Utah and coming to the House, I assumed that the procedure that would be followed was that we would ask for a recount of the votes under the Indiana law, and that we would watch over that recount to make sure that the rules that were in place in Indiana were adhered to, but we would just go ahead and verify the events that had transpired there and make sure that they had taken place in a way that was fair and honest and just. I was surprised, disappointed, and a lot of other things when we found that we all of a sudden were in the process of creating a bunch of new rules.

I just could not believe that after an election had been held, we would say there was something wrong with those rules, making it sound like they were the only State in the country that had rules that were bad, and then say that because those rules were bad, we could not live with them, and so we would create our own set of rules to hopefully change the outcome of the election, which I think is the only reason that they could possibly have wanted to change those rules.

Mr. Speaker, I yield to the gentleman from New York.

Mr. GREEN. I thank the gentleman for yielding.

I think the simple point is that we can only change the rules under the Constitution, under article 1, section 4, by act of Congress. We have done that. We have done it in the Civil Rights Act, we have done it through constitutional amendments. But we certainly have no right to change the rules to a task force of a committee adopting some procedure. I think if the Chadha case stands for anything in terms of how Congress has to act, it is very clear that under article 1, section 4, there is no authority for some little segment of the House to change State law on how elections are to be run, the time, place and manner of electing Members of Congress. It seems to me that is the vice here.

Obviously, it has been aggravated by the fact that, having changed the rules, the Democrats will now no longer even live by the rules that they themselves have established, and now insist on trying to swing back on the final couple of score of votes on the rules which they themselves eschewed earlier on in the process. That makes the thing obviously far more scandalous than it had been up to this point. But certainly there was never a constitutional right in the first place for that committee to say that it was going to change the time, place, and manner of holding congressional elections, something that article 1, section 4 of the Constitution very clearly says can only be done by an act of Congress. But obviously it can also be done by a constitutional amendment, but neither of those occur in this case.

Moreover, I would point out there has been no suggestion of fraud, no suggestion of impropriety, no such claim has ever been filed in this case. So we have a case where it is simply the majority in this House has decided that it will disregard the laws of Indiana, disregard article 1, section 4 of the Constitution, and try to run this election under its own rules up until the moment when it gets ahead, and then it is going to figure out everything it had decided to do earlier, and just ram its candidate through. If there is anything the Founding Fathers were trying to do, it was certainly to try to stop that sort of conduct.

Mr. MONSON. I think, as the gentleman pointed out a little earlier, too, the Constitution provided that the States would be responsible for establishing how the people from within their States would be elected. So even if a small task force from a committee in the House shouldn't do it, I don't think the whole House should do it either. We especially shouldn't do it after the election has been held to apply to that election. If they are that bad, maybe we could create rules that would apply to future elections, but we certainly shouldn't try to impose them on an election that has already been held.

Mr. WALKER. Would the gentleman yield?

Mr. MONSON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I think it is important to point out here that the point made by the gentleman from New York is extremely vital in all of this because, on January 3, which the gentleman reflected on as his first day in the Congress, when the majority leader came to the floor and suggested to us that there was a need for this particular election to be put aside, you may remember that the majority leader said that only happens in very, very limited cases, that there are only a narrow group of cases that would take place, where we have a certified Member and we decide to put aside that certification.

What he suggested was, in this particular instance, the reason we ought to try to set it aside is because there had been questions about the vote in Indiana, implying that there might be some questions about the nature of that election and that it might have even contained some fraud.

The fact is that the task force, in doing its work, has now come back and said that there is absolutely nothing on the record that would suggest that any such condition existed in Indiana. So the task force has itself said now that the whole reason for setting this election aside on January 3 was wrong. The majority leader just was plain wrong in the representation that he made as to say we should not seat the certified Member from Indiana.

Now the task force has also come back and said, yes, but regardless of all of that, the fact that our mandate may have been a phony doesn't make any difference because we have these procedures that we are going to follow right up until the time that those procedures no longer work, doing what we want to do, and that is seat somebody who is uncertified, and then we are going to abandon even our own procedures.

What they have done is, they have just disregarded the things all the way along. They disregarded Indiana law, they disregarded the Constitution, and now they are even disregarding the

rules that they made themselves in order to do that which they really set out to do on January 3, and that was to seat someone who did not carry the certification to this Congress.

When you go back and you realize and you trace this whole process back, it is clear now that the whole process was aimed at seating Frank McCloskey in the Congress. The process was not aimed at fairness, it was not aimed at doing anything in terms of protecting the Constitution, it was not aimed at trying to create a situation whereby this House would be the judge of this election. It was aimed at doing one thing, and that was seating an uncertified Member in this body. That is what they are trying to do, and that is what has got to be stopped.

Mr. MONSON. I think, too, that we need to remind ourselves again that 34 votes wasn't good enough on January 3; a few weeks later, 418 votes wasn't good enough, and now they are saying four votes is good enough. The questions that have been raised with getting us down to the point where there are four votes, I think, are far more serious than those that were ever facing us with 34 or 418.

Mr. Speaker, I will be happy to yield to the gentleman from Texas.

Mr. DELAY. I thank the gentleman for yielding.

If my colleagues will be so good to give me a little time, I would like to express my views. I had been in the Texas Legislature for 6 years, and have just recently arrived at this body. I have heard in my State legislature and also on this floor the Constitution being bandied about, more rhetoric about what is unconstitutional, what is constitutional, what was the intent of our Founding Fathers, and what we are operating under is article 1, section 5, subsection (1), whereby this House has the right, according to the Constitution, to seat its own Members. In all the rhetoric that has been kicked around since January 3, our colleague, Rick McIntyre from Indiana, has not been seated by this body.

I started thinking what was the intent of our Founding Fathers. So I went back to the Federalist Papers. I think that the Federalist Papers expressed by Hamilton and Madison what the intent was of the Convention when they drafted one of the greatest documents of mankind. That seems to have been forgotten by this body for probably the last 30 or 40 years, at least ever since 1936 in the Butler case, whereby it was the opinion of the Supreme Court at that time that the general welfare clause meant that anything this body, this Congress, does is in the general welfare of the United States and, therefore, we can do anything.

It is obvious to me that the tremendous abuse of power that had been perpetrated on the people of Indiana Eighth is one more example that the Constitution has just been once again completely shredded and thrown out of this great Hall, a Hall that I was more than proud to walk into on January 3 and be sworn in. But at this point in my very brief congressional career, I am embarrassed to be a Member of this House because of the actions of some Members of this House.

I must say that this has sometimes been denigrated down to a partisan battle. We must remember that there are five Democrats that have voted consistently to seat Mr. McIntyre—five Members from the other side of the aisle who looked at the situation, knew it was unfair, and voted, I think, two or three times to seat Mr. McIntyre.

But I would like to get back to the Federalist Papers. To me, these are the intent of our Founding Fathers. If my colleagues and the Speaker will permit me, I would like to read from No. 59, Hamilton, from the Federalist Papers.

The natural order of the subject leads us to consider in this place that provision of the Constitution which authorizes the national legislature to regulate in the last resort the election of its own members. It is in these words: "The times, places, and manner of holding elections for senators and representatives shall be prescribed in each State by the legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing senators."

That is the quote form the first clause, fourth section of the first article.

This provision has not only been declaimed against by most of those who condemn the Constitution in the gross; but it has been censured by those who have objected with less latitude and greater moderation; and, in one instance, it has been thought exceptional by a gentleman who had declared himself the advocate of every other part of the system.

I am greatly mistaken, notwithstanding, if there be any article in the whole plan more completely defensible than this. Its propriety rests upon the evidence of this plain proposition, that every government ought to contain in itself the means of its own preservation. Every just reasoner will, at first sight, approve an adherence to this rule, in the work of the convention; and will disapprove every deviation from it which may not appear to have been dictated by the necessity of incorporating into the work some particular ingredient with which a rigid conformity to the rule was incompatible. Even in this case, though he may acquiesce in the necessity, yet he will not cease to regard a departure from so fundamental a principle as a portion of imperfection in the system which may prove the seed of future weakness, and perhaps anarchy.

It will not be alleged that an election law could have been framed and inserted into the Constitution which would have been applicable to every probable change in the situation of the country; and it will therefore not be denied that a discretionary power over elections ought to exist somewhere. It will, I presume, be as readily conceded that there were only three ways in which this power could have been reasonably modified and disposed; that it must either have been lodged wholly in the national legislature, or wholly in the State legislatures, or primary in the latter and ultimately in the former. The last mode has, with reason, been preferred by the convention. They have submitted the regulation of elections for the Federal government, in the first instance, to the local administrations; which, in ordinary cases, and when no improper views prevail.

I think that is important—

which in ordinary cases, and when no improper views prevail, may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety.

Nothing can be more evident than that an exclusive power of regulating elections for the national government, in the hands of the State legislatures, would leave the existence of the Union entirely at their mercy. They could at any moment annihilate it by neglecting to provide for the choice of persons to administer its affairs. It is to little purpose to say that a neglect or omission of this kind would not likely to take place. The constitutional possibility of the thing, without an equivalent for the risk, is an unanswerable objection. Nor has any satisfactory reason been yet assigned for incurring that risk. The extravagant surmises of a distempered jealousy can never be dignified with that character. If we are in a humor to presume abuses of power, it is as fair to presume them on the part of the State governments as on the part of the general government. And as it is more consonant to the rules of a just theory to trust the Union with the care of its own existence than to transfer that care to any other hands, if abuses of power are to be hazarded on the one side or on the other, it is more rational to hazard them where the power would naturally be placed than where it would unnaturally be placed.

Suppose an article had been introduced into the Constitution empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarrantable transposition of power or as a premeditated engine for the destruction of the State governments? The violation of the principle in this case, would have required no comment; and, to an unbiased observer, it will not be less apparent in the project of subjecting the existence of the national government, in a similar respect, to the pleasure of the State governments. An impartial view of the matter cannot fail to result in a conviction that each, as far as possible, ought to depend on itself for its own preservation.

It goes on to talk about the Senate or the other body, excuse me, Members, the other body, which I think we can leave out.

It goes on to say:

It may easily be discerned, also, that the national government would run a much greater risk from a power in the State legislatures over the elections of its House of Representatives than from the power of appointing the members of its Senate.

But with regard to the Federal House of Representatives, there is intended to be a general election of members once in two years. If the State legislatures were to be in-

vested with an exclusive power of regulating these elections, every period of making them would be a delicate crisis in the national situation, which might issue in a dissolution of the Union if the leaders of a few of the most important States would have entered into a previous conspiracy to prevent an election. I shall not deny that there is a degree of weight in the observation that the interest of each State to be represented in the Federal councils will be a security against the abuse of power over its election in the hands of the State legislatures.

But the security will not be considered as complete by those who attend to the force of an obvious distinction between the interest of the people and the public felicity and the interest of their local rulers and the power and consequence of their offices.

The people of America may be warmly attached to the government of the Union, at times when the particular rulers of particular States, stimulated by the natural rivalship of power, and by the hopes of personal aggrandizement and supported by a strong faction in each of those States, may be in very opposite temper.

This diversity of sentiment between a majority of the people and the individuals who have the greatest credit in their councils is exemplified in some of the States at the present moment on the present question.

The scheme of separate confederacies which will always multiply the chances of ambition, will be a never failing bait to all such influential characters of the State administrations as are capable of preferring their own emolument in advancement to the public will. With so effectual a weapon in their hands at the exclusive power of regulating elections for the national government, a combination of a few such men, in a few of the most considerable States where the temptation will always be the strongest, might accomplish the destruction of the Union by seizing the opportunity of some casual dissatisfaction among the people, and which, perhaps, they may, themselves, have excited, to discontinue the choice of members for the Federal House of Representatives. It ought never be forgotten that a firm Union of this country, under an efficient government, will probably by an increasing object of jealousy to more than one nation of Europe, and that enterprises to subvert it will sometimes originate in the intrigues of foreign powers and will seldom fail to be patronized and abated by some of them.

Its preservation, therefore, ought, in no case, that can be avoided to be committed to the guardianship of any, but those whose situation would uniformly beget an immediate interest in the faithful and vigilant performance of the trust.

No. 59 in the Federalist Papers speaks solely about States and the reason they put this in the Constitution was to protect, to make sure that States do not refuse to hold elections to send members to the House of Representatives, or States to conflict amongst themselves and create unrest in another State that would cause someone for not sending a member to this body. But you cannot talk about No. 59 without not talking about No. 60, by Hamilton.

We have seen that an uncontrollable power over the elections to the Federal Government could not, without hazard, be committed to the State legislatures. Let us now see what would be the danger on the other side. That is, from confiding the ultimate right of regulating its own elections to the Union itself. It is not pretended that this right would ever be used for the exclusion of any State from its share in the representation. The interest of all would, in this respect, at least, be the security of all. But it is alleged that it might be employed in such a manner as to promote the election of some favorite class of men and exclusion of others.

I wonder if a favorite class of men would be a political party. By confining the places of elections to the particular districts and rendering it impracticable to citizens at large to partake in the choice. Of all chimerical suppositions, this seems to be the most chimerical. On the one hand, no rational calculation of probabilities would lead us to imagine, on the one hand, no rational calculation of probabilities would lead us to imagine that the disposition which a conduct so violent and extraordinary would imply could ever find its way into the national councils; and on the other it may be concluded with certainty that if so improper a spirit should ever gain admittance into them, it would display itself in a form altogether different and far more decisive.

The improbability of the attempt may be satisfactorily inferred from this single reflection, that it could never be made without causing an immediate revolt of the great body of the people, headed and directed by the State governments.

Let me repeat that one phrase:

The improbability of the attempt may be satisfactorily inferred from this single reflection, that it could never be made without causing reflection, that it could never be made without causing an immediate revolt of the great body of people, headed and directed by the State governments.

It is not difficult to conceive that this characteristic right of freedom may, in certain turbulent and factious seasons, be violated—

And this seems like a turbulent and factious season—

be violated, in respect to a particular class of citizens, by a victorious majority—

It is not, and I will read it again:

Sit is not difficult to conceive that this characteristic right of freedom—

The freedom to vote—

may, in certain tubulent and factious seasons, be violated, in respect to a particular class of citizens, by a victorious majority; but that so fundamental a privilege; in a country so situated and enlightened, should be invaded to the prejudice of the great mass of the people by the deliberate policy of the government without occasioning a popular revolution, it is altogether inconceivable and incredible.

You would think that Alexander Hamilton was here tonight. I can't believe that his words have been spoken over 3 months time many, many times on the floor of this House.

In addition to this general reflection, there are considerations of a more precise nature which forbid all apprehension on the subject. The dissimilarity in the ingredients which will compose the national government, and still more in the manner in which they will be brought into action in its various branches, must form a powerful obstacle to a concert of views in any partial scheme of elections. There is sufficient diversity in the state of property, in the genius, manners, and habits of the people of the different parts of the Union to occasion a material diversity of disposition in their representatives towards the different ranks and conditions in society. And though an intimate intercourse under the same government will promote a gradual assimilation of tamper and sentiments, yet there are causes, as well physical as moral, which may in a greater or less degree, permanently nourish different propensities and inclinations in this particular.

But the circumstance which will be likely to have the greatest influence in the matter will be the dissimilar modes of constituting the several component parts of the government: The House of Representatives being to be elected immediately by the people; the Senate by the State legislatures; the President by electors chosen for that purpose by the people—there would be little probability of a common interest to cement these different branches in a pre-election for any particular class of electors.

And he goes on to talk about the other body. Now I will skip over to the very end and with this I will finish.

Let it, however, be admitted, for argument sake, that the expedient suggested might be successful—

The expedient being that Federal Government would set rules and laws and election laws for the States—

and let it at the same time be equally taken for granted that all the scruples which a sense of duty or an apprehension of the danger of the experiment might inspire were overcome in the breasts of the national rulers—

Something I tend to wonder about—

still I imagine it will hardly be pretended that they could ever hope to carry such an enterprise into execution without the aid of a military force sufficient to subdue—The improbability of the existence of a force equal to that object has been discussed and demonstrated in different parts of these papers; but that the futility of the objection under consideration may appear in the strongest light—

And I am not trying to take light of it either—

it shall be conceded for a moment that such a force might exist and the national government shall be supposed to be in the actual possession of it. What will be the conclusion? With a disposition to invade the essential rights of the community and with the means of gratifying that disposition, is it presumable that the persons who were actuated by it would amuse themselves in the ridiculous task of fabricating election laws for securing a preference to a favorite class of men? Would they not be likely to prefer a conduct better adapted to their own immediate aggrandizement? Would they not rather boldly resolve to perpetuate themselves in office by one decisive act of usurpation, than to trust to precarious expedients which, in spite of all the precautions that might accompany them, might terminate in the dismission, disgrace, and ruin of their authors? Would they not fear that citizens, not less tenacious than conscious of their rights, would flock from the remotest extremes of their respective States to the places of election, to overthrow their tyrants and to substitute men who would be

disposed to avenge the violated majesty of the people?

I submit, Members, that what the Founding Fathers were talking about were extreme examples of abuse of election laws, were extreme examples of the Federal Government taking over the laws of States, and vice versa. And nowhere, as has been said many times on this floor, has there been extreme examples in this case. This is a clear violation of the Constitution as it was intended by our Founding Fathers and as expressed in the Federalist Papers.

What we have here is a complete abuse of power in taking no, absolutely no, claim of fraud, election fraud, by the States. We have a task force that has been put together and has actually set their own rules, disregarding Indiana law, and when all of a sudden they got the votes for McCloskey, they changed the laws and had this great respect—changed their rules and had this great respect for Indiana law.

It just amazes me, Members, that we would have such an abuse of power on the floor of this House, and we would have a complete disregard for the greatest document in mankind.

Mr. MACK. Will the gentleman yield?

Mr. MONSON. I yield to the gentleman.

Mr. MACK. During your readings of the Federalist Papers, one of the things that you referred to was the Constitution, and the violation of that Constitution, and I wonder if I could involve the gentleman from New York in a colloquy here.

This is reading from the majority leader's comments on January 3 where he referred to, and I quote:

> This House, Mr. Speaker, has been invested by the Constitution with responsibility to judge the qualifications, returns, and elections of its members. And earlier on I think you implied that in essence that this House was overstepping the constitutional rights and/or obligations. I wonder if you would just expand on that again.

Mr. GREEN. Would the gentleman yield?

I think the section of the Constitution that the gentleman from Florida has read is, of course, accurate.

On the other hand, the Supreme Court in the Powell case did indicate that there was some limitations on the extent to which the House could rely on that without running into consitutional difficulties of its own.

But let us assume for the moment that this is a matter totally beyond the control of the courts and one totally within the jurisdiction of this House. Nonetheless, I would suggest that this House, in passing on constitutional matters, is nonetheless supposed to use its best judgment as to what the Constitution of the United States provides. And I think this House, in passing on election contests, itself must bind itself by article I, section 4, the time, places, and manner clause which requires that the time, places, and manner of holding elections, the Senators and Representatives shall be prescribed in each State by the legislature thereof, but Congress may, at any time, by law, make or alter such regulations, but only by law. And we have been told by the Supreme Court that the law is something that must be passed by the House, must be passed by the Senate, and then must become law either with or without the signature of the President as the Constitution prescribes.

Plainly, there has been no charge anywhere in the course of these proceedings that anything that was done in this election in the State of Indiana violated any of the amendments of the Constitution relating to civil rights or voting rights; there was no charge that anything was done in the State of Indiana that violated the Voting Rights Act; there was no charge anywhere in the course of this discussion, either on the floor, or as I understand it, in the task force of the House Administration Committee. There was never any charge that there was any irregularity of fraud in the conduct of that election in the State of Indiana. And what I think is plainly incompetent for this House to do under article I, section 4, and does plainly risk a judicial challenge. But, in any event, even if no judicial challenge is possible, if this House is to show its respect for the Constitution it must live up to, and that is, that we cannot ignore the plain language of the Constitution as to who has the right to set the terms of how congressional elections are held.

And here one task force, three people, a two-person majority out of the three people, has originally voted to override the whole set of election laws of the State of Indiana. And to say that we will take in any ballot cast by any means in order to give the widest scope to the franchise—something plainly contrary to article I, section 4, but then compounding the felony, in essence saying when we got four votes ahead, we are going to change the rules again, and as to the last couple of score votes, we are going to ignore the very rules that we set up and we are not even going to try and count them.

Now, it seems to me that that is plainly wrong, whether there is a redress in the courts, I don't know because, frankly, the Constitution does seem to give this House the power to be the judge of the election of its own Members. But as I point out in the Powell case, there was a limitation imposed on them.

The SPEAKER pro tempore. The time of the gentleman from Utah has expired.

ORDER OF BUSINESS

Mr. STRANG. Mr. Speaker, I ask unanimous consent to take my special order out of order at this time.

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

There was no objection.

THE INDIANA ELECTION DISPUTE

The SPEAKER pro tempore. Without objection, the gentleman from Colorado [Mr. STRANG] is recognized for 60 minutes.

Mr. STRANG. Thank you, Mr. Speaker. I would be most happy to yield to the gentleman from New York, with one initial comment.

Mr. Speaker, the issue we are faced with, if justice is our bride in this body and in this Nation, we are unwittingly playing the cuckold. This is not a happy experience. I would be glad to yield to the gentleman from New York.

Mr. GREEN. I thank the gentleman for yielding.

I would just like to conclude the observation that I am making. But even if there is no recourse in the courts in this situation, even if the Powell case does not offer us a precedent for this situation so that there is no recourse if there is an abuse of majority, I do think that the majority ought to understand that from the point of view—and I think I can say after the conference of the minority this afternoon, the unanimous point of view of the minority—an abuse, and a constitutional abuse, is taking place here. And I think the majority in this House ought to understand that the minority, while it is used to being rolled by the majority with frequency, is not prepared to take this kind of constitutional abuse lightly. And this House does, for the sound conduct of its business, depend on a certain comity among Members. And lots of things are done here by unanimous consent. There are many other occasions in which the minority does not use the full panoply of opportunities that the rules offer the minority in order to make the minority's case, because we do depend on each other's sense of fair play.

But I think I ought to say, in light of the question that was propounded by the gentleman from Florida in the previous special order as to what the consequences are, if there is in fact no appeal to the courts, and in fact we are thus left to a situation where a majority can ride roughshod over the Constitution, then I think I have to say that the minority in this House in its conference this afternoon had reached the conclusion that it simply was not prepared in this case to turn the other cheek. And I think the ma-

jority should understand that we feel there is a constitutional issue and we are prepared to continue to fight past whatever action is taken by the majority on the seating in this particular case, and that the comity which permits the business of this House to go forward in a relatively harmonious way will have been destroyed if the majority acts in this highhanded fashion.

And I think I ought to say to the Speaker that I would hope he would like to see his final Congress one of accomplishment, one which would bring honor to this term as Speaker of this House of Representatives. And that if he and the majority are going to ride roughshod over the minority in a way that the minority at least feels is constitutionally wrong, then this is going to be a very unhappy Congress, indeed, and one which will not give much credit to his final few years of his speakership.

□ 1250

Mr. STRANG. I thank the gentleman from New York.

Mr. MACK. Would the gentleman yield?

Mr. STRANG. I would be happy to yield to my colleague from Florida.

Mr. MACK. I would just like to follow up on the comments of the gentleman from New York. I appreciate what the gentleman just said.

I know that a number of us during the past maybe 18 or 20 months or so have been somewhat confrontational in the way that we approached the last session, not because we wanted to embarrass anybody, but we thought it was our only way to bring many issues to the floor of the House that we thought our constituents back home wanted us to do.

I sense from what you are saying that there are things that are happening in this particular Congress now that are once again making it very clear that the majority party in this House has very little regard for the rights of the minority and that if, in fact, they don't back away from that and rethink their position, we are prepared to go forward with things that probably will require a little bit more involvement on our part during the balance of this Congress than we did in the last Congress.

Mr. STRANG. I appreciate the comments of my colleague from Florida.

I would yield now to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding.

I would just like to say, speaking as one Member of the majority who has not decided how he is going to vote on this particular issue, that I am a little surprised to hear my colleague suggest that you have previously been allowing the House to function almost as a favor to the majority. I don't think anyone on this side regards it as that. There seems to have been in the last couple comments—the gentleman from Florida, I guess, we have to differentiate. The gentleman from Florida was being quite candid, and he was saying he has already been confrontational, and the gentleman from New York has now decided he is going to be confrontational. I am not sure exactly what that means.

If it continues to mean subjecting the American people to the reading of the Federalist Papers at 12:30 at night, I am not sure how popular that is going to be. That may come under the heading of cruel and unusual punishment if they have to listen.

But to go beyond that and to suggest, as I think the gentleman was suggesting, that refusing to agree to a unanimous consent agreement, et cetera, will somehow be hurting the majority, I think you are wrong. I guess I want to say that if you are suggesting that you have somehow been doing us a favor by allowing the House to transact legislative business and now, because you are angry, you are no longer going to allow that to happen, I don't regard that certainly as anything that is going to reflect discredit on the Speaker, but as anything that is a threat to the majority to the extent that anybody suffers. It may be the President's program, it may be legislation in general. Members are entitled to be angry and to do whatever they want. I would simply advise him as one member of the majority, I don't know anyone who is going to be intimidated by the suggestion that people are going to stop agreeing to unanimous-consent requests or whatever else the gentleman means. We have a lot of those. The gentleman from Colorado just made one and no one objected. If it is going to be the rule that we object to each other's unanimous consent requests, we will object to them. If the suggestion is that this is now going to result in slowing down the process of legislation, I don't understand why anyone would think that that is something that the majority in particular is going to be penalized by to the exclusion of the minority.

President Reagan has, for instance, felt that he has done pretty well legislatively. He hasn't gotten everything he wanted. If you are suggesting that the House is not going to function very well, does that mean that the President does not get a chance to get much of his program acted on? Presumably it does. Members are free, if that is what they want to do, to provoke it, but I don't understand why anyone would think that that is a particular threat that Members on the majority side are going to be particularly concerned about.

Mr. STRANG. I thank the gentleman for his comments.

I would be happy to yield to the gentleman from New York.

Mr. GREEN. I am rather startled that anyone would think that hearing the Founding Fathers in the Federalist Papers at any hour of the night or day would be a trial to the American people. In fact, I would think the way the majority has been acting in this case, perhaps the Federalist Papers ought to be read more often aloud in this House so that we would not have the kind of high-handedness that we are seeing in this particular case.

I can only say that there have been many times when it has been possible in the face of the wishes of the majority to do certain things when it would have been possible for the minority to use the House rules. It is possible, as I am sure the gentleman is aware, to put into the CONGRESSIONAL RECORD untold amendments to bills which many Members of the majority want to speed through this House, and each of those bills, even after a cloture vote—which is possible in this House, unlike the other body—each of those amendments is then entitled to have 5 minutes of debate pro and 5 minutes of debate con, and then, if there are enough of us on this side who are present and wish to do so, to have a recorded vote. I would guess that it is mainly the Members on the other side of the aisle who are trying to fill the United States Code with still more laws and still more regulations.

So I would ask the gentleman just to ponder a little bit. I would simply suggest to the gentleman that even if there is no recourse to the courts—and I am not suggesting that there is no recourse to the courts—there is an ability on this side of the aisle to keep taking this case to the American people, and to have our two parties judge in the election a year and a half from now on whether we have been dealt with properly by an overwinning majority.

Mr. FRANK. Would the gentleman yield?

Mr. STRANG. I thank the gentleman from New York and I would be happy in one moment to yield to the gentleman from Massachusetts.

I would like to associate myself with the remarks, Mr. Speaker, of the gentleman from New York, in pointing out that anybody who finds the comments in the Federalist Papers either amusing or boring clearly hasn't read them. The Federalist Papers were an attempt on the part of three of the architects of our Constitution to explain the document to people who didn't understand it, who might have found it boring. Those articles are written for newspapers in order to try to persuade the citizens of the proposed State of New York, from which the gentleman comes, that it was in their best interest to vote New York into the Consti-

tution. That is what the Federalist Papers were. They are political tracts. They are the most readable, fascinating, even in a Texas accent, document you could ever find. They are so critical to this because they tell us what was the intention of the architects of the Constitution. I am saddened by anybody who finds them boring.

I came to this body with an abiding faith in this country, in its people, in its institutions, in fair play and, on January 3, this Member from Colorado received a rude shock. This Member saw the Constitution and the practices of fair play tattered, dragged in the muck, and that has gone on for over 90 days.

I read the Federalist Papers. I keep a copy of that book on my desk, Mr. Speaker. I treasure that volume.

Mr. FRANK. Would the gentleman yield?

Mr. STRANG. I would be happy to yield to the genetleman from Massachusetts.

Mr. FRANK. I thank the gentleman.

I want to just talk a little bit about the Federalist Papers. I would say to my friend from Colorado that if he is really upset with those who found the reading of the Federalist Papers amusing at this time, he better reconvene his party caucus, because those who were giggling included a certain number of Members on both sides. It is not the fact of the Federalist Papers that I had any question about, it was the rather lengthy reading. I found that a rather inefficient method. I would recommend to people that if they really wanted to understand the Federalist Papers, they probably ought to read them. I would not recommend that they borrow the gentleman's copy because, treasuring it as he does, he would probably be a little nervous about lending it out to people.

But I would recommend that there are better ways to get the information from the Federalist Papers than listening to them being read for the first time at 12:30 to 1 o'clock in the morning. Some Members on the other side agreed with me on that.

One of the things I would say about the Federalist Papers is the spirit of the debate that they had. I thought it was kind of a useful one. I do not remember reading anywhere in the Federalist Papers threats to filibuster, such as we heard from our friend from New York. The Federalist Papers said we have these very serious disagreements and let us debate them. I think that is reasonable. I think it is reasonable for people to debate these things. I want to commend the party on the other side because I, for instance, have thought that they didn't care much about the homeless. I think keeping the House open all night, night after night, is probably the first genuine step on behalf of the homeless the Republican Party has taken. I commend it. Those who don't have air-conditioning probably can get a little bit of relief from the heat here tonight.

But the point I wanted to express was that, while debate is perfectly valid and resonable and I invite Members to join in it, the notion that threatening to filibuster by amendment or deny unanimous consent requests is going to coerce anybody into doing anything simply misfires. I think that the whole process might suffer. If the gentlemen want to file amendment after amendment to the authorization process and make it less likely that bills will be passed in a timely fashion to let the Government function, they are right. I just want to assure them that I do not think anyone is going to be influenced by the threats of a filibuster.

Mr. STRANG. I thank the gentleman from Massachusetts.

I would hope that, in our efforts tonight to spend our time on this floor through the night, it should perhaps become clear, as it apparently has not, that we are as a body, as the minority body, consumed with a sense of outrage, a sense of the violation of all the precepts of fair play, and the precatory language which seems to be the province of attorneys will not wish this problem away. We are here tonight because we think the American people have been dealt a raw deal. We think that all the things that we stand for in this country are being dragged in the muck. We know perfectly well that this body will be in session tomorrow for probably 15 hours, but we feel it is important for our colleagues to understand that we have finally gone far enough. This body is eviscerating the laws of the State of Indiana, and it has abandoned the constitutional right to vote and be represented by 500,000 American citizens. This is an abdication of fair play and sarcasm and humor, and all those kinds of talks will not wish it away.

The majority party has made a disastrous error and we intend to see that that error is brought before our body, our Members.

I would be happy to yield to the gentleman from Iowa.

Mr. LIGHTFOOT. I thank the gentleman.

I came here from a background in the media. We were charged with going through very complex issues, cutting through the double-talk and rhetoric to try to get down to the truth, and to condense volumes of foreign policy into a 90-second statement you could put on the air. It was quite an obligation to me.

As we spoke on this issue, ever since the third day of January basically, when it all began, and digging through what has been said and the rhetoric that has been going on and on and on and the smokescreens that have been put up, I have tried to couch it in the terms of how would I put this on the air if I were still in the broadcasting business and do it quickly and concisely in a manner that people could understand, cut through all the double-talk and that type of language. Basically it comes down to two sentences: The Democrats got the mine. The Eighth District of Indiana got the shaft. That is about the only way you could describe it, because that is exactly what has happened. You cut through all this garbage, and that is really what it boils down to.

I think it brings us to the most important question of all: What does this mean to the housewife, to the farmer, to the businessman, the college kid who is ready to vote? What does all this mean to them as individuals? Are we basically saying if we follow through and McCloskey is seated, your vote in the United States of America means absolutely nothing unless you are a member of the majority party? Is that not, in fact, the statement that is being made by the so-called task force? How do you explain to the civics class or to anyone else who is trying to learn about this country of ours?

We also are talking about free elections in Central America. How can you have a free election in Central America when we can't have one here? Basically this is what is happening.

We can go back through the thing step by step by step, and the points can be made, the smokescreens can be thrown up, but that is really what the whole thing boils down to, regardless of what my colleague from New York was talking about a moment ago, what will the reflection be.

As an outsider before getting into politics, there tends to be a bit of a tinge to the word "politics." It is not the kind of a thing that a lot of people look up to. I had a little trouble wrestling with it in my own case personally. It is these kinds of things that give this business a bad name. It is an honorable business. We are doing the business for the greatest country on the face of the Earth, and yet we get into this kind of thing. It is incomprehensible.

Mr. STRANG. I thank the gentleman from Iowa for his comments.

Mr. Speaker, I would bring to the attention of my colleagues that this country's origins stem from methods to avoid tyranny. That is why our forefathers came to these shores, and that is why we crafted a document which is designed to prevent tyranny, tyranny of the legislative, tyranny of the judicial or tyranny by the executive. In order to strike that sensitive balance, we thought, and our forefathers thought, and the people who wrote the Federalist Papers thought that they had arrived at a mechanism which would prevent that.

But what has happened in this body, Mr. Speaker, is that 30 years of power, 30 years of egregious exercise, careless exercise, of power has built a kind of complacency, an easy complacency which will tatter the Constitution, a sad travesty of justice, a tawdry display of power which is a shocking example for the citizens of this country.

What are we going to tell our grandchildren, Mr. Speaker, when we deprive 500,000 people in a congressional district of being represented by the man they sent to Congress? How do we explain legislative apartheid, Mr. Speaker, enacted by the very majority which decries that policy in Africa? A slow and sickening corruption of power has finally brought this thing to a head.

I hope, Mr. Speaker, that we can take the message to our colleagues across the aisle and beg them to join us in resolving a great and sad injustice.

I yield to my colleague from New York.

Mr. DIOGUARDI. I thank the gentleman from Colorado for yielding.

I cannot think of a worse time for the majority party to pick to impose this kind of outrage on the House, at a time when we should be working toward bipartisan solutions for the most critical issues facing this country. Certainly the deficit is one of the most critical issues facing this country.

I came here after a career of 22 years as a certified public accountant—I found, by the way, that I was only one of three certified public accountants to come to the House in its history—to deal with the most critical issue facing this country today, which is the deficit. The issue cannot be solved by partisan politics. If we don't resolve this issue of the deficit and the waste that is consuming this country and the mismanagement that could start with this House, by the way, which has grown 1,600 percent, while the rest of this country has only grown 400 percent in the last 30 years, we will all be held hostage to the waste that we seek to get rid of. But now, at a time when we are trying to focus the efforts of this House on some of these most critical issues—tax reform, the deficit, aid to Democratic fledgling nations around the world and in Central America—we are faced with the onerous proposition of dealing with the nonsense that we have heard today.

I am as outraged as you are, my colleague from Colorado, at what is going on. It just seems to me that we are dealing with some of the most fundamental aspects of this country's history, the Constitution. I guess it is best epitomized, my outrage, by the Wall Street Journal today in an editorial called Tip's Gold Watch, dated April 22, 1985. If you would permit me, I would like to read this editorial, because I think it points out better than I can what the situation is at this point.

It's nice every now and then to be able to write about one of those events held dear in American culture. In this instance, it's the traditional retirement party. If things go according to plan, the Democrats this afternoon will kick off the official beginning of the festivities surrounding the announced 1986 retirement of House Speaker Tip O'Neill. The keynote speech on the House floor today will go something like this: "And so, Mr. Speaker, in honor of your more than 32 years of service to the House and to the U.S. system of electoral politics, we present you with a small token—the Eighth Congressional seat of Indiana." At this point the Speaker will be handed his human gold watch, a shiny new Democratic Congressman named Frank McCloskey—

Who, by the way, I have never met—

On Friday, two other Democratic Congressmen decided that Mr. McCloskey won that long-disputed election in Indiana by a margin of four votes. While this gives the Speaker a chance to celebrate by finally winning one, don't expect much applause from the Republican side of the aisle. It is much more likely that what will occur on the floor of the House of Representatives today will less resemble a victory party than a bitter and bloody put fight. Here's why:

For the past few weeks a group of official vote counters created by the House Democrats have been out in Indiana's Eighth District recounting the ballots cast there last November. The House Democrats didn't like the November outcome because a Republican named Richard McIntyre won the election by something over 400 votes, and his opponent, the incumbent, Mr. McCloskey, complained about the results and about how votes were counted in several counties.

This was the first time in 24 years the House ordered a recount instead of accepting State certification, though at no point in the affair has anyone raised charges of fraudulent procedures. The House Democrats voted twice to refuse to seat Republican McIntyre, which means that the people of Indiana's Eighth District have had no vote in the House for nearly four months.

The Democrats set up a "task force" to recount the vote in Indiana. Last Friday, the Democrats' designated counters finished poring through the ballots and announced that Mr. McCloskey had won the election by vote of 116,645 to 116,641. In the end, the great Indiana recount came down to judging several dozen disputed ballots as for either McIntyre or McCloskey. This task fell to the special commission's three House Members, Democrats Leon Panetta—

Who, by the way, called for bipartisan help in this House many times—

and Bill Clay and Republican Bill Thomas. Ironically enough, the Members judged the ballots by voting for Mr. McCloskey, Republican Bill Thomas quit voting—

As any decent Republican would do—

Throughout all the partisan contentiousness over this dispute, nearly all had agreed that if the outcome of the recount in this admittedly close election came down to a handful of votes, there would be a new election. What no one took into account, but probably should have, was that the whole show has been run by arguably the two most partisan Democrats in the House, Tip O'Neill and Tony Coelho. At 3 p.m. this afternoon, the Democrats will most probably vote to seat Mr. McCloskey based on this four-vote "victory." The lively proceedings will be televised on C-Span—

Thank God—

From where Mr. O'Neill and Mr. Coelho sit, Mr. McCloskey's new four-vote win is mainly an opportunity to stick it to their nemesis in the White House by staging a straight party-line vote on the seating. Such victories may afford the Speaker some pleasure as he battles towards the sunset, but we wonder whether younger House Democrats might not be wondering if that loud sound that they hear is their party crashing on the rocks at the bottom of the falls. There is simply no way the Democrats can look good saying a Democrat's four-vote victory is valid after they said a Republican's 400-vote victory was invalid.

But then, the Speaker doesn't have to worry about the future, since he won't be around. If making a mockery of the democratic process will give him fond memories for his golden years, we believe he should by all means go ahead.

Again, my colleague from Colorado, it seems to me that we must reflect on what was said here. We had Mr. McIntyre ahead by 400 votes, and the majority felt that that was an election too close, so close that it had to be recounted. After recount, Mr. McIntyre won once again. After two recounts, we then went back to Indiana. Now we are here, incredibly, looking at a situation where, with only a four-vote margin of victory, the majority will try to seat McCloskey. I think that is an outrage. It just goes to the fairness issue again, not only to who should be our colleague, Mr. McIntyre, but fairness to Indiana, fairness to the tradition of this body, fairness certainly to the Constitution of the United States, and I, for one, will not stand for it.

Thank you.

Mr. STRANG. I thank the gentleman from New York for his comments.

Mr. Speaker, it has always been the intention of the majority party in this body not only not to seat Mr. McIntyre, but to seat Mr. McCloskey. How did they do it? They finally did it by violating every election law in the State of Indiana. When they finally got to a place where they could not figure out how to get ahead, they violated their own specious rules. That should terrify, Mr. Speaker, any Member of this body, any American who likes to think that his vote counts, not just the 500,000 people in the Eighth District of Indiana who have been robbed of their right to be represented in this body, but all Americans, all congressional districts. This issue is going to hang about the neck of this body like a millstone, not just tonight, but tomorrow night, and in 1986 and in 1988 and 1990 and 1992, because it is an issue that threatens the very constitutionality of this country, it threatens our beliefs in fair play, it threatens our serious concern about tyranny within our process.

Mr. Speaker, I, for one, am appalled. I would welcome the majority party coming to grips with this thing, and getting themselves out from under what must be a staggering load of guilt, a horror when they wake up at night and realize what they have done, not just to themselves, but what they have done to the process. Guilt is hard to live with, Mr. Speaker, and there has got to be an abundance of it on this issue among the majority party.

I came here hoping that the many years that I have studied history and the history of this country would bring me to a body which had as its very basis an understanding of the Constitution, and that that would be the underlying fabric under which we would all operate, even in our disagreements. I looked up here one time on the floor of the House and I saw "E Pluribus Unum" and mentioned the fact that out of many, one was the overriding principle which governs not only this body, but our Nation. We have taken those ideals that I hold dear, that I cherish, and I think that most Americans cherish, and this body has made a mockery of those ideals. The American people have been slapped in the face.

I would hope that, before this has to go on—and it will go on for years if it is not resolved—before it goes much further, that we can get together in true comity on both sides of the aisle, deal with this issue, and reassure the American people that we will not again attempt to eviscerate the Constitution of the United States or the laws of any of the sovereign States as we have in the State of Indiana. We have said to the State of Indiana we don't care what your laws are, we don't care who you send to Congress, we are going to get our man in here if we have to corrupt our ideals and our oaths of office to do so. That is what this body is doing, make no mistake. We are indulging in an orgy of corruption. There is no other word for it. We are fraying the Constitution. Sometimes perhaps we are forgetting that the American people demand above all else fair play, a sense of fair play, a rightness. The arrogation of power for over 30 years, unfortunately, appears to have dealt a slow and sickening corruption onto the floor of this House. I am dismayed, Mr. Speaker.

I think at this point I would yield to my colleague from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Speaker, I have served in this body for more than 16 years at this time and, in all of those 16 years, this is certainly the most flagrant example of arrogance of power and arrogance of the Constitution that I have ever seen.

The Speaker of the House, Mr. O'NEILL, is a genial man. The majority leader of the House, Mr. WRIGHT, was at my wedding. But perhaps they have served too long in these positions of power, because they have indeed learned to abuse that power.

This is what we fought a Revolution about, as my friend has pointed out. We fought a Revolution about having a constitutional process, a Constitution that guaranteed that every voter's rights would be respected, a Constitution that indeed imposed limits on the power of any individual in this country, a Constitution that has served us well for these 200 years.

I think in ignoring that Constitution, this process, and ignoring the right of the voters of the State of Indiana to have Mr. McIntyre serve them, as was duly certified by the secretary of state of Indiana, is the kind of arrogance of power that indicates that there have been people who have served indeed too long in the Halls of Congress and in the halls of power.

This is a great institution, Mr. Speaker. It's one that I'm proud to have served in. It is one that has served the United States and the people of the United States well over many years. It is one that has gone through constitutional crises before. Indeed, I served here, as many of the Members did, during the constitutional crisis of impeachment of a President, during the constitutional crisis of all different types and kinds where Members of this House were called upon to vote on very critical issues.

But in this issue, where the rights of the people of Indiana have been ignored, where the Congress has taken away from the people of Indiana the right to have their representative seated here, or where the Congress seeks to take away from people of Indiana the right to have their representative taken here, that indicates an arrogance that goes beyond anything that I have seen and an ignorance of the Constitution that goes beyond anything that I have ever seen.

Now, we in this great body, as we work on a day-to-day basis, have to rely on a certain amount of comity between the majority and the minority parties. We rely on that to get things done that are in the best interests of this Nation.

We have very critical issues ahead of us that are important to this Nation, and Congress has always risen to the occasion, sometimes after very difficult and protracted, and lengthy discussion, because the issues are not always easy; they are very often difficult; but we have been able to go through them because of a certain amount of comity between the majority and the minority parties in this Congress.

This particular majority party, the Democratic Party, may not always be a majority party in this Congress. Indeed, in the last election, it was indicated that they were not necessarily a majority party in these United States, because the voters of these United States indeed elected a Republican President, and indeed many more voters voted for Republican Members of Congress than are represented by Republican Members of Congress in this body, because of the vagaries of the way the congressional seats are distributed among voters.

But I think if we are to ignore the will of voters, and if we are to take into the hands of the Congress the power to ignore the will of the voters and the will of the people of the United States, then we are indeed entering into an era that I do not care to see us enter into.

When Mr. McIntyre was certified as elected, and duly certified on two separate occasions by the State of Indiana, that was the legal requirement for his election and his swearing in to this great body.

Then the majority party in this body took matters into their own hands. They decided that they, and not the State of Indiana, would make the decision as to who was elected to this body. They decided that they would make the judgments on individual votes and absentee ballots and other provisions of Indiana law.

They not only did that, but they used them as they saw fit to their own ends. Where it served their purpose, they counted votes. Where it did not serve their purpose, they did not count votes, just for the only and sole purpose of having their candidate elected to this body.

Mr. HUNTER. Will the gentleman yield on that?

Mr. STRANG. I would be happy to yield.

Mr. COUGHLIN. I would be happy to yield, too.

Mr. HUNTER. I appreciate both gentlemen yielding.

I appreciate all of my articulate colleagues who have come out today to talk about—and tonight—to talk about one of America's most critical moments, which I think is this moment that we are approaching when a Democrat majority will try to seat the guy who did not win the election.

You know, something that you brought up, Mr. COUGHLIN, I think is the whole heart of this argument, and that was when you mentioned comity.

As I interpret comity—and that is the relationship between minorities, majorities; between the Federal Government and the State governments—this cooperation—I guess it is really respect. I think that is really what comity is. It is respect.

You know, the Democrat majority, and the Democrat majority on this team did not act with respect toward the Republicans or toward the American people. If anything, they should have gone out of their way when they counted these ballots to have counted

them in a way that would be very, very fair to the minority. They should have bent over backward to avoid the appearance of impropriety.

For example, when Mr. McIntyre's home county and also the counties of Orange and Davis and Green and Lawrence, which is his home county—when those clerks gave sworn affidavits to the task force that they had 29 absentee ballots that had names and addresses on them—we are not talking about any of these so-called ghost votes that have been talked about before—when they presented those affidavits to the task force and said these ballots were secured, they were not messed with by anybody, and they represent real living people who tried to vote in these districts, that task force should have immediately said, "We are going to accept that," and even though they came from Republican counties—they came from counties in which Mr. McIntyre did very well—they should have gone to great lengths to avoid the appearance of impropriety and to show some respect to Republicans and to the voters, and they did not show any respect.

You know, I have listened to some of my Democrat friends act mystified that the Republican conference is outraged at this action. How could we be anything but outraged?

How does it look when, after two recounts, when we won, they come out, and they refuse to count, after they have counted absentee ballots that were improperly sent out to the precincts that, by definition, had less security than the ballots who were actually kept in the county offices, when they refuse to count the ballots that came from the Republican counties, how could they expect the Republicans to be anything but outraged?

I think they have not done anything to avoid the appearance of impropriety, and that comity that you have spoken about is what is missing, and I think that is the thing that disturbs all of us very, very much.

You know, I was thinking about it. Somebody mentioned that when the Ethics Committee rules on things, they do not rule with two Democrats and one Republican. Theoretically, Ethics Committee task forces should be 1 and 1, because ethics are not matters for political dispute; they are ethics; and voting should not be a matter, and the standards for voting should not be a matter, or politics. They should be a matter of bipartisanship, and that should have been a 1-and-1 committee; it should not have been a 2-to-1 committee.

You know, when Mr. WRIGHT said that they need us in the Federal Government out there in Indiana deciding who won that election, what he really said is, they need the Democrat majority from this House out there to decide who won that election, and that is really what he was saying.

I thank the gentleman.

Mr. STRANG. I thank the gentleman from California, and I would be most happy to yield to my good friend from New York.

Mr. GREEN. First, I want to thank the gentleman from California for that last point, which I think is very interesting because, of course, the Federal Election Commission which this Congress itself established to look at electoral politics and review a variety of matters under the election laws, is, of course, an evenly balanced commission, and yet the majority in this House, the Democrats, will not do for elections in this House what, by law, the Congress and the President have done for the elections nationally, and I think that, in itself, is a reflection on the partisanship that has been so blatant in this review of this election and the reason why this side of the House is so outraged and really feels that the Constitution of the United States has been abused.

I also want to say to the gentleman from Pennsylvania, with whom it has been my privilege to serve on two subcommittees of the Appropriations Committee, that I really appreciate the way he has laid this thing out to the House. He is certainly a gentleman of temperance and judgment, and I think that someone who, in this House, has such a reputation for looking at things in such a thoughtful and nonpartisan way would reach the same conclusion that all the rest of us have, that this is really an outrage, that it is a stolen election on the part of the majority party.

I think that that ought to weigh heavily, and I would again get back to the fact and simply try to make the case that we are trying to make to the majority as we are heard here this evening and as we are going to be heard throughout this Congress, because we are not going to stop this evening, that we simply are not prepared to have this election stolen. We think this iussue is not just a question of the Eighth District of Indiana and whether a Republican or a Democrat should represent the Eighth District of Indiana. We think this election is an important constitutional issue, and that is the issue of whether the basic premise in the Constitution that the States determine who is eligible to vote, what ballots ought to be counted, the time, place, and manner of holding elections, unless Congress, by law, changes the rules is one that ought to apply here, and that given this election, where there has been not the slightest suggestion of the legality on the part of Indiana people, not the slightest suggestion of fraud, not the slightest suggestion of any impropriety, for the majority party to come barging in, ignoring the count, the recount, the certification, the recertification, and to go in and apply a new set of rules, up until the moment when they inch four votes ahead, and then suddenly to say their own rules are going to be ignored, and they are going to impose a second set of rules, that that is an obscenity, and that we are not going to stand for it.

Mr. STRANG. I thank the gentleman from New York.

Mr. COUGHLIN. Will my colleague yield?

Mr. STRANG. I will be happy to yield to the gentleman from Pennsylvania and then to the gentleman from Texas.

Mr. COUGHLIN. I thank my distinguished colleague from Colorado.

I just want to say that I respect very much and thank the gentleman from New York for his very kind words. He is the ranking member of a subcommittee of which I was formerly the ranking member.

I know the great amount of time and energy that he spends in devotion to this body, and I think that what we are all looking at is seeing this body, which we all respect and revere, defiled—defiled by an arrogance of leadership and that ignores the Constitution, that ignores the wishes of the people of Indiana, and that indeed takes on to itself an issue of power that it does not have and it does not have the right to do.

I thank my colleague.

Mr. STRANG. I thank the gentleman from Pennsylvania, and I yield to my distinguished colleague from Texas, [Mr. ARMEY].

Mr. ARMEY. Thank you.

I have listened with considerable interest at the tone and temper of the debate for the last several minutes, and I must say, gentlemen, you are gentlemen indeed. You show such restraint, such scholarly composure regarding what, in my estimation, is just plain darn thievery.

I grew up in the West, and in the West we call a spade a spade, put our gun on the table and say, "Deal the cards."

Gentlemen, America is being cheated here. There is lying, stealing, and cheating going on, and I think we ought to get right down to it.

You know, I engaged myself in a campaign. It was a lengthy campaign. I campaigned at great length in a college town, and college professors are very articulate folks, and they generally speak on behalf of the Democratic Party, and they are always telling me how this is the party of fairness, this is the party of respect for civil rights, the party of minority representation, and the Republicans are the party of greed.

Well, gentlemen, they ought to spend some time in this House. I see no respect for the minority's rights in

this House. I see no respect for fair play in this House, and greed, as I define it, is the desire to have something you have not earned.

I see a great desire for something they have not earned here and a willingness to break the rules, to make the rules, and then break the rules they have made in order to have something they have not earned.

I think we ought to start talking very plain about this. We are getting robbed. The Constitution is being violated.

A young man who campaigned his heart out, whose family put themselves into this campaign, is being left out of the House, the seat that he won fair and square, and for one simple reason, gentlemen. Despite the overwhelming majority they have in this House, despite the way that they can have their way because they have got the vote and they have got the gavel, whether it be on the floor of the House or in the committees, despite the fact that they set the committee ratios overwhelmingly in their favor, they set the agenda on the calendar for the day's business and tell us when they feel like it, despite all that, because they have that overwhelming majority, they have the pure unmitigated gall to express the greed to steal one more seat.

I think we ought to be outraged, and I think the people of this Nation ought to be outraged, and I think that is exactly the kind of language we ought to use to express that outrage.

Having said that, gentlemen, having gotten that off my chest, let me again commend you for the composure you have demonstrated here in this House. I know the intensity of your feelings. Nobody sits up until 1:30 in the morning on a busy day to come down here and speak casually, and I understand.

It is a matter of style perhaps, a matter of perhaps experience. I am a newcomer to the House of Representatives. I have never been in politics before. I do not fancy myself a politician. Perhaps this game is too one sided. Perhaps it is too insensitive to the principles of fair play that we practice on the playground as children we instinctively understood.

Perhaps we are not politician enough to understand a game that can be played where the people who make up the rules can then, at liberty, feel free to break the rules.

Mr. HUNTER. Will the gentleman yield?

Mr. STRANG. Thank you very much.

I will yield to the gentleman from California in one moment.

I would like to summarize, if I may, Mr. Speaker.

Our forefathers who came to this country came here not because they could not have enough to eat, not because their living conditions were necessarily intolerable, but because there was no liberty.

If I may indulge in a personal anecdote, my father's family came to this country in 1685. They were Huguenots, and Huguenots were being persecuted. They came to this country, an alien land, a harsh land, because they thought they could find liberty, and they did, and my mother's family came in 1635 for the same reason, from England.

Now, Mr. Speaker, those peoples who came to this country and have continued to come to this country on up into the 20th century came to this country because we forged a set of agreements among ourselves which we thought would guarantee fairness, and liberty, and absence of tyranny. That is what this country is all about, Mr. Speaker, and if we forget it, we are letting ourselves down; we are letting the American people down.

The American experience is unique in the history of the world, Mr. Speaker, because it is a history forged on a commitment to avoid tyranny and to preserve liberty for all our citizens, and when we indulge in the kind of savage action on the body politic, when we attack the citizens of the 500,000 citizens of the Eighth District of Indiana, we are attacking every American. We are attacking the process. We are saying that our experience with liberty is counterfeit.

Mr. Speaker, I, for one, will take up the mantle that was sent to us by our forefathers, and I intend to carry this fight as far as I can as long as I can breathe.

I will yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding, and I appreciate very much his statements, and I appreciate the statements of the gentleman from Texas also, and in response to his statement that he thinks we have—perhaps some of us have treated the other side lightly or been a little too easy on them, you know, I think reflecting on the gentleman from New York's statements and the gentleman from Pennsylvania, Mr. COUGHLIN's statements, I think that their statements reflected what a lot of Members of this House feel, and that this, in a way, is not just something that should outrage us. It is really tragic.

I think there was some tragedy, and I think anybody watching that film of the chairman of the so-called bipartisan committee, the 2 to 1 committee, making that last vote, when he had voted time and again to count absentee ballots, and then when his man had pulled four votes ahead, and he said, "I think maybe the State is right on this one, and we are not going to count these ballots," and in watching the interchange between him and the outraged Mr. THOMAS, I think it was a tragic sight to view, and I think that this is a sad day for America. It is not just a day that we should be outraged about.

I think we should be outraged, because we are supposed to be protecting this Constitution for the people we represent. But it is also a very sad day, and I think there are a lot of Members on that side of the aisle that feel that way, and I hope that when we bring this thing down to a vote, when and if the Democrat leadership attempts to seat the fellow who did not win the election, that some of those people on the other side of the aisle are going to stand up and speak for the integrity of the constitutional process and speak for true representative government and speak for the comity that Mr. COUGHLIN talked about, and I hope perhaps we will have more help from their side of the aisle and maybe get a few more votes than the five that we have been getting so far, although God bless them, I think we appreciate every one of them to a large degree.

I appreciate the gentleman yielding.

Mr. STRANG. I thank the gentleman from California.

In fact, if I may indulge in a personal anecdote, Mr. Speaker, I was discussing this problem with a colleague from the Democratic side of the aisle this evening.

When we were sitting here for a vote, this gentleman said to me, "What are you going to do about the Eighth District of Indiana?" I said, "We are not sure, because we are not sure what you are going to do, but I will tell you this. If you attempt to seat McCloskey after this savage outrage to the Constitution, all hell is going to break loose," and this gentleman—a Democrat—said, "I don't blame you."

He is as horrified as I am, as fearful of the precedent we may be setting with a document which is the envy of people the world over, not just free people, but oppressed people.

The Constitution of the United States is the one document, the one process, that is emulated by every emerging country, and even those countries which adopt tyranny as their mode will often do it under the guise of a constitution adopted after the fashion of our own. This happened after the French Revolution, it has happened in Central America, it has happened in South America. What is the model? The Constitution of the United States of America.

I would be happy to yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. I think the gentleman's point is very, very important.

I have listened time and again to the majority leader and representatives of the majority party in this House saying this is a country in which the majority rules, and indeed the majority does rule, but it rules under a Con-

stitution. It is limited by a Constitution. It is limited by a Constitution that decrees that the States will determine the rules under which Members of the House of Representatives are indeed elected.

So it is not a prerogative of the majority to simply determine the rules for themselves, because those rules are made under a Constitution that has indeed endured the test of time, has indeed endured the test of trial and error and court tests and all sorts of legal tests through the course of time, and you ignore that Constitution as a majority, which they have clearly done in this case.

Clearly, they have usurped the power of the people of the United States who proposed that Constitution, who ratified that Constitution, and that says something that a majority cannot do even in the arrogance of power that they believe that they can take and do as they please in this House of Representatives.

Mr. STRANG. I thank the gentleman from Pennsylvania.

Mr. Speaker, I would point out indeed that if it is the duty of every Member of this body who takes an oath to uphold the Constitution of the United States, then every Member who does not follow that duty is derelict in his duty, and that is exactly what is happening in this issue with the Eighth District of Indiana—dereliction of duty when you have sworn to uphold the Constitution of the United States.

I fear for this country; I fear for all of us. I shall pray for us, and I hope, Mr. Speaker, that as we follow these deliberations through, we have the strength and the courage not to falter, not to stop, but to follow this through until this process has reached its logical and correct conclusion.

Mr. LIGHTFOOT. Would the gentleman yield?

Mr. STRANG. I would be happy to yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Thank you.

I have one basic question I would like to really ask the opinion of my colleagues that are here this morning.

As we analyze this entire situation from beginning up until our present point in time, we have seen what I think we agree is an abuse of power. Yet they are talking about gaining one seat when they already have many more than the minority party holds.

In the process of doing this, and looking at the films and the tapes of the hearings, and so on, the question comes to mind, do those that are behind this feel that the American public is so stupid and ignorant that they cannot see that rules are being changed, that this is an unfair situation, and in fact then jeopardizing the integrity of their party?

The SPEAKER pro tempore. The gentleman's time has expired.

ORDER OF BUSINESS

Mr. BATEMAN. Mr. Speaker, I ask unanimous consent to take my special order out of order at this time.

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

There was no objection.

THE INDIANA ELECTION DISPUTE

The SPEAKER. Without objection, the gentleman is recognized for 60 minutes.

Mr. BATEMAN. Thank you, Mr. Speaker.

Mr. LIGHTFOOT. Would the gentleman yield? I will finish my statement.

Mr. BATEMAN. I would be happy to yield.

Mr. LIGHTFOOT. Thank you.

I guess the thing that bothers me about this entire situation beyond the constitutional things which we are all very, very concerned with and outraged, what is the motive? Why has this been done? I see no logic in it. If I were a Democrat, I would be very nervous, because it would reflect poorly on my party.

We already have a majority on that side of the aisle. What is the motive? I guess that is the question I would like to ask my colleagues here, if they have an opinion, and anyone from the other side of the aisle who would wish to offer something on that line.

Mr. BATEMAN. I thank the gentleman for the question, because it is of the essence of really why I came here at this late hour, or early hour, depending upon your perspective, to try and address.

I am in very large, virtually total, agreement with my colleagues on my side of the aisle who have spoken to this question this evening.

The one exception to my agreement is those of us who have taken the point of view that we should assume that when the last chapter of this novel has been written, the conclusion will be that the election in the Eighth Congressional District of Indiana has been stolen from us. I fear that may happen. I will not assume it will happen.

I cannot believe that men and women of good conscience, properly informed as to what the genuine issues involving this disputed or so-called disputed election are, will violate the oath they have taken to uphold and defend the Constitution of the United States, that they will violate that comity that has been so often spoken of this evening and which is the very essence of the legislative process.

I have served in the House but one term before this present one. I have served in a legislative body prior to coming here for 15 years. I can add to that somewhat unique experience of having served as a member of a majority party, a chairman of a committee; I have served also as a member of the minority party, having changed political parties.

The legislative process does not function well; it will not serve any constituency, except through recourse to simple, elementary notions of comity between Members of the body, whichever side of the aisle they happen to sit.

I will not assume that my colleagues on this side of the aisle will have callous disregard when this ultimate question comes before us.

If I may, I would like to address what I have perceived to be how we got to where we are and the question of, are we on this side of the right aisle correct when we say that there is a potential of an outrage being continued? Because if you approach it without having prejudged it, we need to reinforce, we need to persuade why we are saying that there is an outrage.

The gentleman from Iowa pointed out that this seat cannot be vital to the majority party in the context of assuring their status as a majority party. They have it whether or not Mr. McCloskey is seated or Mr. McIntyre.

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By the same token, why is it so important to us on the Republican side of the aisle who is seated? We will not be the majority. It will not give anyone any more favorable committee assignments or any other prerogatives. Why, then, are we saying outrage? We are saying outrage because on January 3, 1985, the House was importuned, or the majority thereof, by the leadership of the majority party to disregard the long-standing precedents of this House, that anyone who had been elected and certified as having been so elected by the appropriate electoral officials of their State was entitled to be seated, even if there were a question that he should be seated, having been certified conditional upon the recount or whatever legal procedures would then be had.

Mr. McIntyre on January 3, 1985 had been certified as the winner. He had been certified as the winner by the same official and under the same law as all other members of the Indiana delegation who presented themselves in this body on that date for purposes of taking the oath of office. Whether or not they were Democratic members of that delegation or Republican members of that delegation, they were all here and certified by the same authority under the same law.

We were told, however, by the Democratic leadership, don't worry about the fact that the precedents say you seat at least conditionally anyone certified as being validly elected be-

cause there are some questions that have been raised and, oh, yes, we know there has been a recount under Indiana law, but they didn't recount all the votes, it was a selective recount. Don't worry about the fact that the Supreme Court of Indiana had asked to intervene and mandated that certain votes counted twice, and admittedly counted twice, should not be counted twice, and which led to the majority for Mr. McIntyre and his certification. Now we were told there were problems about Indiana and the way they go about recounts, and so we should not do that. Further recounts were had a second time. The secretary of state of the State of Indiana reaffirmed his original certification of Mr. McIntyre as the winner. We were again told, no, that was not based upon a complete recount where all the ballots were counted. Only certain ballots were counted in certain jurisdictions, but not all the ballots. So, please, House of Representatives, please, Members on my side of the aisle, don't vote to seat Mr. McIntyre, let us have the House Committee on Administration conduct a federally supervised recount of all of the ballots.

That was, to my mind, a very significant error. I think our precedents in this House should have been followed. There was certainly much better reason to follow them here than in the case in 1982, I believe it was, of the disputed election in North Carolina, where the same majority leader importuned the Members of this body to seat the Democratic candidate who had been certified, but certified on the basis of ballots counted pursuant to a statute of the State of North Carolina held unconstitutional and which was patently and flagrantly unconstitutional. But in 1982, in the mind of the majority leader, the precedents of the House to seat the person with the certificate was so strong that you did so, or it was done, notwithstanding, it had to be done in the teeth of a binding adjudication that the certificate had to be invalid because it rested upon an unconstitutional statute.

Certainly I think it should be more than a matter of disappointment to all of us that, on January 3, and again some weeks later, we have twice refused to follow the precedents of the House and refused to seat Mr. McIntyre and went forward with the recount.

But I know in the life that we live here as Members of this body, we can't be as fully informed on anything and everything that comes up at any point in time as many of us would prefer to be. So I do not say that my colleagues on the other side of the aisle have been guilty of some flagrant and calculated, deliberate acts that represent improper conclusions or judgments. I do say that they owe it to themselves, to their constituents, to this body, to this country to no longer be uninformed on this question.

We on our side of the aisle have an enormous responsibility to make sure that the issues in this matter are fully understood, and that when they are understood, and when there is no excuse for no longer understanding them, either Mr. McIntyre is seated, as is the due of the people who elected him or, if he is not, that the people in this body who refuse to seat him are held accountable to the people of their districts throughout America for their failure to have done so and to have violated the precedents, and as we see it and, I believe can more than adequately defend the proposition, have violated the Constitution of the United States.

Let me move on to the point where we twice failed to seat the holder of the valid certificate of election. It was determined by the then wisdom of the House that there should be the federally supervised recount through a task force directed by the subcommittee of the House Committee on Administration. The slogan that evolved through all the political rhetoric that was being exchanged then and up until recent days from the majority party was, "Cut out the rhetoric, count the ballots." Not bad rhetoric in itself if it were apposite to the actual facts and circumstances of the law and the precedents. But having violated the precedents of the House at the outset, having prevailed in obtaining what was to be a recount where all ballots would be counted, what then transpires? Over a period of weeks, meticulous counting of ballots and counting of ballots and counting of ballots and, finally, at a point through the recount procedures, the Democratic candidate has a four-vote majority. You stop counting? You stop counting in the teeth of all that has been said? You stop counting short of ballots which could well be the critical difference in who was and was not elected under the premises of the recount, ballots not counted which differ in no material, rational basis for not being counted from those which were insisted must be counted.

The patent inconsistency of that reflected upon by fair Members of the majority leave me to a hope that when this issue is dealt with on this floor finally, that it will be dealt with on an informed basis by the Members on both sides of the aisle, and that we will do justice to our body, to our constituents and to all Americans. They should expect no less of us.

You know, the Constitution has been very, very frequently invoked here this evening, and all of us, I am sure, take our oath to uphold and defend it very seriously. There is one provision of the Constitution among all those that have been cited that I haven't heard reference to. It is very short, and I would like to read it. It is article IV, section 4. "The United States shall guarantee to every State in this Union a Republican"—and I emphasize that is a capital "R"—"form of government." The very essence of Republican government is the right to vote and, having the right to vote, to have that vote counted, and without regard to for whom or what party the vote was cast. We do in this Congress have a mandate from the Constitution to guarantee a Republican form of government in all the States of this Union, and that most certainly includes Indiana and the Eighth Congressional District of Indiana. That election is as sacrosanct—or should be to us—as any other election in any other State or congressional district in America.

I will yield after one other reminder that I think should weigh very heavily upon all of us as Members of the House. I guess when you get a Member from Virginia who represents the First Congressional District, and the site of the first permanent English settlement in America, of the colonial capital of Virginia and so much the part of the intellectual leadership of the Revolution, the birthplace of George Washington, and who was sent to the First Congress of the United States, the Father of the Constitution, James Madison, you have to expect me to do things somewhat like this.

I want to quote from Jefferson's Manual, which is part of the rules of the House and governing on the House in all matters not otherwise expressly provided for to the contrary. In the preface of Mr. Jefferson's Manual, he states a maxim as certainly true. Quoting the maxim:

> It is always in the power of the majority by their numbers to stop any improper measures proposed on the part of their opponents. The only weapons by which the minority can defend themselves from similar attempts by those in power are the forms and rules of proceedings which have been adopted as they were found necessary from time to time, and have become the law of the House by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check and which the wantonness of power is but too often apt to suggest to large and successful majorities. And whether these forms be in all cases the most rational or not is really not of so great importance. It is much more material that there should be a rule to go by than what that rule is, that there may be a uniformity of proceeding in business not subject to the caprice of the Speaker or captiousness of the Members. It is very material that order, decency and regularity be preserved in a dignified public body.

I would suggest that it is incumbent upon all the Members of the House to reflect upon these very meaningful words in Mr. Jefferson's Manual and to make sure that when we have ultimately concluded with this issue, we do so in keeping with the rules, the

precedents, all of which are a part of that great design of constitutional government in the United States, the assurance of a Republican form of government for our Nation and for all the States within this Union.

I will be happy to yield to the gentleman.

Mr. KANJORSKI. I thank the gentleman from Virginia.

I was a hard working young legislator in my office in the early hours of this evening and I saw this momentous debate ensuing, and I thought I would come over and join the issue.

In the early part of the evening, as I recall now, I thought that the party that I am a member of had their paternity in question. From the speech that I just heard from my friend from Virginia, I now realize it is not only the paternity that is in question, but, in fact, the maternity. I don't think that you wish to color the majority party all inclusively as being inhuman, yet that seems to be the tenor of your words.

The fact, as I understand it from the early part this evening, is I don't think we yet have an issue before the House, or am I incorrect?

Mr. BATEMAN. There has been, I believe, and remains a continuing issue since Janaury 3 when the 99th Congress convened as to whether or not the person certified by the State of Indiana under the laws of Indiana would be seated as it is our contention. So he is entitled to be seated.

Mr. KANJORSKI. Am I to understand this is the continuing argument that has been pursued in the House of Representatives these last hundred-and-some-odd days?

Mr. BATEMAN. I suspect it has been pursued as a topic of conversation, a subject of 1-minutes, a subject of special orders, and of at least two votes on the floor, and with a certainty that there would arise an additional and ultimate vote. We approach that ultimate vote as I understand the procedures that we can expect.

I would suggest further to the gentleman that I have not questioned all or any percentage of the Members of the majority party. As a matter of fact, I have taken issue with those in my party who have assumed that when this vote comes, Members of the majority party will not do what in conscience—if they would simply study the issues, ascertain the full facts, I cannot believe that there will not be more than a sufficient number of those on your side of the aisle who join with us in making sure that an injustice has been done to the people of the Eighth District of Indiana, and it will indeed be rectified.

Mr. KANJORSKI. How would we frame the issue? Are we to suggest that the objection is that we carry the issue of the election of the Eighth District of Indiana to the House Administration Committee? Was that improper and wrong?

Mr. BATEMAN. I am not sure I understand the gentleman's question.

Mr. KANJORSKI. We have had a procedure that has been followed, and the procedure, as I understand it, has been to submit this question to the House Administration Committee to investigate and to report back to the full House and, as an adjunct to that committee, I understand further there was a task force. Was there objection at the time this was made?

Mr. BATEMAN. Indeed, there has been objection from this side of the aisle to anything other than the seating of Mr. McIntyre according to the precedents of the House, having been validly certified as the winner under Indiana law.

Mr. KANJORSKI. So we could conclude that, regardless of the ultimate result of the House Administration Committee or the task force, the minority party would object to the findings regardless of what they may be; is that correct.

Mr. BATEMAN. I will be very happy to make myself very clear on this point. Yes, this Member, speaking for none other, does object to the fact that Mr. McIntyre was not seated on January 3 as he was duly entitled to be seated on behalf of his constituents.

But going beyond that, because that is immutable—we cannot erase what was not done or we cannot undo what was not done in January 3—grant your point that the House, in its wisdom, did send this matter to the House Committee on Administration, that committee, on a purely partisan basis, has chosen to stop doing the one thing which it made its whole case for existing on, and that is to count all the ballots.

Mr. KANJORSKI. There are still uncounted ballots?

Mr. BATEMAN. There are indeed uncounted ballots, and the ones uncounted, and refused to be counted on a 2-to-1 vote, were refused to be counted only at a point where the Democratic candidate was ahead by four. Those ballots not counted, there is no legal, rational basis for not counting when they had agreed, contrary to Indiana law, to count other ballots which are certainly totally analogous to the ones they now refuse to count.

This is the issue that Democratic Members of Congress must face up to. You must demand an explanation from your Members of the House Administration Committee, why did you count up to the point where McCloskey was ahead by four, and then refuse to count all the ballots, and what is the basis for your refusal to do so.

Mr. KANJORSKI. Could the gentleman tell me how many ballots remained uncounted?

Mr. BATEMAN. The estimates that I hear are not less than 32 and probably something in the neighborhood of 50.

Mr. KANJORSKI. These ballots are located where?

Mr. BATEMAN. These ballots not counted were located and secured in the county clerk's offices in certain counties and were kept and maintained there rather than being sent to the precincts to be counted because they were not properly signed, notarized, and so forth, as Indiana law requires. So the clerks, seeing that they were in violation of Indiana law, did not send them to the precincts to be counted. Other clerks in other counties did send such ballots, and they were in the hands of the precinct officials, and those ballots, though not notarized, not signed, were counted. That is how Mr. McCloskey got to a full-vote majority. Having gotten there, ballots in exactly the same category with equal or better security and for greater, at least equal or greater, logic should be counted by a 2-to-1 vote, and they said no, that is enough and, from now on, we are going to adhere to Indiana law which, throughout their recount, they chose to disregard until the point where Mr. McCloskey was ahead.

I was watching C-SPAN when my colleague, whom I am very happy is back and I will yield to, was making earlier inquiries. I was a little bit embarrassed, frankly, that you did not get as much as I thought you were entitled to in terms of "Where is the beef?" I have some beefs going back to January 3. But the real beef is, given the error and the failure to follow the precedents of the House to respect Indiana law, as you would want the laws of your State respected and I want the laws of the Commonwealth of Virginia respected, you did not even respect your own rules, your own gravamen of what you were doing, which was let us count all the ballots, and Indiana cannot be trusted to follow the procedures of Indiana law in this matter. You disregarded that.

Mr. KANJORSKI. Who disregarded that?

Mr. BATEMAN. The House, by sending the matter to House Administration and letting them adopt their task force rules, chose to disregard provisions of Indiana law and to proceed on the basis that we will count all ballots whether or not Indiana law would have it so, as long as you can ascertain the intent of the person who cast that ballot. You proceeded under that logic to undo the official State-certified result of Mr. McIntyre by 400 votes until Mr. McCloskey was 4 votes, and then immediately your members of the subcommittee abandoned that proposition and said we will now

follow Indiana law, and we will not count the remaining ballots.

I think you need to inquire very directly of people on your side of the aisle as to whether or not what I have stated to you is fact. I have listened only to a partial tape of the proceedings in which Mr. THOMAS questioned this remarkable flip-flop on the part of your chairman and your party's second member in suddenly saying no, we should follow Indiana law, we shouldn't count the rest of these ballots. When questions were asked why by Mr. THOMAS of the staff director of the task force as to whether or not the the factual assertions he had made were correct, and the staff director verified that yes, what he had said is correct; but notwithstanding that, on this shallow, flimsy and, I think, artful assertions that well, these ballots uncounted were in the clerk's office and the other ballots were in the precincts. If the ballots are of the same in nature and kind and you have determined Indiana law is to be disregarded, why—other than Mr. McCloskey is ahead—do you stop counting all ballots as long as you can ascertain the intent of the citizens who cast them. Bear in mind, if you will, Mr. McCloskey, no other person in the Eighth Congressional District of Indiana, has ever made an allegation of fraud or any impropriety in the conduct of this election. There has been no charge before the Federal Elections Commission, there has been no challenge in the courts by anyone on behalf of Mr. McCloskey. Nothing has been challenged. We finally go through an exercise that spends out in the process up to this point where, suddenly, that which was the overriding philosophical basis for what was being done is reversed when Mr. McCloskey is ahead, and without any justification for that reversal.

Mr. KANJORSKI. Does the gentleman know if the additional ballots were counted, what the final result would be?

Mr. BATEMAN. I certainly do not.

Mr. KANJORSKI. So I can assume, therefore, that you are not impugning to the majority party's members of the task force any improper reasons for not continuing on, or are you?

Mr. BATEMAN. I will couch my words, as I try to do always, very, very carefully here.

Mr. KANJORSKI. If I may say to the gentleman from Virginia I think perhaps since I have come to this House and served on its committees, the one thing that has offended me the most is how we have a tendency to pat each other on the back and give ourselves such gracious compliments with absolutely no intentions of our words meaning what we say. Why don't we stay here tonight—it is now 2:15 in the morning, and I am sure that the audience watching this proceeding is minimal in number—and why do not we just forget couching our words and call a spade a spade. What are we talking about? Are we casting aspersions on the members of the task force and, if so, what would you have us do?

Mr. BATEMAN. You asked me a question, and I certainly do not want to avoid or evade the answer. I do want to stay within the confines of the rules of the House. I am not here to question the motives, to delve into people's minds, and to play God-like that I know why they did what they did. Your question was: Is what they did improper? Yes; I think it was improper. I think it was markedly, significantly, arrogantly, and plainly improper.

Do not ask me to delve into their minds or conscience as to why they did something improper, but it was an improper result based on unsound reasoning to justify only a conclusion that they were asked to arrive at.

Mr. KANJORSKI. What would you have had them do?

Mr. BATEMAN. What would I have had them do? If we were, as I have tried to make the point repeatedly, not going to follow the valid, sound precedents of the House which would have avoided our being in this morass, then I would have had them do that which they said they were going to do, and that is count all of the ballots where the intent of the voters of Indiana's Eighth District could be ascertained, not to stop short at a point where their man is four votes ahead.

I think that is an elementary conclusion.

Mr. MACK. Would the gentleman yield?

Mr. BATEMAN. I would be happy to yield to the gentleman from Florida.

Mr. MACK. I thank the gentleman for yielding.

I want to say to my colleague that I think that you have outlined as clearly, as specifically, and logically as one possibly can. And I think that anyone who has listened to you for the last 15 or 20 minutes has got to clearly understand what the issues are.

Second, I would like to go further to say, despite what I would couch as to may be an attempt to trick or to trap you, you have done an excellent job in specifically answering the questions posed to you.

Mr. BATEMAN. Let me, if I may, reclaim my time.

I do not subscribe to the gentleman who made inquiries that he is trying to trick or trap me. It is my hope that he is here, and I genuinely think that he is, seeking to be further enlightened on what the issues are, what the facts underlying those issues are in order that he may properly resolve them.

It is in that spirit that I am here. It is in that spirit that I am offering what I have offered based upon my study of the legal and factual issues involved. If I have misstated any, I am certainly going to be very surprised to be corrected.

I think, if you will reflect upon what I have done in trying to outline the issues, that you cannot in conscience say that the failure to count the remaining ballots can be logically or fairly justified.

Mr. KANJORSKI. Will the gentleman yield?

Mr. BATEMAN. I would be happy to yield.

Mr. KANJORSKI. If the remaining ballots are counted, and if the results remain what apparently are the results now, then is the gentleman satisfied that the seat should be secured to Mr. McCloskey?

Mr. BATEMAN. I cannot tell you who will or will not win if you permit your own ground rules to——

Mr. KANJORSKI. Making the assumption now that we count the remaining 32 to 50 ballots, if the result remains that Mr. McCloskey entertains a majority, whether it be 1 or 5 or 50, are you then satisfied that we can put this thing to rest and seat Mr. McCloskey?

Mr. STRANG. Would the gentleman from Virginia yield?

Mr. BATEMAN. May I first respond to this? It is to me a very important one. But it has nothing whatever to do with any other Member of this body except my own personal views. Will I be satisfied? No. But let me tell you why I will not be satisfied.

The issue will have been concluded, and I will not like the way it is concluded if that is what happens, because I happen to feel very strongly that this House fell into error on January 3, 1985. Legally and constitutionally we should have seated Mr. McIntyre then, pursuant to the provisions of the election laws of the State of Indiana and the certification of that State, when there is no claim of any fraud or electoral abuse. So, no, I would not be satisfied with that result.

Given the fact, however, that I cannot rectify the error made by the House on January 3, 1985, I personally, save for the reservations just expressed, would expect the result that obtains from counting all the ballots. But in conscience may I ask you the question, Can you justify, defend, or support the conclusion which says we will count all the ballots except at that point where our man is ahead and not count other ballots which logically, reasonably, legally ought to be in the very same category as those they chose to count?

I will be happy to yield to the gentleman from Colorado.

Mr. STRANG. I thank the gentleman from Virginia. By way of response to the question from my good friend

from Pennsylvania, I would point out to the gentleman that what he is asking the gentleman from Virginia is, Does he approve of a process which from the very first has been in contravention to the laws of the State of Indiana. So that, no matter how far this procedure goes, the processes adopted by the House Administration Committee Task Force have been in violation of the laws of the State of Indiana.

Now, if this body feels it has the right to evaluate the laws of the several States as regards elections, then that means there is no point in the States having elections. The laws of the State of Indiana are quite clear. For example, we talk about ballots that are to be counted. As the gentleman from Virginia quite correctly observes, what is galling at this moment is the failure of this committee to carry out its own procedures. And those procedures are in contravention of the law, but at least they are not following their own rules.

Now, if this body is going to say to Indiana we do not like your laws, we are going to substitute or we are going to impose our own views upon you, they can do that on any other State.

In the State of Indiana, for example, absentee ballots are required to be kept at the county level and not sent to the precinct. Ballots that are sent down to the precincts are invalidated. In this case, this committee, this task force has by a 2-to-1 vote decided to count the illegal ballots, the ballots that should not be counted, has decided not to count the ballots that are required to be counted under Indiana law, that is to say, the ballots at the county level. That is the kind of procedure that this body is engaged in since January 3.

So, when you ask a question, when the member, Mr. Speaker, asks a question about whether or not we will be satisfied with the outcome no matter what, I for one—and I can only speak for myself, Mr. Speaker—say absolutely not, no matter who wins, the count, because it has been done without any regard to the laws of the sovereign State of Indiana. And the gentleman from Virginia is quite correct when he points out that the real violation results from the fact that on January 3 this body failed to honor the certificate of the truly and duly elected Representative from the sovereign State of Indiana, the only elected winner, the one who never was contested, the loser never contested it. Nobody contested it. Nobody in Indiana contested it. This was the winner in Indiana.

I thank the gentleman from Virginia for yielding.

Mr. BATEMAN. I am delighted to have done so. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. I want to congratulate the gentleman from Virginia on a very, very clear exposition of where we are and what the facts are in this case.

I want to turn to one thing that he pointed out and, I think, very appropriately that has not been discussed at great length. That was the comments of Jefferson in his rules saying that we in this body have rules to go by for order and decency and regularity.

Let me say to my colleague from Pennsylvania. He represents my hometown, the town where I was born and raised. He had a distinguished predecessor, the Honorable Daniel Flood, who represented that district for many years, who understood, I think, as no one else understood, or few people understood, the need in this body for order and decency and regularity. And to get things done, it took people on both sides of the aisle. It took working together. And just the things that we do on a day-by-day basis take the question of Jefferson and rules and order and decency and regularity.

For example, every day Members of this House stand here and ask unanimous consent to revise and extend their remarks. That unanimous consent is only given by the rules of comity and decency and regularity. It does not have to be given. It does not have to be given at all. Every day we have requests for unanimous consent not to read a bill. Unanimous consent does not have to be given. It is given because of rules of decency and regularity and comity that we have discussed before.

I go back to a time in the Congress when there was a group called Rumsfeld's Raiders. It was at a time when the majority party was trying at that time to run roughshod over the minority party in this House of Representatives. And believe me, if we try to forget the rules of comity and the rules of decency and order and regularity that were mentioned by Jefferson, we can tie this House up in knots for days on end. There is no question about that.

I am just saying that, all right, if you are not going to have comity that Representative Flood understood, that distinguished predecessor of yours understood, that we can just go by the book. And we can avoid having that comity and that regularity and that decency as well as anyone else. But that does not make for a good thing for the United States of America. It does not make for a good thing for the 13th Congressional District, which I represent. It does not make for a good thing for my old hometown, which my friend from Pennsylvania represents.

It makes for a process in the country that is one of animosity that is certainly undesirable in the Halls of this Congress.

So, I appreciate very much my friend bringing up the comments of Jefferson because I think those rules are tremendously important in just the good operation of this House of Representatives.

Mr. BATEMAN. I thank the gentleman from Pennsylvania on the Republican side of the aisle. I thank the gentleman from Pennsylvania on the other side of the aisle.

It is my fervent wish and belief that you are genuinely interested in what are the facts, what are the issues, in order that you may know how you as a matter of your conscience should address that issue in whatever form it ultimately comes before the House. It is in that spirit, and certainly with no assumptions, that people on this side of the aisle will follow what I think has been a very significant, a very demeaning exercise in pure sophistry in an effort to justify a preordained or predetermined desirable conclusion, no matter by what route they arrive there. That is my concern.

Now, if you have issue with those things which I have said which are factual, with those things which I have said have an appeal to reason as being—my reasoning being flawed, then that is what reasonable men disagree about from time to time. But unless you on our side of the aisle are willing to engage in a meaningful debate, having prepared yourself to do so, on the facts and the rationale of what you counted up to a point and what you then failed to count and why you did not count it, we cannot get very far.

I am here this morning, at this very early hour, because I want to believe that this body will accommodate itself not in a sense of comity of one Member to the other, not in a sense of you do me a favor I will do you a favor, I want a sense of comity for the Constitution, for regularity of procedures, not for the benefit of Members but for the benefit of the body politic of America. They are entitled to have that of us.

Mr. KANJORSKI. Will the gentleman yield?

Mr. BATEMAN. Certainly.

Mr. KANJORSKI. I join the gentleman in his desires, but I cannot understand. As I understand it, the fatal error that was performed on January 3, and that is an irreconcilable error or mistake that was made. Is that what I am to understand?

Mr. BATEMAN. I think the gentleman is making over much. I would ask him to evaluate the precedent of the House, the provisions of the Constitution, which do provide that elections to this body and to the other body shall be under the laws of the States wherein Members of Congress are elected, in the absence of any Federal law. I would ask you to go through the legal analysis as to whether or not under the Constitution the absence of Federal law, the presence of Indiana

law, the lack of any contest or charge that Indiana law was violated, and the precedents of the House to seat people who have been certified as the winner. And if you come to a different judgment than I as to whether or not an error was made on January 3, 1985, so be it. We will have strong disagreement.

But as I have said repeatedly, even if you agree with me upon reflection and further study that we made an error in this House cn January 3, 1985, it is beyond your power or mine to rectify the injustice done to the people of the Eighth Congressional District of Indiana, who have been unrepresented all this nearly 100 days or more. We cannot undo that. The next best thing we can do, having failed to do that which we should, is at the very least to follow consistently and to the end, wherever it leads us, the ground rules established by your task force, or the task force controlled by you, directed by your side of the aisle. At least let us follow it to its conclusion. That represents at least some improvement over the error made on January 3, 1985.

Mr. KANJORSKI. As I understand the gentleman, if the conclusion were made by the task force of all the votes being counted, and if the result were to remain the same as the gentleman indicates, you would not be satisfied with that result.

Mr. BATEMAN. Well, you know, I am glad you make such a thing over whether or not this gentleman is going to be satisfied, because it is one of the few instances in my experience in this body that anyone has been largely concerned with whether or not I personally was satisfied. I hope you understand my point. I am not here to receive satisfaction for myself on any account. I am here urging a logical determination based upon where we are now and where we will shortly be as this body determines ultimately the issue of this contested or disputed election.

Mr. DELAY. Will the gentleman yield?

Mr. BATEMAN. Certainly.

Mr. DELAY. I would like to answer the gentleman from Pennsylvania on whether I would accept the results of the recount as established under the rules of the task force if we went ahead and counted the ballots that were left. Let us go back to the mistake of January 3 that you alluded to.

Mr. KANJORSKI. I would not want the record to indicate in any way that I accept January 3 as a mistake. I said assuming if that were.

Mr. DELAY. I understand the gentleman, but you did say that assuming that that was a mistake. I feel that it was a mistake. It was predicated on the whole argument that all the ballots were not counted, or there was some sort of irregularities going on in Indiana, and everybody was talking about we have got to count all the ballots, we have got to count all the ballots. Well, we all know, and we have talked about it for over 100 days. We all know that in election contests you just do not count every piece of paper that happens to have the race written on it. You have to go under some sort of security and rules in order to protect the security of those ballots. Every election contest across this Nation, whether it be in this body or on a statewide race or down in a State legislature area, or down on a city council, when you recount ballots, you have to follow some sort of rule to protect the security. Or you will have what happened in Texas, down in box 13, where you have ballot boxes stuffed so that we can come out with 250 extra ballots to elect a Senator to the other body. You have to have those kinds of rules.

So, the whole idea establishing the task force was because Indiana and certain counties in Indiana use different rules, by the way, under Democrat judges' direction and a Democrat majority election, judges and panels in those counties, developing the rules as to which ballot would be counted and would not be counted. And McIntyre ended up with 400-and-some-odd votes to the better of McCloskey. Then all of a sudden we have a task force, and everybody is rallying around the cry: let us count all the ballots, let us count all of the ballots. So, they develop rules to count all of the ballots, damaged ballots, all kinds of ballots, ballots that were unnotarized, unwitnessed, unsigned, all kinds of ballots. Anything on a piece of paper that had McCloskey and McIntyre's name on it was counted. Then all of a sudden when we got four ahead, we decided we are not going to count them anymore.

The reason I say I will not accept whoever wins from this task force is that they never had a set of rules to determine whether that is a real ballot coming from a real voter who really sat down and voted for McCloskey or McIntyre. They just said, let us count all this paper flowing all over the place.

You have to have some sort of rules to go by.

Mr. KANJORSKI. Will the gentleman yield?

Mr. DELAY. I yield.

Mr. BATEMAN. I will be glad to yield to the gentleman from Texas in order that he might respond.

Mr. KANJORSKI. Do you suggest that we recommission the task force to go back down and write the rules that would cover every individual instance of counting these ballots?

Mr. DELAY. Well, you would think they would have done that in the first place.

Mr. KANJORSKI. My impression in the House—and I think the gentleman from Virginia properly observes my problem for what I came over this evening. I thought there was great urgency to get this job and this task over. I would not have proceeded the way that it has been proceeded to at this date, knowing full well that there were hot feelings. And I seriously feel that there is absolutely nothing the majority party or that task force could do at this moment or in the future that would adequately satisfy my friends in the minority party.

That is an unfortunate thing——

Mr. BATEMAN. Excuse me, pardon me. I want to reclaim my time. I have grown, frankly, weary of this business of satisfying me, satisfying them. I am not in this well tonight even asking you or anyone to satisfy Rick McIntyre. I am asking as an elementary principle of fairness that this matter be addressed on the basis of the facts, and some elementary modicum of reason and fairness. And let the chips fall where they might have fallen. I am not asking satisfaction.

Mr. KANJORSKI. I am not suggesting satisfaction of your personality. I am suggesting satisfaction of casting your vote. And that we are sworn to do. That is, you are satisfied with the intelligence that you receive, the facts, and the conclusions, and the judgments.

Mr. BATEMAN. Well, if I may reclaim my time, and I think it is running out, I want to try and make this point. And I hope the gentleman from Pennsylvania, who has been assiduous enough in his duties to be here for so many hours tonight, I want him to at least make a further assumption. Assume for the moment that our point is correct, that there is something remarkable on January 3, when you do not see the certificate holder in this election, when in 1982 you accepted a certificate even though bottomed on an election and a count of ballots which a Federal court had finally adjudicated to be unconstitutional. Yet, your majority party, your majority leader was able to convince the majority of this House that they must under the precedents of the House accept that certificate because it was issued under the laws of the State of North Carolina. Assume. Well, I hope you do not need to assume that is a fact, because that is history.

Would you please address for us why on January 3, as you reflect back upon it, we should have violated that precedent even though it is of dubious correctness, for all the previous precedents, and have denied a seat, even conditionally, to the man certified under State law who has won?

I ask you to make another assumption. Assume what we have said is correct, because you have ways of verifying the correctness of what we have said on the facts. Assume the correct-

ness of our statement, is that you counted and counted and counted in disregard of what the laws of Indiana said as to whether or not ballots could be counted, until a point where McCloskey has a four-vote lead, and then fail to count any further. Assume those facts and put yourself in my position in the well.

Mr. KANJORSKI. And I would join you in your position. That would be improper. But I would go one step further. If we were to say that that would be improper, we would have to say that, if the ballots were counted, we would conclusively accept the result and be satisfied. But you will not go that step with me. You are reserving the right that, if we had that task force complete the tasks that you asked of them and charged them with, if they go back and complete it and if the result is not satisfactory to you, you will not be satisfied.

We are in a no-win situation, not in a party no-win, not a minority or majority party no-win. We cannot satisfy those elements of this House——

Mr. BATEMAN. I appreciate the horns of the dilemma that I perceive you feel you are operating under. I wish I knew a better way for you to resolve your dilemma. It is, frankly, a dilemma of your side of the aisle. You have two ways. You can rectify at least in part the wrong which was done on January 3. One is to at least abide by the rule you adopted when you failed to do what should have been done on January 3. If you will not do that, then let us have a special election in the Eighth Congressional District of Indiana and let the people speak again.

THE INDIANA ELECTION DISPUTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. ARMEY] is recognized for 60 minutes.

Mr. ARMEY. Mr. Speaker, I would like to take a few minutes to reflect on my personal experience here. Some of the Members know I am not a politician, I have never run for public office before this election. As I contemplated the idea that I might run for the U.S. Congress, I reflected back on all that I knew and understood about the political process. It seemed very clear to me that one could offer himself for election, follow the proper procedures to get yourself on the ballot, then contest the election, go out and ask for the votes of the public, present yourself, your positions, your arguments. And if you should receive more votes than the other person, you would be seated in the House.

I remember I called a press conference. During the question and answer period, a reporter from Fort Worth named Jack Smith asked me what I thought at the time was a rather peculiar question. He asked me if I had contacted any Members of the House to see if they wanted me to join them in the House. Quite frankly, I was perplexed by that question because I did not know any Members of the House. It never occurred to me that I should contact them to see if they wanted me to join them in the House.

I told Mr. Smith, well, I reckon I will go out there and campaign. If I get more votes than the other guy, the Members of the House are going to have to take what they get.

I could not believe it, to come here on January 3 and find out that was not the case. If the Members of the House did not like what they saw, did not like the vote margin, all they had to do was make a motion that I stand down and that, if indeed they had more votes in the House that were against me than were for me, it did not matter about all of those voters back in my district and what they wanted.

So, I watch that process with great interest. Indeed, as I went through my campaign, I had another experience related to my son Scott, who worked with me for many, many days. We talked about what will happen now as we do this and that. And I explained to him that, if I did indeed have more votes than the other fellow, that I would be issued a certificate of election by the secretary of state. And once I had that certificate of election, then that would be sent to Washington. And once it arrived here, the House would be duly notified that I had been duly elected. And then I would be seated.

Well, I watched that day as two gentlemen who showed up with their certificate of election in hand had their right to be seated challenged. It was a rather interesting contrast.

In one case we had a Republican candidate who was the challenger, who had a certificate over that of a Democrat incumbent. In this case it was Mr. McIntyre's certificate announcing that he had defeated Mr. McCloskey. And in the other case we had a case in Idaho where the incumbent, Mr. Hansen, had apparently lost his seat because a Democratic challenger showed up with a certificate.

Both cases were put to a point. I think this is important. I always wonder why we do not remember this part of the day's events.

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In the first case, on a strictly partisan basis, with every one of the Democratic Members voting not to seat Mr. McIntyre, the man with the certificate, and every one of the Republican Members voting to seat Mr. McIntyre, the man with the certificate, because he had the certificate, that seemed appropriate to me. I couldn't quite understand what might be the reasoning of the folks on the other side who voted so uniformly not to seat the man with the certificate, but I felt quite comfortable with the logic that I saw exhibited on our side of the aisle as we voted to seat the man with the certificate. Mr. McIntyre was not seated that day. I recall him sitting as the rest of us took the oath of office. But at the same time, there was a challenge raised to Mr. Hansen of Idaho on the grounds that he did not have a certificate of election. He was asked to sit down in favor of the Democrat challenger who had the certificate of election. In this case, a rather peculiar thing happened. All of the Republicans, save two, voted for the fellow who had the certificate of election, that being in this case the Democrat challenger, and all the Democrats voted for the fellow with the certificate of election, without exception.

Again, I could not quite see the logic in this. In one case, they were perfectly willing to vote uniformly and unanimously for the fellow with the certificate; in the other case, they uniformly and unanimously voted against the fellow with the certificate. The only thing that was consistent was that they voted for the Democrat in both cases. Then having done that, they raised the proposition that we should have a bipartisan committee to resolve this question—that is to say, a committee where they would allow both Democrats and Republicans to sit on the committee in unequal numbers.

Mr. Speaker, I watched this process with great fascination. Not having been in politics before, not having seen the way these things were operated and the way things were done, it seemed very interesting to me that having already uniformly demonstrated their willingness to use their larger numbers to vote uniformly and unanimously for the Member of their party under all circumstances, that they should consider a fair bipartisan committee stacked with Democrats to be the solution to their dilemma.

Mr. COBEY. Would the gentleman yield?

Mr. ARMEY. I would be happy to yield.

Mr. COBEY. I appreciate the gentleman yielding.

I am glad you are focusing on January 3, because I think that it is important that we get back to that date and realize that Mr. McIntyre had a valid certificate from the secretary of state of Indiana, a valid certificate to be seated in this House, and 82 out of 82 times in the 200 years of our Government, of our country, the duly elected and certified person has been seated. It is important that we focus on that. I have voted on this issue three times, just as the gentleman from Texas has, and all three times I voted not to refer

this to the House Administration Committee. I have not been in favor of this entire process. I think that, in this debate tonight or this discussion tonight, we have not pointed that out enough.

I am not going to be satisfied until this unprecedented situation is totally corrected, and I mean from the standpoint of the rights of the citizens of the State of Indiana, and specifically of the Eighth District. I am not going to be happy until the Governor of the State of Indiana, on behalf of the people of Indiana, and Mr. McIntyre can settle this before the Supreme Court, that this body, the majority party, acted in an unconstitutional manner. So when people say if we counted all the ballots and McCloskey was still the winner, would you be satisfied, I personally would not be satisfied, and I do not think anybody here should be satisfied, because it still would be unconstitutional.

We can't be happy with this situation. It has got to be corrected right back to January 3.

Mr. ARMEY. I agree with you.

The questions that are being raised here are really, I think, quite frankly, trivial questions. The question you raise is the question, that this body refused to seat the man with the certification, refused to honor the State of Indiana, as they did honor it with respect to every other congressional race that was certified. Why not throw out all the Indiana certificates? Why not throw out all the Florida certificates or the Texas certificates? Why this one seat?

I would have to say in all candor that, as I watched this process, as I watched the bipartisan committee appoint its bipartisan commission always with unequal numbers, Democrats two to one to the Republicans, as I watched the votes come down two to one every time—every ballot that came up, the vote was two for, one against; two for, one against; two against, one for—always that same uniformity.

Mr. COBEY. Would the gentleman yield?

Mr. ARMEY. Yes.

Mr. COBEY. You are pointing out how unfair this whole process has been, but focusing back on the fact that we voted against it ever being referred to the House Administration Committee, against ever a task force being formed.

I appreciate what you just said. We have trivialized this whole thing by even talking about that. What right does this House have not to seat the certified candidate from a State and leave the people of the Eighth District of Indiana unrepresented now for, I believe, 111 days? It is absolutely unprecedented, it is wrong and it is unjust. The people of the Eighth District of Indiana are being denied their rights under the Constitution.

Mr. ARMEY. I agree with you.

Again, my point is that it is the pretention that justice is being done by this fabricated process that I find even more offensive. We continue to compound the felony. We continue to try to hoodwink the public. I often wonder how far do they think they can go by way of pulling a charade against the American public's conscious awareness. The American public will see what is happening.

Mr. MACK. Would the gentleman yield?

Mr. ARMEY. Yes; I yield to the gentleman from Florida.

Mr. MACK. Let me try to put this in context or in perspective by reading again some of the remarks of the majority leader during the discussion on January 3, because it addresses the point that you both have been referring to.

He says:

> The House has created a general presumption in favor of the candidate who is certified by the appropriate State election official as a Member-elect. That certification carries with it the presumption that the State election procedures have been timely, regular and fairly implemented. The House will reject the certification only under the most exceptional circumstances where the very ability of the State election procedures to determine the outcome accurately is put into serious question. Regrettably, the election in the Eighth Congressional District of Indiana falls into the most narrow exception.

I guess the point that I want to raise is that, at least the part of the proceedings that I saw, the task force chairman clearly made statements that there was no fraud, and I did not hear him make any statements that there was any wrongdoing. That says to me that those comments basically undercut the position that was made by the majority leader on January 3 when he implied that our only choice now was to turn this over to a task force.

Mr. ARMEY. Indeed there was no allegation, was there? In the State of Indiana, the Democrat incumbent who had lost his seat didn't even call for a recount, as I recall, at that time. Am I correct that there had been no call for a recount by the defeated candidate in the State of Indiana?

Mr. MACK. I believe he did make a call for some recounts.

Mr. ARMEY. Prior to it being brought to the floor?

Mr. COBEY. We did have a recount, and Mr. McIntyre won by 418 votes.

I don't understand why when the task force was formed, without any investigation, without any hearings, all of a sudden they decided they were going to go out there and count all the ballots. I don't know what they were doing other than bringing in question the ability of the people of Indiana to count ballots.

Mr. ARMEY. I agree.

I will yield to the gentleman from Texas.

Mr. BARTON of Texas. On the question of whether the Democratic candidate asked for a recount, he did ask for a partial recount in some of the counties. In the initial recount, after Mr. McIntyre won by 34 votes, both candidates went in and Mr. McCloskey requested in some of the counties and Mr. McIntyre in some of the counties. Between them, they requested a recount in all 15 counties.

Mr. ARMEY. Thank you. I will have to stand corrected on that.

I still think the point remains. I would like to go back to this saga as I watched it unfold as a novice in this political world that we find ourselves in. Later in the year, we brought this thing to a vote again, and it became a very close vote. We had a vote again that followed a very partisan line, in this case with five Democrats voting with all the Republicans to seat Mr. McIntyre, and the remainder of the Democrats voting again not to seat McIntyre. We brought this issue to a one-vote margin. In that one-vote margin, the gentleman from Idaho who had been seated earlier because he had the certificate of election cast a vote not to seat McIntyre, despite his certificate of election. I have always been puzzled by that vote. I still cannot understand what principle or by what practice a decision like this can be made. It seems to me there has to be some consistent principle by which we can hang these votes.

I saw in the earlier vote, the original vote, a great many Members—we are all capable of being partisan in our politics, especially that soon after a election. Elections or campaigns are partisan and you get into sort of a partisan mood. Then we come to the floor and we are asked to be bipartisan. When the question of voting against seating a Republican in favor of voting to seat a Democrat came up in the case of the Idaho challenge, it was difficult for me as a Republican to vote to seat a Democrat, but the principle was there, as it was for most of us. The principle was you vote to seat the man with the certificate.

I think you might raise the question: Why should we have been voting at all? Maybe that is the larger principle we should have been addressing. But the point was it came on the floor, by reasons I can't understand. What I don't understand is by what principle do people cast their votes. There seems to be only and clearly a partisan principle, that if you are in the Democratic Party, unless you are one of the five exceptions, you vote to seat the Democrat under each circumstance. Whether it be here in the House or whether it be in the subcommittee or in the task force, you vote always in

favor of what action will seat the Democrat Member. That, to me, is partisan politics. Can none of those ballots that were opened and examined and challenged, can none of those have been one that might have precipitated a Democrat member of that panel to vote in a manner that could have been favorable to the Republican?

Mr. BARTON of Texas. Would the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Texas.

Mr. BARTON of Texas. To go back to your original question of which candidate should we seat, I would assume that we would seat the candidate who won. We have gone on the presumption that the certificate of election issued by the secretary of state of Indiana would indicate who held that certificate had, in fact, won the election.

The majority party in this House, for whatever reason, has decided they do not necessarily feel that they should seat the candidate who appeared to have won. They got about halfway into that process and decided that, lo and behold, maybe they had better try to make sure that their candidate did, in fact, win something. So they came up with a set of rules. The task force that we heard so much about tonight was supposed to investigate the election and investigate the recount in the Eighth Congressional District of Indiana. They didn't conduct any investigation at all. They decided that the only chance for their man to win was to come up with a set of rules that no one else had ever conducted an election under. They were not looking to find the truth, they were looking to find a result. As soon as they appeared to have obtained that result—which, in this case, was a four-vote margin—with votes yet still to be counted, they called it off.

The House Administration task force has held a hearing—not this morning, but yesterday morning actually, because we now have crossed into a new day—and it is my understanding that they are going to continue that hearing tomorrow, at which time they will report out the fact that the election contest is completed and, lo and behold, their man has won. They will then bring a report before this body, I would assume, suggesting that Mr. McCloskey be seated. They have looked for a result since January 3. When, finally, on the night, I believe, of April 18, it appeared that they had obtained that result, in whatever fashion, they shut it down.

It is our obligation as U.S. Representatives to make sure that we do go back to the original intent, which is to find out who, in fact, did win the election and seat that gentleman.

Mr. ARMEY. I thank you for that observation.

Let me take another look at this. Representing a solid Southern State and a rather independent and strong State like Texas, I have a natural bent for what we refer to as the State rights position. One of the things that has bothered me about this whole process is the presumption that somehow we should in this body overrule the right of the State.

In the State of Indiana there was a recount. The State of Indiana examined that election and those election results. It came out with a 400-plus-vote margin in favor of Mr. McIntyre. But this House continues to be unwilling to accept that the State of Indiana is capable in this one district to determine the outcome of the election.

I might go back to that same question: Why not the other districts in Indiana? Why only in this one district are we unwilling to accept? The secretary of state in Indiana or the Attorney General, or whoever, issued those certificates for the other Members. Why in that one district? Take a look at the history of the Eighth District. This has been rather an elusive seat in Congress. It changed hands rather frequently by close votes. It is very hard to escape the proposition that in this district they see an opportunity where the votes will be close, the history of the district is one where it changes hands frequently, that this is an opportunity, especially with the close vote from the original count of 32 to raise the question, obtain the initial vote on the floor of the House, acquire the jurisdiction, as it were, and then to simply go in and force their will on the State of Indiana. It seems almost clear to me that the people of Indiana are not given their right to control their election, to determine their election results, and to seek their chosen Member of Congress in this one district.

I come from a place in Texas where people speak rather candidly, if I can go back with my saga. I did not always appreciate the importance of this. I remember I was back in Fort Worth, TX, and I was talking about the business of the House and I had made the observation that things had not gotten very exciting around here, we had not moved on to business, it seemed to me, and we had not been talking about the balanced budget amendment and many of the other issues. All of a sudden in this meeting an older gentleman stood up and said, "Young man," which I appreciated, "don't you believe in the Constitution?" Of course, I was taken back, and I said, "Certainly, I do." His response was, "Then why do you say there is nothing going on in the House when the Constitution of the United States is being violated by that same House?" He brought back to me that we are dealing here with an essential constitutional question here: Who should determine the outcome of election? Should we use the principle of one man, one vote? Should the electorate determine that, and should then the judgment and evaluation of those election results be handled within the State as opposed to the House of Representatives? I was challenged by this fellow to come back to the House and to fight for the Constitution, not for Rick McIntyre, not for the Republican Party, but for the constitutional principles of one man, one vote, and local determination of election results.

This is what I think this fight is all about, that a major trespass against the Constitution was committed on January 3. What has transpired since then has been only a compounding of that felony, only a continuation of it.

This older gentleman was a rather candid sort of fellow, and he used the expressions I used earlier. He said:

> Young man, there's lying, stealing and cheating going on in that House, and when are you going to do something about it? There's greed going on in the House. People are trying to obtain for themselves something they haven't earned. They are trying to get it by trickery, by deception, by just plain bullying because of their larger numbers. They are trying to get an additional seat, and it's not fair.

I reflected on that especially in light of the campaign rhetoric that we see, and I understand about campaigns being partisan affairs. But one of the dominant themes of the 1984 campaign was that the Democratic Party was the party of fairness, the party that plays by the rules, that party that affords equality and freedom and dignity and fair play to all people. They held these claims with a great deal of self-satisfaction. By implication, the Republicans were not fair. But, again, I go back to that first day of January 3. The only one of the two parties that seemed to be able to demonstrate a uniform tendency to vote for a principle, irrespective of party lines, was the Republican Party, who voted for the man with the certificate in both cases. The party that seemed to be able to vote only on partisan grounds, irrespective of the principle, was the Democratic Party that voted for the Democrat in both cases.

I go back again to those basic points that seem so clear to me when I told Jack Smith that I would go through the normal election process, I would campaign, I would work hard, I would present my story to the voters and, however the vote turned out, if I had more than the other fellow, the people in this House would have to take what they get. But they do not take what they get, they take what they want. That, to me, is what greed is all about. So I am tired of hearing that we are the party of greed. We are willing to go out and work for what we have, to work for our right to take our seat. That wasn't the case in this episode.

I don't know what other words I can use to express my concern here. I am disappointed. Maybe I can talk in those terms. I am, frankly, disappointed that there are so many people who seem to me so clearly to be willing to throw any priniciple to the wind in order to exercise a blatant partisan will, the will to indulge their greed to get that one more seat, not because they need it to exercise their majority will, flagrantly throughout every bit of the business of this Congress. I am reminded of the words that were used during the proceedings of the bipartisan commission, when out of frustration, the one Republican member said, "I was raped in this commission." I remember reflecting then on what does that word mean. This is the physical forcing of one's power to control another party, to make that other party helpless by the sheer strength of your number, the magnitude of your size. This is what this is all about, in my estimation, an effort to exercise the power. Certainly that one seat isn't needed in order to obtain the power, the power is already clearly there in the numbers. But to make it clear to us that that power is there and that that power is real, they simply take what they have rather than earning it through the normal election procedures.

I would be happy to yield.

Mr. BARTON of Texas. I just wanted to point out to my distinguished colleague from Texas that some of the language that you used just recently and earlier this evening is fairly explicit. I would hope that we could agree that, instead of making a declarative statement that our distinguished colleagues on the Democratic side are actually in the process of doing those deeds, that we would state that it could be deduced by honorable men and that appears to be what they are doing.

Earlier in this debate, approximately 2 months ago, when the word "steal" was used in this debate, quite a debate erupted around that verb and how it was to be used. I understand what you are talking about, but I would hope that we would reserve judgment.

Mr. ARMEY. If I might reclaim my time, I would hope we would not be using this kind of language, too. Indeed, I have been hoping that ever since January 3. But the time comes when the evidence becomes overwhelming. I am describing behavior that is consistent here. I don't know the reasons for that behavior. I watched that process. Time and time again as the ballots were examined and the vote was taken, it was 2 to 1, 2 to 1, never any deviation from that. It was so uniform, so clearly uniform, in that partisan approach. That is a behavior pattern that is not disputable. It was there. It is a matter of the record. I am baffled by that, as I said. I am baffled by that. I don't understand that.

Mr. BARTON of Texas. Would the gentleman yield on that point?

Mr. ARMEY. I would yield to the gentleman.

Mr. BARTON of Texas. To your knowledge, has there ever been an occasion in the task force where a member of the majority party sided with a Member of the minority party at all?

Mr. ARMEY. To my knowledge, there has been no time other than on two instances where we had a vote on the floor where we had five Members of the majority party who voted with the minority party.

Mr. BARTON of Texas. I was referring to the task force.

Mr. ARMEY. In the task force, to my knowledge, the pattern has been consistent and uniform, and this is what I am talking about.

I would have loved to have been able to tell the old gentleman in Fort Worth, TX, that he was not seeing what he thought he was seeing. But the pattern is there, and it is indisputable, and it is uncompromised. It is always consistently there. The old gentleman sees clearly partisan politics, and he had the candor to describe exactly what he saw in the most colorful language.

Mr. DORNAN of California. Would the gentleman yield?

Mr. ARMEY. I yield to the gentleman.

Mr. DORNAN of California. I have a point of information on the query of the gentleman from Texas.

I spoke in this first row down here earlier this evening, or yesterday, to Mr. THOMAS of California. I asked him if after they gave up the process of voting on the task force, because it was incessantly 2 to 1, 2 to 1, 2 to 1, did he ever vote. He said that one time, to force him to vote, they deliberately split their vote on a ballot that he could see they agreed on. He said that because they split their vote on that one, then he voted. But he said they just wanted to get him on the record voting once. He said that, after that, they went right back to the pattern of 2 to 1, 2 to 1, 2 to 1.

So they realized that they were establishing a precedent with Mr. THOMAS just sitting there not voting. So they played this little game, as Mr. THOMAS put it, to force him to vote once and that was it. That was days and days ago.

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Mr. ARMEY. You know, I am standing here, I am looking at my watch. I got out of bed at 5 o'clock yesterday morning. I have not been to bed. I know you gentlemen have not been to bed for a while. We are sitting here at 3:20 a.m. It seems a rather peculiar thing for grown men to be doing.

I might also point out the Democrat Members are not sitting here. They have not been here engaged in this debate and I think the reason is very clear: They do not have to debate the issue. They have got the gavel and they have got the votes. They know they can sleep through the night, because when the vote comes, they will have the votes; they have had them every time.

Why do we sit up this way in what seems could be a futile effort?

Mr. BARTON of Texas. Why?

Mr. ARMEY. Because this is a critical matter. We need to make it clear what we perceive this to be. This is not a question of Rick McIntyre. It is not even a question of the people of Indiana's Eighth District. It is a question of the American Constitution and the extent to which it will be honored and upheld by the U.S. Congress. It is a question of whether or not on an ad hoc basis the U.S. House of Representatives can select a political race and election results, and on that basis make a determination that the outcome will be something other than that which has been determined in the State in which the election has been held.

Mr. DELAY. Will the gentleman yield?

Mr. ARMEY. Yes.

Mr. DELAY. You ask the question why we are staying up all night debating this issue. Do you think this is a precedent in itself? Do you think in other election contests over the history of this body that people have been so outraged over a seemingly insignificant thing as an election contest? There have been many election contests in the history of this body, and I fail to see in reading the different contests and the different cases that have been brought up again and again this outrage, and this outrage that has been going on and on and on, Members spending their valuable time day in and day out over the last 100 days debating this issue, trying to convince not only our colleagues on the other side of the aisle but the American people of the importance of this issue.

It seems to me that I keep asking myself the question, "Why are we doing this? Why is the leadership across the aisle doing this?" There does not seem to be any reason whatsoever to do this, "this" being the investigation in the election contest.

There has been no fraud alleged here. Even McCloskey, who was the obvious loser in this race, has not alleged any election fraud in this case. The only inconsistency was that McCloskey got—the press reported on election night that McCloskey got 72 votes on election night and then there was found two precincts that were counted twice, and when that was corrected, McIntyre won by 34 votes and

was certified by the secretary of state. The only other allegation was in the recount, the subsequent recount whereby McIntyre won by 400-and-some-odd votes, there was the contention that there were ballots thrown out, arbitrarily thrown out, for no reason whatsoever and were not counted and we must come back to this body to count those ballots.

If that be the case, if the leadership on the other side of the aisle are so right in what they are doing, and the task force is so right in what it has done, then I am asking you, the great gentleman from Texas, why are we doing this?

Mr. ARMEY. Well, you know, I am not sure I can give you an answer, but you have here something that we have seen before in this great country, and across history. You have here a tenacious minority that seems to be overwhelmed. If it comes to a vote we are going to lose; we know that. If they bring this to a vote, we lose. The point of view we are trying to argue here loses. Why do we not have the good sense to leave it alone and go about the other work that we do? We certainly have other things we are concerned about. Initiatives. I had initiated a House resolution that I almost did not get here to the floor to speak on today because I was in a caucus discussing this problem. And others have put off other kinds of work.

That to me tells something of the test of the idea. We will not give up on it. Now the Democrat Party has taken great pride historically of being on the side of such tenacious minorities who believe so strongly in the point of view that they will not give up on it even in the face of what seems to be overwhelming odds.

Mr. DELAY. If the gentleman will yield, I would submit that the reason that we are here and that we have been so involved in this issue ever since January 3 is that there are no precedents for what is happening here, that the importance of this, certainly McIntyre and McCloskey, it is important to them, but the real importance of this is democracy, a republic, a system where one man, one vote, the vote is precious to us. That is the reason that this country was founded, that is the reason that it has done so well is that votes would be counted, and votes are important to us, and to just arbitrarily say, "Whoops! McIntyre won, but we don't particularly like that, so we're going to have an election contest" is not good enough, is not good enough, to do what has been done over that last 100 days. And that is what outrages us, that is what outrages Members on the other side of the aisle. Because I submit to you that there are Members on the other side of the aisle that are embarrassed by this, that understand that this is terribly unfair and that a seat is trying to be stolen, but they are—for some reason or another are following like sheep and are not standing up with courage in doing the thing that is right. And that outrages those of us that understand what significance this has for the future of this Nation.

Mr. ARMEY. Well, I agree with you, and it is the principle, we go back then to the principle we cannot walk away from. I do not think there are very many of us who are still up this time of the morning who would not agree it would be easier for us knowing that if indeed we are held to strictly a partisan vote that we will lose. It would be easier for us to be tending to other business. But the principle is so compelling that we cannot leave this principle alone. We cannot walk away. We have to stand and fight, because if we do not, then we will default on the very basis for our American democratic system.

Mr. DORNAN of California. Will the gentleman yield?

Mr. ARMEY. Yes.

Mr. DORNAN of California. I think that one of the more frustrating aspects of this whole thing is that many of us in the freshman class of the 99th Congress on this side of the aisle felt what was happening here was a delaying tactic to cover up some bad moves in January that was going to cost Mr. Rick McIntyre 4 months of the honor of being part of this body with the legitimate seniority that he would have been entitled to for those 4 months.

I tend to be an optimist, and I sat over here in one of these rows back in January and I said "Well, I think the Speaker is basically a tough politician who likes to see things settled in the precincts, and that he has gotten himself with bad advice into a position here and they are just buying some time and trying to get their way out of it through the House Administration Committee." And a Member who is in his 9th year now, no, 11th year, he came in 1974, he said, "You weren't here the last 2 years." For anybody reading this RECORD who does not know my background, I had a break in service due to being gerrymandered out of my seat and opting to run in the Senate primary in California. He said, "You weren't here the last 2 years. Things have hardened; they've gotten terribly more partisan. They are ruling by sheer might of power on the other side, and I don't mean to sound so cynical, but Rick McIntyre is never going to be seated in this Congress."

And I said, "There is no way the majority here is going to roll over the State of Indiana." I said, "I am telling you, this is bad advice from one or two of their Members to the Speaker and to their majority leader, and this is a nice, decent way to get out of this fix. They're picking honorable men to serve on this task force."

And he said, "Well, you people in the freshman class better fight this whole task force idea, because all it's doing, all that's going to happen is it's set up merely to insure that by whatever means possible Frank McCloskey is not going to lose this seat."

Well, I rejected all of that advise and I think because the freshmen class like new people in any body felt that they would have to defer to the leadership, we did not take a stand over this small, little task force of three people. I had great faith in our California Member, BILL THOMAS, that he would fight hard for the rights of the minority, but I have seen here in the last couple of days that my optimism was poorly placed in the process in this House that had been chosen to override the State of Indiana. And I began to think about committees around this city that by design have an odd number, so that there will never be a tie. The Supreme Court is such a body, the Federal Trade Commission has five, the FCC has seven, our supreme court in California is odd-numbered, as most of the States are. There are two or three entities or commissions in this city that by deliberate design have an even number. And I do not know whether it is out of respect for our party system or by design they are structured to cause ties and therefore nothing will be done, but it is interesting to look at the committees or entities that are set up with an even number.

One such is the Federal Election Commission, six people. And this one Commission in this city, with a budget of multimillions of dollars, is not only one of the few commissions where there is a test of loyalty, but it is a test based on party affiliation. It must be three Democrats and three Republicans. And because of it being an even number, six, and no way to break a tie vote or to even have what we refer to with close Supreme Court decisions, 5–4 decisions, as an "unclear majority," what has happened with the FEC is every time there is a difficult case they vote 3–3, three Republicans and three Democrats, and everybody throws up their hands and says, "Well, what can you do about it?" And nothing is done. And there have been some serious abuses that have gone unlooked at because of this built-in tie.

Now there are some others. An interesting one is the Franking Commission in this House, that is supposed to take a look at our newsletters. First of all, I found out as an outsider looking in, a former Member but not an incumbent last year, that if someone chooses not to send a newsletter by the Franking Commission, and is willing to take the political heat in the district, and I found out the hard way that newspapers are bored with the whole issue of newsletters, as powerful as they are

notwithstanding, that if you even bother to take it before a commission designed for 3-3 tie votes, that even if they vote in something other than a 3-3 tie, they will put if off until after the election is over, making me very cynical about the structure of the franking committee to really set itself up to do nothing of any damage to either side of the aisle where the incumbency was involved.

There is another commission set up in this House that again has a tie-vote situation so that again they can overlook discrepancies, a little arrangement maybe that the power of the incumbency will be enhanced some more. I can only find like three or four commissions in the whole city, and they are all designed by politicians, and that can be a dishonorable or an honorable word depending on how you are using it, to create no problems for incumbents.

Now, I wonder if it had occurred to anybody back in January to set up a tie commission like the FEC or the franking commission, of three Republicans and three Democrats, so you would not have one lone minority member, BILL THOMAS of California, sitting there, making decisions on every strange piece of paper that had anything to do with this election in the Eighth District of Indiana, and go back and forth and back and forth instead of with one man being voted down consistently by two, if you had three Republicans and three Democrats so that you would get consistent tie votes, and suppose we had set up this commission—with brilliant hindsight now—to say that if you got six men of integrity, each three chosen by each side of the aisle, where you got these tie bloc votes, then as with the FEC nothing would happen, and that ballot would have to be set aside, because six decent men and women could not make up their minds on this ballot.

I think if we had set up even that kind of a flawed system designed to do nothing by tie vote, that we would be seating Rick McIntyre here in a very few days. I think that the freshman class got rolled on this one in January, and I did not want to speak out any more than I did because of prior—6 years—I was trying to go through the whole process again and go to as many seminars as I could to start over, which is certainly what happens to you with your seniority except this peculiar thing of office selection. And again being an optimist rather than a cynic, because I have not been around here long enough, I thought, "Well, I guess with good men on this commission, with the whole world looking at them and with the GAO counting the ballots, we are probably going to get a fair shake."

I did not find out till this evening, or yesterday evening, on this floor, that they were not GAO employees that were counting these ballots as some sort of Government official entity that was pluperfect, but rather they were people hired out of some Ohio office who were GAO employees or something and hired under a separate majority contract to just do this vote-counting under the rules of whatever was laid down by the this 2-to-1 commission.

So I think what we have ended up with here, and I am going to elaborate on this more during my hour, is a tragic situation that is going to hurt the House, it is going to hurt the whole Congress, the other body is going to have to start looking at this after a while. The White House is already looking at us with great perplexity: "What's happening down there?" I think that some sincere Members from the other side have come by tonight to try and learn some more about this, because they feel it is reflecting badly not only on their side of the aisle, or ourselves for staying up all night, but this word that is being kicked around a lot in the news magazines, the "comity" of the House, the decency of the House, and I think that if a lot of fair-minded people on the other side of the aisle could roll back the clock, they would have seated Rick McIntyre and gone ahead with the investigation into first, the election, which has never been done; second, the recount, by the State of Indiana, which has never been done before they began to go into their own count on a set of rules that were imprecisely and unfairly applied, that you would go by the rules of the State of Indiana when it suited the 2-to-1 majority, or not by the rules of Indiana when it did not suit them.

So I envision right now many nights like this when we discuss this over and over.

Mr. ARMEY. If I can reclaim my time, because I am sure it must be running short, I do want to make this observation, because in 1986 I think it is quite possible and I think it would be only right that if some young Democrat should want to challenge me, perhaps a young man who had never run for public office, before, and only had his own aspirations, his own faith, his own confidence to go into an election against an incumbent despite all the advantage I might have as an incumbent, and when that young man announces his candidacy, I expect Jack Z. Smith to raise his hand and ask that young fellow if he has asked any Members of Congress if they would like him to run. And I would like that young man to know that history will prove that he can say that I will subject myself to the voters, and if the voters of my district give me more votes than they do the other fellow, then I reckon the people in Congress will have to take who they get, because I do not think any candidate should first have to contact the U.S. House of Representatives.

Can you imagine if a person speculating about the possibilities for running for Congress thinks what he has to do is go get 50 percent plus one Member of the sitting House, or that House that may be sitting on election day to commit to him that they would be willing to vote to accept his right to take his seat should he win his election and be certified, that might damage the tendency of people to put themselves out on that line, which many of us did in this freshman class, from all walks of life, who were concerned, who were interested, who wanted to be part of the process by which we could hopefully make this a better family, a better life for our children.

To think that we might have to go find the Members of Congress who might be seated at the time we get here and to get their permission to run on the basis that they will be willing to accept us when we get here I think is asking too much of any American citizen.

Mr. DORNAN of California. Would the gentleman yield further?

Mr. ARMEY. Yes.

Mr. DORNAN of California. One of the other entities, this time a committee in this House, that is structured with even numbers of people on it is one of the most important committees of this House because it sits in judgment of the Members when any alleged scandals arrive, and that is, the short-form name is the ethics committee, its formal name is the Committee of the House on Standards of Official Conduct.

That committee has an even number of Republicans and Democrats. And when all of the furor was going on earlier in the year about the important Energy Committee of this House, not even having the same ratio of majority to minority members as did most of the other committees, which still was not reflective of the percentage of votes in the election when taken in the aggregate or of the percentage of Members that sit on the minority side of the aisle, noboby ever questioned that the Standards of Official Conduct Committee, the ethics committee, should ever have anything but an even number.

And I just wish that I individually had paid closer attention to how this commission was being structured. Some of us should have looked downstream just—we thought we were going to be dealing with March 31, as I recall, or March 30—and seen that one Republican, no matter how studious and high in intellect, and Mr. THOMAS certainly is that, or how hardworking, and he certainly has been a hard worker, that one Republican alone

representing the interests of one other Republican, Rick McIntyre, and the decency that the minority has a right to respect in a republic form of government—I wish we could have seen that one man alone could not have dealt with this Herculean task of all of the pressures that were being put on the two Democratic members to make this thing come out a fait accompli, to follow an old political rule that may not be too critical at a small townhall meeting, if you count the votes, you count the votes, you count the votes till you are ahead and then you stop counting. And that seems to have been what has happened here.

Mr. ARMEY. Well, I too, failed to look forward and question this, and I think it is probably understandable. Naturally we assume and we always operate on the assumption that the House is made up of honorable men. And we certainly believe that they are honorable, and that they do the best they can. And that is why I come back again to the question, you know, asking for reasons, because the actions that are a matter of record have been consistently and uniformly and unanimously partisan. That I do not understand. It does not square up with our presumption which we are indeed all entitled to and which we all give honor to, that everybody is here with the best of all intentions, and the greatest sense of personal honor and dignity.

Someplace between the cup and the lip in this case, between the motive and the personality and the action, someplace we are getting our gears ground, and something is going awry, because you cannot dispute the facts that are exhibited in the behavior that is coming out at the other end.

In the final analysis we missed the point on January 3. The point was that the people in Indiana had counted their votes, had certified their winner, and had a right to expect that this House would do honor to that certification and seat their Congressman as they did in the case of Idaho, where the person with the certificate, certified by the people of Idaho as the winner of that election, was duly seated.

There have been ongoing concerns and questions and investigations in Idaho, but that certified Member has had his seat. He took it on January 3; he has it today. That did not happen in the case of Indiana. We missed the boat. We put the Constitution in jeopardy. I do not know why that can happen. I do not know how that can happen. The question that we have to address now is, Have we gone so far now that we cannot go back? Can we not make right that, this trespass against the Constitution, against the responsibility of the U.S. House and its Members to uphold the Constitution as we swore to an oath to do so even on that day when we so badly missed the boat on this issue? How could we have had two votes on the same day, one so right, one so consistent, and the other one so far off the mark?

Mr. DORNAN of California. Would the gentleman yield?

Mr. ARMEY. Yes.

Mr. DORNAN of California. There is one point here that has been discussed several times during the course of the evening and the early morning hours here and I think it should be discussed over and over again, and that is ballot security. The task force count included hundreds of ballots with no authentication by poll clerks to prove validity and guarantee ballot security.

When an election is decided when there are tens of thousands of votes involved by four votes, and it was only three until the day before yesterday, and they are counting hundreds of ballots that have no authentication whatsoever, it is not just jeopardizing one man's, one woman's dreams and aspirations and maybe years of planning and months and months if not several years of hard work and with Mr. McIntyre's case because we have all gotten to know him just as if he were a classmate serving here with us, this was a family effort in his place, but as we look back over the history, and I am going to mention this in the morning hours again, there were votes in this House decided by just one vote, and one of the reasons that a little bit of history disappeared when a Democratic Congressman who served his country well for decades, Jennings Randolph of West Virginia retired, a big chunk of history went with him, is I had the pleasure of riding on the Senate train once with him, the underground train over to the Russell Building, and I asked him to relive for me a vote in this House in 1940 when he was in the Congress, not in the Senate, when by one vote we reinstituted the draft. And that one vote turned this country around in those years of lack of preparation for what turned out to be the most horrible war in all the history of mankind.

The vote being so close anyway inspired the Japanese as is written in the memoirs of Admiral Yamamoto and others that that is what caused them to attack Pearl Harbor anyway, but at least the vote had awakened the sleeping giant. One vote in this House and we began to prepare ever so slowly for World War II.

The SPEAKER pro tempore. The time of the gentleman from Texas [Mr. ARMEY] has expired.

ORDER OF BUSINESS

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to take my special order out of order at this time.

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

There was no objection.

THE INDIANA ELECTION DISPUTE

The SPEAKER pro tempore. The gentleman from Texas [Mr. BARTON] is recognized for 60 minutes.

Mr. DORNAN of California. Would the gentleman yield, and I will finish my point?

Mr. BARTON of Texas. I will be glad to yield to the distinguished gentleman.

Mr. DORNAN of California. In my district in this last race half of my district in Orange County, CA—a little bit more than half is most of an assembly seat in Orange County, CA—the challenger who was challenging a majority party member who holds that assembly seat, and it is the last Democratic-held seat in my district, the Republican challenger lost by one single vote per precinct. He lost by 262 votes, and there are 232 precincts in that almost more than half of my district. And he lost by 1 vote per precinct plus 30 votes.

One vote is important in every precinct, and sometimes one vote is important in an election. No matter how people feel on either side of the aisle, and we had 24 Members on our side who disagreed with the President of the United States on the Peacekeeper missile, that election or that vote was won by only 3 votes on our side of the House than could have turned it. We had a lead of six, but if I had not made a comeback, if HELEN BENTLEY had not won in her third try in a Maryland district, and if BILL HENDON of North Carolina had not made a comeback, those three elections alone could have turned the entire Peacekeeper vote around.

□ 0350

As a matter of fact, maybe even if we got to a one-vote spread, where we were winning by one vote, the Speaker, who is a powerful politician here, or the majority leader, they have built up many years of friendship and many legitimate, ethical IOU's who knows what political pressure they would have put on to just turn one Member. But with a six-vote spread and a requirement to turn three, the vote was left to stand. In my first 6 years, I saw many times when the Speaker saw fit to do what Sam Rayburn never did in this House, the longest-term Speaker we have had in this century, who only came down out of his chair once, I have been told by the historians who followed the action of this House over the years, but I have seen the distinguished gentleman from Massachusetts, who is our great Speaker, come

down many times in these close votes where one vote was probably the difference to move him to leave the chair and come down and try to turn two or three votes, which he always did successfully whenever I saw him apply himself to that task. So it is important to have just one Member here on our side, even if you depersonalize it.

With the majority lead they have on the other side, I think they could have been magnanimous, and not only respected the Constitution—and I think what I will elaborate on in my special order, and I want to let the gentleman get busy with his, is that it has unnecessarily poisoned the feeling of good spiritedness around this House. I hope that tomorrow morning when the leadership comes in, there is the spirit of them saying, "What were our colleagues on the other side upset about? What were they speaking about all night?" I hope that my worse fear is not going to come true that, when they come together, they will say, "What do those guys want anyway?" That is the danger of what is happening here, is we are destroying this spirit of collegiality, and it was not worth it for the majority when they have such a separation of Members between our little 182 and what they have in this body.

Thank you.

Mr. BARTON of Texas. I thank the gentleman for his comments. I agree that one vote is important, and it is very important that we uphold the Constitution of the United States and make sure that every individual's vote does count.

We have talked much tonight about the historic date of January 3, when all of us, except one, were sworn in to be new Members of the 99th Congress. I would like to mention another date that occurred approximately 3 weeks later, and that was the date that our great President, President Ronald Reagan, was sworn in for his second term as President of these United States.

As the Speaker will recall and the Members in the Chamber will recall, because of the inclement weather, the ceremony was held in the great rotunda of this Capitol. I was able to actually stand in the rotunda as the President was sworn in, and I noticed that the great American actor, Jimmy Stewart, stood behind the President of the United States as he took the oath of office. That made me recollect on some of Mr. Stewart's great roles in the movies. One of his greatest roles was in a movie called "Mr. Smith Goes to Washington." Jimmy Stewart played Mr. Smith in that movie and, as we will all recall, he came from the great State of Indiana, I believe, and he was nominated—not elected, but nominated—to take the place of a Senator from Indiana—not a Congressman, not a Representative, but a Senator—and he was nominated because he was kind of a rube, and the great powers of that day in that movie felt that he could be manipulated and controled and would not be a concern. They were trying to get a dam called the Willow Creek Dam on Willow Creek passed, and they felt that Jimmy Stewart would not be a problem for them. So Mr. Smith got to come to Washington. They tried to show him the monuments and fix him up with a young lady as a girlfriend, but Mr. Smith got it into his head that he wanted to so something for America, that he wanted to build, as I recall, a boys ranch on Willow Creek, and that didn't set too well with the powers that be. They tied to break him. They tried to grind him into the dirt. They did everything that they could, but Jimmy Steward would not stand for it.

He made an ultimatum to himself that if he was the only Senator in the U.S. Senate who really cared about what was right for America, he was going to stop that dam and not let it come about. As we all know, in the movie, he won. He won because he did what he thought was right.

We are not trying to stop a dam on Willow Creek, and we are not trying to build a boys ranch for the boys of Indiana. But I think all of the Members of this body, of the U.S. Congress, the House of Representatives, do want to emulate that great actor Jimmy Stewart in that movie and do what is right for this country.

We are in a situation here where, in the Eighth Congressional District of Indiana, we have to make a decision. Since January 3, the decision has been that the apparent winner, the certified winner, shall not be seated. That man's name is Rick McIntyre. The second recount that has just been completed—although completed is not the right verb—that has just been prematurely ended, I guess, would be more correct. At this point in time, the person who has the lead is Mr. Frank McCloskey. At some point in time, this week or next week, there is going to be a motion made for the majority party, more than likely, that Mr. McCloskey should be declared the winner and should be seated.

I don't happen to think that that is right. I don't think it is right for many reasons. In the short hour that I have, I am not going to be able to go into all those. I brought part of my file with me, and I could just begin to pull documents out and read from those, but I don't think that would get to the heart of the matter. But the main reason I do not think it would be right for this body to seat Mr. McCloskey is because, in fact, he has not won the election. He has not won the election because the lead that he now has come about through a set of circumstances and a set of recount procedures that are nowhere codified in the law, in any election rules in this United States of America.

How has he gotten to the point that he has, as it stands tonight, a four-vote lead? First, they had to discount the election, the original election on November 6. The majority leader of the body, the distinguished Congressman from my home State of Texas, Mr. WRIGHT, said on January 3 that they could not vote to seat Mr. McIntyre because the procedures involved in his election had not been timely, had not been regular, had not been fair. We could pose the same question this evening. The procedures that have been involved in the latest recount in Indiana have not been timely, they certainly have not been regular, and they most certainly have not been fair. So we have gotten to the point where we have got to decide what to do about this.

As one Member of this body, I would say that the thing that we should do would be to move immediately to seat the certified winner, which is Mr. McIntyre, and then, if we really are serious about this and want to conduct an investigation, let us conduct an investigation. We have not conducted an investigation yet. In the Federal recount that has been prematurely ended, what we have done is set up an entirely new procedure. But there was no investigation of the original election, and there was no investigation of the recount. They came up with a new set of procedures and began from there. So let us seat Mr. McIntyre tomorrow, and then if we want to get to the bottom of it, let us conduct the investigation.

That is not just my opinion. There have been numerous editorials that relate to that. Some of the editorial boards in this country that have stated Mr. McIntyre should be seated are the Wall Street Journal three times, the New York Times, the Washington Post, the Chicago Tribune, the New York Post, the Washington Times, the Dallas Morning News, the Houston Post, the Detroit News twice, the Houston Chronicle, the Arizona Republic, the Baltimore Sun, the Chicago Sun Times, the Richmond Times Dispatch, the Denver Post. That is just a few. In the State of Indiana we have the Indianapolis Star, the Muncie Star, the Evansville Press, the Madison Courier, the Goshen News, and the Franklin Daily Journal. And that is just a few. To my knowledge, there has been no editorial support, at most, maybe one newspaper—I believe a newspaper in Louisville came out and said that perhaps Mr. McCloskey should be seated. I am not sure about that, but I think that is the only one. So we have this vast range of opinion stating that Mr. McIntyre should be seated.

In all these newspapers that I just read off that have editorialized that Mr. McIntyre should be seated, I left out one, and I left it out for a very special reason. I happen to represent part of Fort Worth, TX. My distinguished colleague who is in this Chamber this evening represents part of it, Mr. DICK ARMEY, and my distinguished colleague on the majority side, Mr. JIM WRIGHT, represents part of Fort Worth. The major newspaper in Fort Worth, TX, is the Fort Worth Star Telegram. The Fort Worth Star Telegram has historically been a tremendous supporter and friend of our distinguished majority leader, Mr. WRIGHT. Two weeks ago, the Fort Worth Star Telegram editorial board, in an editorial written by Mr. Kyle Thompson, it was stated that Mr. McIntyre should be seated.

I would like to read that editorial. The headline, the name of the editorial, is "Power Abuse—Democrats Refusal to Seat Winner is Disgraceful." I will quote from that editorial:

The Democratic leadership of the U.S. House of Representatives is now in its fourth month of denying a duly elected Member from Indiana his seat in Washington, DC, and, by so doing, has set a very dangerous precedent of displaying crude political power. It is the first case in the history of the Congress where a ruling majority denied a seat to a legally elected and certified Member. This act is clearly a gross abuse of power by those attempting to supercede constitutional election laws of any State. The case involves Republican Richard D. McIntyre who, since election day last November, has been twice declared the winner of the Eighth Indiana Congressional District seat over one-term incumbent Democrat Frank McCloskey.

On election night in November, McIntyre, a lawyer and State Legislator from Bedford, would end up 72 votes short of his Democratic opponent, but there was an admitted error in one county and, when it was corrected, McIntyre held a 34-vote lead. A complete ballot recount was held by a special county commission in each of the 15 counties, and McIntyre's victory margin was expanded to 418 votes. Congressional democrats complained that some 5,000 ballots were tossed out on technicalities, but the vast majority of those were disqualified by commissions dominated by Indiana Democrats. After the recount, Indiana Secretary of State Edward Simcox, who just happens to be a Republican, issued McIntyre an official certificate of election. Since the 99th Congress convened January 3, the House has twice voted on partisan lines to seat neither McIntyre nor McCloskey. Both are being paid a Representative's salary while the dispute goes on.

I would like to point out here that Mr. McIntyre, several weeks ago, refused to accept his salary since he was not being allowed to serve the people.

In the past 200 years of our history, there have been about 80 similarly contested elections for House seats, and always the House allowed the certified winner to serve until the dispute was settled. McIntyre's case is the first in which a certified elected Member was denied a seat and, as a consequence, about 500,000 Indiana voters have been disenfranchised for three months. What makes this incident worse and what really points to the Indiana case is a brutal use of partisan political power is the fact that, on the same day McIntyre was denied a seat, the House voted to seat another certified winner, Idaho Democrat Richard Stallings, despite the fact that his election was being contested by Republican George Hansen. This blatant misuse of political power came about at the insistence of House Speaker Thomas P. "Tip" O'Neill of Massachusetts, the Majority Leader Jim Wright of Fort Worth, and the even more partisan, if possible, Representative Tony Coelho of California, Chairman of the Democrat Congressional Campaign Committee. These House leaders did not like the way the ballots were counted and recounted in Indiana, so they pushed through House Resolution 1, the very first action of the new Congress on January 3, that essentially gave the House Administration Committee, and not the people of Indiana, final say about the election. Wright said that on that occasion, the House should reject the certification of McIntyre because the election procedures employed in the Eighth Congressional District have been neither timely, nor regular, and serious questions have been raised with respect to their fairness. It is especially disappointing to some that Wright has taken such an open and partisan position in this instance, since there must be literally millions of Americans across this land hoping that if we ever can get rid of O'Neill, then Wright, who is in line to be the next Speaker, will at least return a modicum of sensible and balanced leadership that has been so lacking under O'Neill. When Congress rejected him, McIntyre rightfully petitioned the Federal District Court to force the issue, but that court rejected the seat on the constitutional provision that each House shall be the judge of its Members. This ruling was appealed to a higher court, and probably will end up in the Supreme Court. While the constitutional provision of seating a Member cited by the Democrats sounds impressive, the Supreme Court itself showed that it was not so impressed when it had to act on the issue in 1969. That case involved flamboyant Harlem Democrat Adam Clayton Powell, Jr., who was routinely reelected by his constitutents despite all of his troubles that led to his ouster by Congress. The Supreme Court ruled in that instance that the House had the right to kick Powell out of Congress. But until such formal action was taken, it did not have the right to deny a seat to an elected Representative. All of the past history of congressional seating squabbles cumulatively points an accusing finger at House Democrats for having illegally denied McIntyre a seat in Congress. Another bit of evidence against the Democrats is the fact that the apparent loser, McCloskey, never formally challenged the final vote tally in his home State. Instead, he waited until Congress convened and went to his partisan colleagues for redress. Naturally he found sympathetic ears among his peers, many of whom had proven in past actions that partisanship is their prime interest. The implications of this action for the future are grim indeed. The majority party, whether Democrat or Republican, simply may refuse to seat Members from the minority party rendering constitutional elections meaningless. If left unchecked, this will be a pure and simple case of the Democrats stealing a seat in Congress. It is a dirty blot on one of our proud and historic arms of government, and it never should have been allowed to happen.

This is the editorial board of the Fort Worth Star Telegram. I would point out that the Fort Worth Star Telegram endorsed my opponent in the primaries, so they are hardly a friend of mine. And if we can get this kind of an editorial from a newspaper in the majority leader's hometown, then I think a case can be made that there is a serious question here about the constitutionality of what has transpired and what may transpire. So it is our duty as Congressmen in this body in the next week to fully air this issue, which is why we are here this morning. We want to get the facts out to the American people.

Mr. MACK. Would the gentleman yield?

Mr. BARTON of Texas. I would be happy to yield.

Mr. MACK. I have just a couple of points that I think might be helpful because you have mentioned them several times.

There were three points that I believe you referred to that the majority leader made during his statement on January 3: timeliness, irregularity, and serious questions about the fairness of the election.

Do you have any concept of what he was referring to by the words "fair" or "timely"?

Mr. BARTON of Texas. With respect to timeliness, on January 3, the State-certified recount was still in progress. Although it was against precedent, one could argue that since a recount was in progress, it was untimely to seat the certified winner. But in point of fact, in past occurrences, if there were no questions about the validity of the certification, the Congress had seated the winner, and then allowed the recount to transpire or the investigation to transpire, as the case may be, and timeliness had never been an issue before.

Mr. MACK. If the gentleman would yield further, one of the comments that I had heard with reference to timeliness was reference made that, since the certificate had not been issued within a 10-day period or something similar to that, it was not timely. Had you heard that argument before?

Mr. BARTON of Texas. Yes. The argument there was that the Secretary of State of Indiana was required by law to issue a certificate within 10 days of the election. In point of fact, that was false. He was required to wait at least 10 days before issuing the certificate. The other Members of the Indiana congressional delegation, their certificates were not issued until, I believe, November 20. Mr. McIntyre's certificate was issued even later than that because of some of the problems in getting one of the county clerks in the counties to issue a correct certificate.

Mr. MACK. If the gentleman would continue to yield, was not the delay also because of certain requests of the courts to make rulings about different aspects of the election?

Mr. BARTON of Texas. That could be true. I am not sure about that.

Mr. MACK. Let us move on then to the regularity that was referred to by Mr. WRIGHT. Do you have any idea what they referred to?

Mr. BARTON of Texas. It would be nice if our distinguished majority leader were here to enlighten you on that point. At this hour, he is probably home safe in bed.

Mr. MACK. Probably where many people think we ought to be at this particular point.

Let me read to you what he said on January 3:

Neither has the State procedure been regular in its application. Fifteen separate counties are participating in the recount. Each such county is operating under its own set of rules.

I thought it was rather interesting that some of the material I read through indicated that the counties in Indiana, some of them had different methods of voting. Some were by computer voting, others were by machine, and others were by just paper ballots. Is that correct?

Mr. BARTON of Texas. That is correct. That is not unusual. In this day and age, almost all congressional districts, the balloting is by combination.

Mr. MACK. Is it not also true that, under Indiana law, there are different procedures for ballot procedures, depending on whether it is computerized or whether it is machine?

Mr. BARTON of Texas. That is correct.

Again, I had conducted some research into the election codes of the 50 States, and the majority of States have different procedures for recounts and for conducting elections according to the type of ballot in that particular county, whether it be paper ballot or machine count or a tab card ballot.

Mr. MACK. If the gentleman would yield further, what you are saying is that if there were a number of different counties with different ballots—machine, paper, computer—therefore, it is reasonable to expect that they would have different procedures for the recount.

Mr. BARTON of Texas. That is correct. I would point out to the distinguished gentleman from Florida that in the 15 counties that make up Indiana Eighth, a circuit court judge in each county, who is elected by the people of that county, gave each recount committee its specific instructions as to how to recount the ballots in the State-certified recount—that is not to say that the Federal recount that transpired last week.

Mr. MACK. Would you say that for me again?

Mr. BARTON of Texas. I am saying that there are 15 counties in the Eighth Congressional District in Indiana. In each of those counties, there is an elected judge, a circuit court judge, who, by Indiana law, when there is a recount, that judge is required by law to give the instructions to the recount commission as to how to recount those ballots. That was done, to my knowledge, in all 15 counties.

Mr. MACK. So it is possible that the majority leader was referring to the fact that, under Indiana law, to be regular, one would have to follow the orders of the 15 different judges who made decisions about how the recount should take place.

Mr. BARTON of Texas. That would be a reasonable assumption.

Mr. MACK. Let us just move on, if we could, to the third point, and that is the point about the serious question about fairness.

I don't want to put words in the mind of the gentleman from California who was in charge of the task force, but I certainly got the clear impression from him that there was no question about fraud, and no question about the orderly manner in which the votes were cast and counted.

Mr. BARTON of Texas. That is correct.

Mr. MACK. So I would raise this question: Where is the serious question about the fairness then that has been raised?

Mr. BARTON of Texas. In my mind, at least, there has always been a question as to how individuals could question the fairness of the original election. It was done in conformity with Indiana law in existence at that time. Neither party made any allegations of fraud or abuse. I would point out that the loser in the election, Mr. McCloskey, never invoked the Federal Contested Elections Act of 1969, which was passed specifically for this type of case. In a Federal election where there was some question about the outcome, that was the remedy that Congress had enacted into legislative law to take care of it. Mr. McCloskey to this day has never invoked that.

Mr. MACK. So if we take the three major points that the majority leader made on the opening day of this Congress, January 3—timeliness, regularity, and the serious question about fairness—all three of those points have been undercut.

Mr. BARTON of Texas. I think that reasonable people could accept that as a reasonable solution.

Mr. MACK. Again, we go right back to the main point which many of us have talked about. It is really November 1984, in which the election was won by Mr. McIntyre, won again with a recount, and it now has been taken away from him.

Mr. BARTON of Texas. I would agree with that.

Mr. MACK. I thank the gentleman for yielding.

Mr. BARTON of Texas. It is always a pleasure to discuss the issues with the distinguished Congressman from Florida, who has enlightened me on a number of occasions about matters of importance before this body.

I would like to continue my comments on the situation in Indiana Eighth by pointing out some facts that have occurred in the latest recount that was just completed.

On election night, November 6, 1984, Mr. McIntyre was recipient of 116,490 votes. Mr. McCloskey was a recipient of 116,456 votes. So that gave Mr. McIntyre an apparent 34-vote victory. In this latest recount that has been prematurely ended, Mr. McIntyre received 116,641 votes, and Mr. McCloskey received 116,645 votes. If you will subtract the results on the original election from the results that we have just tabulated, you will make an interesting discovery, that there has been an additional 340 votes.

I guess it is possible that they reopened the polls and let an additional 340 voters who intended to vote on election day actually vote. That is a possibility, but it is probably not a probability. It appears that, through the magic of the Federal recounting procedure, they have given Mr. McCloskey an additional 189 votes and Mr. McIntyre an additional 151 votes.

Mr. ARMEY. Would the gentleman yield?

Mr. BARTON of Texas. I would be more than happy to yield to the gentleman.

Mr. ARMEY. You used the expression "Federal recount procedure" which leads me to wonder, is there indeed a procedure that is a standing procedure, or were not the procedures followed in that process those that were adopted by the committee itself?

Mr. BARTON of Texas. There is the Federal Contested Elections Act that has never been invoked. It has a formal procedure in it.

The procedure that was used in this recent Federal recount was a procedure that was evidently determined by two Members of this body, Mr. CLAY of Missouri and Mr. PANETTA of California. They evidently met in the coffee shop and determined what they felt would be reasonable rules and, since they controlled the majority on the task force by 2-to-1, those are the procedures that were used.

Mr. ARMEY. Would the gentleman yield?

Mr. BARTON of Texas. I will yield to the distinguished gentleman from Texas [Mr. ARMEY], and then the distinguished gentleman from Houston.

Mr. ARMEY. It might be more accurate to call this the Clay-Panetta procedure.

□ 0420

Mr. BARTON of Texas. You could call it that. If you would wish to, I would be more than happy to refer to it that way.

Mr. ARMEY. Thank you.

Mr. BARTON of Texas. Now, I yield to the distinguished gentleman from Houston, TX.

Mr. DELAY. I thank the gentleman from Texas for yielding.

You have just raised the question by the other gentleman from Texas about—were there any hearings held before these rules were adopted by the task force?

Mr. BARTON of Texas. There was a meeting, or perhaps two meetings, held before the rules were adopted, but no testimony was taken, no witnesses were called from Indiana, no witnesses were called that had been involved in previous recounts before the rules were decided upon.

Mr. DELAY. So, there was no public testimony whatsoever about the types of rules. They were not even laid out for public comment or comment from this body.

Mr. BARTON of Texas. To my knowledge, there were no public proceedings to determine the rules and public testimony was not taken.

Mr. DELAY. I beg the gentleman's indulgence. You caught my attention on the specifics you were pointing out just prior to the gentleman from Texas' interruption. If you would go back and start that again, it would be very interesting to me because that is the first I have heard of those particular issues.

Mr. BARTON of Texas. Are you talking about the number of votes that were cast?

Mr. DELAY. Yes.

Mr. BARTON of Texas. OK. On election night, last November, Mr. McCloskey, the Democrat, received 116,456 votes; Mr. McIntyre, the Republican, received 116,490 votes, which was a victory margin of 34 votes.

On the election recount, the Panetta-Gray recount procedure that was ended last week, Mr. McCloskey, the Democrat, received 116,645 votes, which is a gain of 189 votes over election day. Mr. McIntyre, the Republican, received 116,641 votes, which was a gain of 151 over election day. The two candidates together received an additional 340 votes more than their combined total on election day.

Something even more interesting than that is the fact that in spite of this growth in the vote there are still apparently votes that have not yet been counted. Depending on whose numbers you believe, there are anywhere from 29 votes to approximately 50 votes that have yet to be counted. Now, these additional votes that have not yet been counted are absentee ballots that were received on time, but were evidently not properly notarized and were kept by the county clerks in four counties and not sent to the precincts to be counted, and some military ballots that were postmarked on time but evidently not received in the election clerk's offices by election day.

Mr. DELAY. Would the gentleman yield?

Mr. BARTON of Texas. I will be more than happy to yield.

Mr. DELAY. Are you going to speculate on where those 340 extra votes came from?

Mr. BARTON of Texas. Well, I was prepared to offer some preliminary speculation, and I would be happy to if the gentleman would like me to.

Mr. DELAY. It would be very interesting to find out where those 340 extra votes that all of a sudden came up that had not even—they were not counted also in the recount, the first recount, were they?

Mr. BARTON of Texas. No. That is correct.

Well, that is an interesting process in mathematics and logic to go through and try to arrive at where these additional votes came from. There are 103 of these votes which have been referred to even by the majority party as phantom votes. We do not know where they came from.

The other votes, some of them were in what we call the "spoiled ballot bag." In other words, on election night the election clerks decided for reasons that they had "void" written across them or "duplicate" written across them that they shouldn't be counted.

But in several of the counties as they were going through the Panetta-Gray recount procedure, they discovered that there were more cast let us say for the Presidential race than in the congressional race, and in order to eliminate this discrepancy, they reached into the spoiled ballot bag and pulled out votes and counted them.

Mr. MACK. Would the gentleman yield?

Mr. BARTON of Texas. Yes.

Mr. MACK. Are you saying that there was an assumption that everyone who voted in the Presidential race therefore voted in the congressional race?

Mr. BARTON of Texas. Well, we have all heard of a term called "situational ethics," and it appears that one of the unwritten rules of the Panetta-Clay recount procedure was that if it appeared the situation required it that the task force could spontaneously invent a rule allowing them to do whatever they wanted to without regard even to the written down rules of the procedure.

And it appears in certain of these cases that situational ethics made it apparent that the thing to do was to reach in the spoiled ballot bag and count some additional ballots.

Mr. MACK. Was there a separate vote by the task force at that time to determine whether those ballots, those spoiled ballots should be counted?

Mr. BARTON of Texas. Well, it is my understanding that there was, although I was not out in Indiana when the recount was conducted, so I couldn't swear to that. But it is my understanding that the task force did rule.

Mr. MACK. Let me ask one other question. Were both McCloskey and McIntyre treated the same? I mean if there were spoiled votes counted for one individual were they counted for the other?

Mr. BARTON of Texas. Apparently not. It is my understanding that ballots that were counted for McCloskey in spite of certain spoiled aspects. In similar circumstances, similar ballots spoiled in a similar fashion were not counted for Mr. McIntyre.

Mr. DELAY. Would the gentleman yield?

Mr. BARTON of Texas. Yes.

Mr. DELAY. This boggles my mind, so I apoligize for asking you to go over it one more time. Specifically on the spoiled ballots, these are the trash ballots. Did I hear you right, the ballots that had "void" written across them?

Mr. BARTON of Texas. It is my understanding. Again I would have to point out that I was not there and I am going on what I have read and what I have been told by my people that were there.

Mr. DELAY. And duplicate ballots?

Mr. BARTON of Texas. There evidently were ballots in the spoiled ballot bag. They were marked "void." They were marked "duplicate." And they were pulled out and counted.

Mr. DELAY. Now, were there any extra little notes attached to each one of these ballots as to why they were voided? Did they have at the time the election clerk that voided those ballots sitting there explaining each ballot why they were voided, or why they were damaged, or why they were spoiled?

Mr. BARTON of Texas. Well, it is my understanding that in the Panetta-Clay recount procedure that they did not ask the original election clerks to return to the recount and enlighten them on the questions like you have just asked. So, it is my understanding that that was not the case. That they did not know.

Mr. DELAY. So you are telling this House that they just went down into—I am sure if it is anything like in Texas it is a separate ballot box that they throw these damaged and spoiled ballots into, but we call it the trash box. And they just went down and grabbed these ballots that mean nothing, that have been destroyed and voided, and counted those as legitimate votes from somebody in Indiana?

So, the theory could be that they took a ballot that was voided and counted it, but it could also follow that there is another ballot by that same person in Indiana that they counted also.

Mr. BARTON of Texas. That is quite correct. I would hesitate to use the terminology that they reached down and grabbed them. I would think that due to the odor emanating from the spoiled ballot bag that they gingerly reached and plucked them very carefully.

Mr. DELAY. And then when they didn't have enough of these spoiled ballots, they went and opened illegitimate absentee ballots and counted them, too, up until they got a four-vote lead?

Mr. BARTON of Texas. Well, again some of the terminology that the gentleman from Texas uses, in a procedure in which there is no procedure the use of the word "illegitimate" has no meaning.

Mr. DELAY. Well, it is illegitimate to Indiana law because Indiana law says you cannot count a ballot that is not notarized or witnessed or signed.

Mr. BARTON of Texas. That is correct. But Indiana law had no place in the Panetta-Clay procedure.

Mr. DELAY. I am not trying to be argumentative with the gentleman from Texas, but it seems to me that Indiana law had no validity to the task force up until they were four votes ahead, and then all of a sudden it did have validity, did it not?

Mr. BARTON of Texas. Well, apparently it began to generate more substance after the Democratic candidate began to take the lead.

Mr. DELAY. So, all of a sudden the Indiana law surfaced to the top like cream, and all of a sudden we started thinking about Indiana law when we got four votes ahead for McCloskey.

Mr. DORNAN of California. Would the gentleman yield?

Mr. BARTON of Texas. I would be more than happy to yield to the distinguished Congressman from California.

Mr. DORNAN of California. As our country grows in population, there are people who will collect anything and everything. As a matter of fact, I am reading all the time in magazines now about how our Nation is 235 million people when, in fact, we just passed the number 238 million, just a few days ago, on that population clock down at the Commerce Building.

In a Nation that size there is somebody that is going to find great intrinsic value in the 32 to 50 ballots that have not been counted. Now, they still exist, they are still in a secure situation, and they are still locked away. You think it would serve history some way or other if we could somehow or other, no matter how this comes out this year, or next year, subpoena those ballots in their pristine unopened stage to put them on display as in the manner of a time capsule, only one that is exposed, over in the American History Museum at the end of the Mall for maybe 50 years or 100 years, and then at some point in the future young Americans terribly disillusioned at this rape of the Constitution and this block upon the escutcheon of the House of Representatives could open those ballots up and find out under the Panetta-Clay rules who really won the race.

Before the gentleman's time is up, could I ask permission to read on your time the dictionary definition from this giant Webster's Dictionary that I have looked at for 8 years sitting down here on the House floor of this word "comity" which is being used so much in relation to what is being destroyed around here? I think most people who watch the proceedings of the House like myself would settle for the word "friendship." But it is really interesting to see, in the manner of the thickest of the Webster dictionaries, how they break this word down.

The root word in Latin, and I had to study this for 4 years, there were no if's, and's, or but's when I went through high school, so it gives me a chance to look at a little Latin here—is "comis" or "courteous" in Latin. The first definition is "kindly, courteous behavior; friendly civility; mutual consideration between or as if between equals."

That is an important thing. The courtesy as if between equals, as if both sides of the House were equal. Sort of like the great tradition of the State of Arkansas, which has always treated all groups in their legislature as equals, no matter which party happened to be in the majority at that time.

The management should constantly point up every group activity until it actually promotes comity. Then it gives you an A, B, C breakdown: "(A) Courteous and friendly agreement and interaction between nations." This is how wars start, when comity is destroyed between nations. "(B) The informal and nonmandatory courtesy sometimes referred to as the set of rules to which the courts of one sovereignty often defer in determining questions as of jurisdiction or applicable precedent where the laws or interests of another sovereignty are involved, as when big countries who have a majority in numbers treat as an equal, because of comity or courtesy, the rights of smaller nations."

"(C)," this is a fascinating one, "The custom among Protestant churches of the United States of avoiding direct or indirect proselytizing of one another's members." I wonder if there is an open season here now, I ask the gentleman from Texas, that since one of our numbers, before they are even seated, have been raided if the White House might offer a situation that could not be turned down to one of the Members of the other side to come over to our Republican Party, as four of them have already in my short 8 years on this Hill—6 elected and 2 hanging around the halls expressing my opinions on star wars, otherwise known as high frontier?

And here is the second and final major definition: "Association, especially for common and mutually pleasing purposes." That is worth repeating in this Chamber. Comity between the Members, our colleagues here, on both sides of the aisle, all of us distinguished, "association, especially for common and mutually pleasing purposes."

It gives an example: "The honorable comity of scholars in Phi Beta Kappa." And it goes on then to talk about the comity of nations, the friendly code whereby nations get along together. The comity nations give effect to within their own territory.

I think that we are going to read a lot more about that word in news magazines and in editorials across this country. I prefer the much more simple and more commonly used word, "friendship."

There has been much discussion, some of it heated, among friends here that were the roles reversed, were we not the majority in this great Chamber as we are in the other body on the north end of this building, would not we have done the same? And I do not think it is naive on my part. I used this example many, many times during the butchery of our State assembly, Senate and congressional lines following the 1980 census. The butchery of so-called reapportionment in California that gave new depth and dimension to the word "gerrymandering." Would my party have done to the other party what was done to us, the way our seats were chopped up? And I think the answer is an absolute no.

I don't think, even given the exact example of Idaho, that if the roles had been reversed and somebody had been certified not twice, but just once, from the State of Indiana with only 32 votes, I do not think we would have done the same thing or acted in the same way as the majority did toward us.

I can remember arriving for our conferences at the end of my first freshman year in 1978. It was December. It was a sad day. The flags were at half mast. One of the younger minority Members, only at age 40, had passed away. And I ran into a friend of mine from years before. I had met his wife before I had met him, while he was a POW in Hanoi. He had won the Medal of Honor. He flew the most difficult mission in Vietnam; it was called Wild

Weasels. They were two-seat, F-105 Thunder Chiefs that would go in and literally hunt down Soviet SAM missile sites in North Vietnam. And he had had a friend shot down, a wing man. And he in his backseater, I am speaking of Col. Leo Thorsness, went in again and again, back from the refueling airplane, back to cover his friend on the ground, and he was finally shot down. It cost him 6½ years out of his life. And he arrived at the caucus, to go through the seminar and then the caucuses of those early weeks of December 1978, and I said, "Leo, are you the certified winner?" And he said, "No; the other fellow"—now our distinguished colleague, Mr. DASCHLE of South Dakota—he said, "The other guy is winning by 18 votes but that is too close to call."

There was a recount, and that 18 whisker-thin margin increased for Mr. DASCHLE to 100 and some votes. The thought never crossed my mind, as much as I wanted to see an F-105 Weasel pilot serve in this House, a holder of the Medal of Honor and one of these great POW's—it would have been the first one elected to either body—as much as I wanted to see that happen, it never crossed my mind to question the State of South Dakota and the election process that they went through in their recount to up a whisker-thin 18 plurality to the 100 and some votes that Mr. DASCHLE won by.

It just never occurred to me that either party would question the honesty or decency of the State of South Dakota. And that thought has come back to me several times over the last 4 or 5 months that this body just arbitrarily told Indiana to get lost. And now as their Governor is on a well-deserved vacation in Florida, and we are all desperately trying to reach him, I think we are going to come down to a real constitutional crunch here between the State of Indiana and the House of Representatives of the United States.

I thank the gentleman for yielding. More than comity is being lost here.

Mr. BARTON of Texas. I thank the distinguished gentleman for his comments. He shall never be accused of whimping out whether it be with regards to reading from the dictionary or upholding the Constitution of these great United States.

In the remaining time that I have I would like to very quickly go to a letter that I recently received from the secretary of state of Colorado, Mrs. Natalie Meyer. This was dated March 29, 1985, and I quote as follows:

As Natalie Meyer, the Secretary of State of Colorado, I serve as the chief election official of the State. I take very seriously the responsibility of fairly and impartially carrying out our election laws. For this reason I am distressed that the United States House of Representatives has removed Indiana's Secretary of State's authority in the election process under the laws of Indiana.

These are the facts: On November the 6th in the Eighth Congressional District of Indiana, Rick McIntyre, Republican, defeated incumbent Frank McCloskey, Democrat. The Honorable Edward Simcox, Indiana's secretary of state, certified McIntyre winner by 34 votes. This certification entitled Mr. McIntyre to his seat in the Congress on January the 3rd. Mr. McIntyre was seated and cast his ballot for Speaker. Before being sworn in by the Speaker, however, the Democrats on a straight party line vote denied him the right to his seat.

At that time there was no contest of McIntyre's certification in Indiana. No one had filed a sworn statement to any governmental body. Mr. McCloskey had not entered a protest, as he is entitled to do under the Federal Contested Election statutes. There was no allegation of fraud or mismanagement. Nevertheless, Congress refused to seat Mr. McIntyre.

On February 7th, after the completion of a recount, Mr. McIntyre was again certified the winner, this time by 418 votes. The House voted again, largely along party lines, not to seat the certified winner.

Throughout the proceedings Republicans in Congress have asked that McIntyre be provisionally seated following an investigation of the election procedures is conducted. All precedents of the House require that. In the absence of a dispute over certification, the House must seat its members.

The House is refusing to seat a member that has been certified by his State. If this precedent is set, what is to keep the House from denying a seat to a member from Colorado? The Democrats know that to leave the Eighth District without its Congressman is, in effect, taxation without representation, and is therefore unconstitutional. They promised to proceed expeditiously in the investigation, and guaranteed that the issue would be resolved by March the 25th. It has not been resolved, and the Democrats now say that it may take several more weeks.

Studying the matter is an investigative committee consisting of two Democrats and one Republican. Both of the Democrats on the committee have voted against seating Mr. McIntyre on three occasions. Over the strong protests of the Republican member, the committee has agreed to disregard Indiana law in its investigation. Democrats on this committee investigated all of the votes in this contest for many weeks and then independent of Indiana law determined the procedures for recounting the votes. This gave them the advantage of hindsight and the opportunity to set the recount procedures in favor of their candidate.

As the Secretary of State of Colorado, I am concerned about the unfairness of Congressional intervention in the vote-counting process of the individual State. Congress is violating the rights of a sovereign State in an unprecedented usurpation of power. I urge the people of Colorado to contact their Members of Congress, especially Democrats, and convey their sense of outrage over this matter.

Now, that is only one of several letters from various secretaries of state around the country that I have received, and they basically say the same thing. That under the Constitution the States of this great Nation have the right to conduct the elections.

Unless there is reason to suspect the validity, fraud, mismanagement, or abuse, this body has historically accepted that State certification of the validity of the election and received the member that held the certification.

We have not done that in the McIntyre-McCloskey case, and it is very conceivable that within the next week we will seat again on straight party line vote the member who has the least winning margin. Keep in mind that Mr. McIntyre won once by 34 votes, he won the second time by 418 votes, and in this latest procedure that we have referred to as the Panetta-Clay procedure, Mr. McCloskey at this point in time has got a 4-vote margin. Hardly a mandate from the people.

So, with this in mind I would suggest that before we vote on whether to seat Mr. McCloskey that every Member of this body ask himself this question: Would we be willing to risk our elections in this body under the same procedures that have been used in the Panetta-Clay recount procedure?

And I believe that if we ask ourself that question, all of us without exception will refuse to do so. We should revert back to the election laws that the State, the individual States have. And if we do that, there is no doubt, there is no question that the certified winner is Rick McIntyre, the Republican.

Mr. DELAY. Would the gentleman yield?

Mr. BARTON of Texas. I would be more than happy to yield.

Mr. DELAY. The gentleman from Texas, and all of the discussion that has gone on all this evening, all last evening and now this morning, there has been a lot of talk about the Democrats on that side of the aisle doing all this. I do not think the gentleman from Texas is suggesting, as I am not suggesting, that all Democrats are falling in line, especially on this upcoming vote probably next week. That there are Democrats on that side of the aisle that are looking at this in a bipartisan manner and trying to evaluate what is going on. That most of our discussion has been directed at those mainly in the leadership and on the task force that seems to have been leading this whole scenario along the line and confusing their fellow colleagues. Because some of their fellow colleagues may have had other pressing business to attend to over the last 107 days.

I, for one, and I am sure the gentleman from Texas would agree, that we are pleading with those Members on the other side of the aisle to join your five colleagues that have been evaluating this issue and know the unfairness of it and the dangerousness of it, and pleading for those Members on the other side of the aisle to sit down and evaluate what is going on and listen to

what we have been saying for 107 days, finally. Because we are coming down to a vote probably Tuesday of next week, and we are just asking them to look at it and try to be as objective as they can. Because if they do, they will find that this whole forest has been perpetrated on really no foundation whatsoever.

Mr. BARTON of Texas. I do not think there is any question that there are a large number of Democrats of conscience who are very uneasy about what has transpired. And I know from personal conversation that any number of them in private conversation feel that what has gone on is very improper and should not have been allowed to transpire.

But that is not on the record, obviously. When we have asked for the record votes for whatever reason, they have not voted in public as they have conversed in private.

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Mr. DELAY. Maybe they thought the two previous votes were not the real crucial votes that they are going to have to cast next week. The crucial vote next week will probably, if it comes the way that we expect it to, be to seat Mr. McCloskey until reelection time for the 100th Congress.

Mr. BARTON of Texas. I would certainly suggest that there will be ample opportunity in the next week for redemption, that those Members who wish to redeem themselves will have that opportunity.

Mr. DELAY. I would hope so. I am sure they will because I have the greatest faith of this body and its Members to stand up and do what is courageous and not follow, like some people in America think we do, follow like sheep without any regard whatsoever for the truth.

Mr. BARTON of Texas. I thank the gentleman for his comments.

I will now yield to the distinguished gentleman from Denton, TX, Congressman DICK ARMEY.

Mr. ARMEY. I thank the gentleman for yielding.

I was just sitting here watching the debate and I realized we had four Texans here.

The SPEAKER pro tempore. The time of the gentleman from Texas [Mr. BARTON] has expired.

THE INDIANA ELECTION DISPUTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BOULTER] is recognized for 60 minutes.

Mr. ARMEY. Would the gentleman yield so I could finish my point?

Mr. BOULTER. I would be happy to yield to the gentleman.

Mr. ARMEY. I was observing that we have four Members from Texas here at 4:50 in the morning discussing a seat in Indiana. I find that rather significant. Obviously, for four of us from Texas to still be here after a long day yesterday, we must see something that is larger than the question of whether some Yankee gets a seat in Congress. What do you suppose could be the question that could keep four good Confederates like us up so late in the evening?

Mr. BOULTER. We all came here on January 3 prepared to take the oath of office. As I heard you say, Congressman ARMEY, you campaigned very hard with your son. I was aware of your race. We were friends even back then. I did the same thing with my son and, like you, I always told Matt that we are going to have a close race, but if we win by one vote, your daddy is going to get to be a U.S. Congressman. So here we were in the context, and we saw this young man, Rick McIntyre, with his young family and expecting a baby, and our sympathy goes out to this young man.

But there is a greater principle involved. I think that principle is simply this: one man, vote, and majority rules. It is not a Democrat versus a Republican issue, or shouldn't be; it should be an issue that and, I think, is an issue that every American who knows about this clearly understands what is involved here. What is involved is democracy itself.

I have been amazed at the unmitigated assault on democratic principles that has occurred here in this very case.

Mr. ARMEY. I thank the gentleman for yielding. Obviously, we have all these from other States as well, but I guess I, for one, am proud to be able to say that Texas made its mark at 10 minutes to 5 on this morning, and we will continue to be here for the remainder of the time. Thank you.

Mr. BOULTER. I do thank the gentleman for his remarks because I do think the gentleman points out something that—and I don't know what has been said all night—but the thing that concerns me most about the situation that we are in is the dangerous precedent that is being set by refusing to recognize the certified winner in the Eighth District of Indiana. Based upon election results, when Rick McIntyre won by 34 votes and then later won a recount by 418 votes, the Democrat leadership has, in effect, disenfranchised over half a million people for about 4 months now. It is obvious to some of us, and I think obvious to more and more people, that they left this seat vacant until they could come up with a formula to throw the election to their man. In doing so, the Democrat leadership has blatantly ignored the election laws of the State of Indiana.

If you think about that situation, it could happen to any of us or it could happen to any of our colleagues on the other side of the aisle. It could happen to any 1 of our 50 States. If they have done it here, they could go into any 1 of our 50 States—Texas, North Carolina, any one of them—and declare the election laws of that State invalid. I just think this is a precedent which we must not allow to be set.

Rick McIntyre was the certified winner. He deserves his place in the 99th Congress.

My fellow Texan, Majority Leader JIM WRIGHT, and the Democratic Congressional Campaign Committee Chairman TONY COELHO, started all of this on January 3 by professing to be confused as to who won this election on election night. I honestly believe that most of our colleagues on the other side of the aisle, in the Democratic Party, sincerely bought that line. I think many of them still believe today that there was some confusion about who won on election night. Obviously, it was a very close race, one of the closest in our country's history, and the lead changed back and forth throughout election night. There were press reports on the morning after the election indicating that Mr. McIntyre was leading Mr. McCloskey by over 100 votes. Then some tabulation errors were discovered. Early press reports, however, and unofficial returns do not normally determine who wins elections. If you don't believe that, just ask President Dewey. These early election reports generally do not carry with them many presumptions. Certainly they do not ordinarily trigger the need for any scrutiny of the election by this House. Generally speaking, close elections and erroneous election reports in the morning newspapers the day after the election generally do not call into question or invalidate the real winner certificate.

The perception of who won at any given time during these very emotional hours and days after the polls close should have no bearing on who actually won. Yet, the Democrats continue to promote the falsehood that there have been three different official outcomes in Indiana Eighth, with McCloskey first declared the winner based upon the first count of the votes, and then McIntyre later winning on a partial and then complete recount.

The point is, the first point that I wish to make, is that Rick McIntyre won in the only official tally. He won the election. The corrected election day returns upon which the Indiana secretary of state issued the certificate of election showed that Rick McIntyre won.

Let me briefly describe the events following election day. First, errors were corrected in Vanderburgh County the day after the election day giving McCloskey an unofficial lead of 72 votes. That is an unofficial lead of

72 votes after some errors were collected in Vanderburgh County. Second, errors were discovered 3 days after the election in Gibson County, but these errors were not immediately corrected, they were just tabulation errors, too. When they were corrected, they gave McIntyre an official lead of 39 votes. Therefore, McCloskey appeared to be in the lead for about 2 days during the week after the election because of mistabulated returns in Gibson County. The Gibson County clerk refused to correct those erroneous totals submitted to the Indiana secretary of state until Rick McIntyre brought a mandamus action in district court, where he eventually succeeded.

Mr. MACK. Would the gentleman yield?

Mr. BOULTER. I would be happy to yield to my distinguished colleague from Florida.

Mr. MACK. It might be helpful if you were to identify the kind of errors that you were referring to in Gibson County. Was it an addition error, was it transposition, was it double counting, what was it?

Mr. BOULTER. Basically, they added some totals in twice, just purely a mathematical error. I am certain that it was honestly made. In a couple of precincts, as I recall, the totals of those two precincts were added into the county total twice.

Mr. MACK. It was very clear, I guess, from the records that, in fact, the precinct had been marked down on two different occasions.

Mr. BOULTER. Yes; you can see it on an adding maching type.

Mr. MACK. Yet, as I understand it, it took a court order to get the Gibson—or am I getting ahead of you.

Mr. BOULTER. No; you are exactly right. The Gibson County clerk refused to correct those errors.

Mr. MACK. So it took a court order to get those totals corrected. It was not a recount, as I understand it.

Mr. BOULTER. No; it was not a recount.

Mr. MACK. Is that the area in which our friends on the other side of the aisle keep trying to imply that there actually was a recount in which McIntyre indicated as the winner?

Mr. BOULTER. Yes.

Mr. MACK. What they are really referring to is just a correction of the ballots that were counted?

Mr. BOULTER. Yes.

What they do, Congressman MACK, is based upon that mathematical error—this is not an error involving any discretion or anything. We are talking about a clerical function. Based upon a clerical error, they have bootstrapped themselves up in the position that we find today by claiming that there has been confusion in who actually won on election night.

Mr. MACK. I raised the question with the gentleman who had the previous special order about the majority leader on January 3 talked about whether the election—in essence, were they treating the votes regularly, was it timely, and there were serious questions about, I guess, the way the election was run. I raised the question about the timeliness, that someone implied that it took the secretary of state too long. That was one argument. Then there was another one that said that he didn't act fast enough. But was it, in fact, necessary to get a court order to change the tabulation—not the recount—but to change the tabulation, that, in effect, delayed the ability of the secretary of state to issue a certificate prior to that time?

Mr. BOULTER. That is right. It was following that court order that the Gibson County clerk, and it was pursuant to that order, that the county clerk sent a corrected certificate to the Indiana secretary of state verifying the original tabulation error.

Mr. MACK. I thank the gentleman.

Mr. BOULTER. These corrected totals also reflected the results of the recount which was then completed in that county. That is why we have the reduction from 39 to 34 votes. So the results of the election, as finally completed, and after the mathematical errors were corrected, showed Rick McIntyre to be the winner by 34 votes.

Mr. MACK. There was a difference there. Let me get those numbers again. Thirty-nine votes?

Mr. BOULTER. Yes. When they were retabulating then the corrected totals further reflected that the results, when tabulated county by county, showed that instead of McIntyre winning by 39 votes, he won by 34 votes.

Mr. MACK. Is that because there was a recount in that particular county?

Mr. BOULTER. I do not think there was any recount—not a recount as we understand a recount, not a recount as there was subsequently a recount.

Mr. MACK. I thank the gentleman.

Mr. BOULTER. When the Indiana secretary of state received the corrected Gibson County totals on December 13, then he immediately issued his certificate naming McIntyre the winner by 34 votes. But as the gentleman has been pointing out and discussing here, ever since then, the Democrats have argued that Mr. McCloskey a 72-vote lead up until the Gibson County clerk was forced by the court to correct his clearly erroneous vote totals. Yet, those were errors which the clerk had been aware of for a long time and refused to correct for a month.

Mr. MACK. In one case we have a correction of votes in McCloskey's favor; in another case, we have a correction of votes in McIntyre's favor. But it is interesting that in the correction of the votes for McIntyre, this is called a recount, but not in the case of McCloskey.

Mr. BOULTER. That is what they call it in the case of McIntyre.

Mr. MACK. I thank the gentleman.

Mr. BOULTER. They claim that the separate county vote certifications received by the Indiana secretary of state's office, including this document submitted by the Gibson County clerk, which was known to be incorrect, constituted an official return for the Eighth District, even without the secretary of state's action.

Then last November, they even asked that the Federal district court in Evansville issue an injunction to force the secretary—now listen to this—to force the secretary to certify Mr. McCloskey based upon those totals that the secretary of state knew were mathematically incorrect. In the district court's open—I mean the secretary of state refused to issue a certificate upon totals he knew were mathematically incorrect.

Mr. MACK. I apologize for continuing to interrupt the gentleman from Texas, but let me just ask one other question.

Mr. BOULTER. I would be happy to yield.

Mr. MACK. I think it may have been implied in your statement, but I am not sure. What you are saying is that the secretary of state had been asked to certify McCloskey with the secretary of state having full knowledge that the totals he had been given were incorrect.

Mr. BOULTER. Yes; so he would not certify McCloskey because he knew, based upon conversations with the Gibson County clerk, that the totals were incorrect. The Democrats then filed an action in district court to mandamus the secretary of state to certify Mr. McCloskey the winner based upon those incorrect totals.

Mr. MACK. I have one further question. Do you have any knowledge that either Mr. McCloskey and/or his agents were aware of the error in favor of McIntyre at the time they made this request to the secretary of state?

Mr. BOULTER. Of course, I wasn't there, but it is inconceivable that Mr. McCloskey did not know. Certainly the people who were involved in the controversy, both on our side and on the other side, certainly did know.

Mr. MACK. I thank the gentleman.

Mr. BOULTER. I am certain that Mr. McCloskey also knew. I know that Mr. McIntyre knew.

I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

I think one of the most important areas in this whole scenario is the absentee ballots. I am absolutely astounded—and I recall that movie that was shown, the filming that was taken of the hearing in Evanston when the

chairman of the task force voted with the other Democrat 2 to 1 over the Republican not to count those absentee ballots, that they had been counted before that, before Mr. McCloskey pulled ahead.

Mr. BOULTER. Are you talking about the 32 absentee ballots?

Mr. HUNTER. The 32 ballots, absolutely.

I keep thinking of the statement that the majority leader made on the House floor when he said that it was important for the House to interject itself into this battle because we needed to put some uniformity into the process. I reflect on how uniform that particular action was. I think that is, at least in my estimation, the point in this whole sequence of events that is most disturbing, and I think most disturbing to Members of the House, because it really was the point in which the Democrat majority broke comity, if you will, with the Republican minority when they stopped being a force for fairness and for equal treatment, and simply imposed a political solution in a situation that cried out for fairness.

Mr. BOULTER. I think the gentleman is correct. The confusion was self-imposed. That is what I am attempting to demonstrate now, that the self-imposed confusion started because of a known mathematical error which incorrectly indicated that Mr. McCloskey was the winner, but it was known to be a mathematical error. That gentleman is absolutely correct that, based upon that, the majority leader asserted, with no evidence that any of us has ever seen or that the American people or the people in Indiana Eighth have ever seen, that there was anything to that assertion.

But back to the mandamus action that the Democrats filed in Federal district court in Evansville when they were asking the secretary of state to certify McCloskey. The judge wrote an opinion which recognized and acknowledged the right of the Indiana secretary of state to exercise discretion in waiting to certify a winner where the county results contained an obvious mistake or miscalculation. In other words, the Federal judge who, incidentally, was a Democrat, wrote in his opinion that he could not force the Indiana secretary of state to do something which he knew to be wrong, based upon a mathematical error.

I guess that point No. 1 is that Mr. McCloskey's "official lead" never did exist. It never existed. Either the majority leader knew that or is blatantly ignorant of the facts, and the confusion was self-imposed, not only upon his side of the aisle—and many Democrats, I believe, regret this whole situation very much—but really on this House as a body.

Mr. DELAY. Would the gentleman yield?

Mr. BOULTER. I would be happy to yield to my distinguished friend from Texas.

Mr. DELAY. As the gentleman from Texas knows, last Sunday was San Jacinto Day in Texas. That was the day that Texas won its independence by a very significant battle in San Jacinto. It was generated from a massacre at the Alamo in San Antonio, killing many men who came from all over the United States at that time to fight for freedom in Texas, because Santa Anna, a dictator in Mexico, was oppressive to his people. There were no votes in Mexico. There were no votes in what was Texas, part of Mexico at that time. No one was allowed to vote. No votes were counted. There were no election contests. Santa Anna disapproved of all those kinds of things. So Texans and Americans from the United States and men from Germany with support from England and France, came in much like we are trying to do probably today sometimes in Nicaragua to defend freedom. The Texans stood up with their lives and were counted at the Alamo, counted with their lives at Goliad, and then Sam Houston led a small band of men across the mud and the rain and the cold to what is now called San Jacinto Battleground and caught Santa Anna napping and fought and captured Santa Anna, which was a very significant battle in America because, at that particular time, Texas went all the way to what is now the Canada border, splitting the west coast from the east coast with that battle, and the subsequent Republic of Texas and America was brought together for freedom.

I wonder what Sam Houston would think of this process as it progressed from January 3 to today. He was a man who has put his life on the line and subsequently created one of the greatest States in this Union because of freedom.

On Sunday, if I may use a personal anecdote, I met Sam Houston IV. Sam Houston IV votes in Texas. His vote is counted. He has deep feelings for his father's fight for freedom. Sam Houston probably, if he looked upon this body today, would be thoroughly disgusted at the attempt to jerk the freedom of the vote and the freedom to have your vote counted away from them.

Mr. BOULTER. I think that is definitely true. I think that is true of any freedom-loving person.

Our democracy really is unique, and our system of government is really unique. We are really departing from that system right now.

Mr. MACK. Would the gentleman yield?

Mr. BOULTER. I would yield to the gentleman.

Mr. MACK. This is getting back to the point that you and I were discussing a few minutes ago about whether Mr. McCloskey or his agents were aware of the error in the counting.

I would just like to indicate a couple of things, at least according to this record. You referred to the mandamus that McIntyre filed. What this says is McCloskey opposed the Gibson County mandanus action on the grounds that only a recount could correct the mistake. The judge in Gibson County dismissed the mandanus action in order for the recount to begin. McIntyre appealed the dismissal.

I could go on, but what I am saying there is it is obvious that, because of the action taken by Mr. McCloskey, he clearly knew that there was an error and that it was strictly a mathematical error which, when corrected, made McIntyre the winner.

I would say to you that, on this evidence, it is clear to me that there was the intent to confuse, there was the intent to come to the floor of the House on January 3, 1985, and confuse the issue, which I will say that they did very well.

Mr. BOULTER. I thank the gentleman for clarifying that and making that clear.

As I said, it is inconceivable that he did not know, and I thank you for pointing out the evidence that he did know.

The fact is, is that, for whatever reasons, clearly partisan reasons, the Democratic leadership ignored the known election night results.

Mr. DORNAN of California. Would the gentleman yield?

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

Mr. DORNAN of California. The thing that is coming through more clearly as each week passes on in this torturous process is that there are people in this distinguished body who believe that might does make right and, if you have the power, you can roll over the minority.

Did the gentleman happen to see the excellent historical film "Nicholas and Alexandria" about the last days of Czar Nicholas II?

I notice the Chair is nodding. I am glad someone in the Chamber has seen that.

Mr. BOULTER. I saw it, Mr. DORNAN, but I don't remember it.

Mr. DORNAN of California. There was one scene in that film that was gripping. I noticed when I saw the film with many young people in attendance, they were shocked. There was actually an audible gasp at a scene where Lenin was making an appearance before one of the last surviving newspapers in Leningrad. He gets into an argument with the editor of the paper, and the editor says to him as forcefully and as passionately as he could, "Look, Mr. Lenin, we have a right—I have a right—to disagree with

you. This is my right." Lenin looks at him very calmly, deadly fixes on him, and says, "I agree. You have your right to disagree, but I have my right to kill you for disagreeing." There was a chilling silence at the end of that scene and, of course, as history showed, Lenin did go on to kill anybody who disagreed with him, and Stalin showed the world that might can sometimes determine what is right.

I don't mean at all, by the wildest stretch of the imagination, to compare my distinguished colleagues on the other side of the aisle—even though we began this debate last night on the 115th birthday of Vladimir Ilyich Ulyanov, otherwise known as Nikolai Lenin—and maybe we should continued this debate for 8 days in honor of the Eighth District of Indiana, and we would end on the death date of Adolf Hitler on April 30. But, no, we will not draw any comparisons to that ultimate use of right, but since some of us have gone back to the dictionary to analyze the word "comity," I think that it does bear saying over and over again in this House that the majority should have been gracious. They should have been civil.

I remember in watching the great television series by Lord Kenneth Clark of Great Britain. A more educated and urbane man has never existed. When the 13 hours of great television discussion of art and culture had reached its end, Lord Kenneth Clark turned into the screen and he said, "When people ask me what is the hallmark of civilization, I say just one word."

Mr. BOULTER. Comity?

Mr. DORNAN. of California. "Civility." Close. Close.

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The gentleman is from Texas; the word comity is big in Texas, has been ever since the battle of San Jacinto when Sam Houston and his Texicans showed Santa Anna, driving him off to exile, to Charlotte Amalie in the Virgin Islands, where he lived out most of his years, that they showed him what a little comity meant.

Back to Lord Kenneth Clark, he said, "civility." After all, what is the root word of civilization? What is the root word of civilization? Civility. That is what we were asking on January 3, to be shown a little civility by the majority, to follow the precedent, the case law, the rules of decency on which this House had existed for almost two centuries.

Are we going to go into the 100th Congress and celebrate the signing of the Constitution of the United States in that 100th Congress without Rick McIntyre seated? I can guarantee, by every single bone in my body that Rick McIntyre will be here, with all of us, in this Chamber in September 1987, when we celebrate the 200th anniversary of the signing of the Constitution of this great country of ours.

But is Rick McIntyre going to have to readjust his life and go through an election process for the next year and a half, until that first Tuesday following the first Monday in November of 1986 to justifiably take this seat that he won fair and square in November 1984? I hope not.

I know not what others may do in this Chamber, but as for me, I say to the majority: Let justice be done. Give me Rick McIntyre, give me my fellow freshman colleague, or give me a new election.

I am willing to go that far. I know the Governor of the great State of Indiana came to the Rayburn room in 2318 and told us that he does not want to hear of an election in that State that he has certified twice, the election of his people on that one given night on November 6, 1984, and that he does not think a whole new set of circumstances, months later; changing economy—who knows what can happen in the history of our country in the next few months if we call for a special election?

My feet were in concrete then, and over the months, too, that we should certify the winner of that election and see his constitutional rights and our constitutional rights in the minority respected, and see Rick McIntyre join us as a colleague.

But now looking at the destruction of civility and the comity in this House, I am willing to go back to square one and say to Mr. COELHO, the distinguished majority leader from Fort Worth, TX, and our great Speaker, who is a living piece of American history, rising from the tiny little parochial schools of a poor Irish-American neighborhood in Boston to be virtually the prime minister of what is the mirror image of the mother of parliaments, the House of Commons in England to be our great leader and to show both sides of the aisle that he can reign over this House with fairness and decency and civility.

I say to the Speaker, rather than poison the well—and what a term to use here with its double meaning, since we refer to this great area of oratory in this House as the well of the House of Representatives. Rather than poison the well of this House and destroy the civility and the comity that we have here, I say, call a new election, let the magician of the other side, TONY COELHO, work his skills on his 30-second commercials. Our guy, VANDER JAGT, will work his skills.

I know the gentleman, Mr. SYNAR, will go up there and walk precincts. I will. I know every Member, if he is willing to spend all night here away from his little trundle bed will graciously get on an airplane and fly up there and walk precincts in Indiana. I know I will; I've walked precincts in the San Francisco area. I would walk precincts anywhere after doing that to get a Member seated in this House on my very birthday—April 3, 1979, I went up there to walk precincts in the southern end of the great bay area of San Francisco.

I promise. I give my word of honor in this House to both sides of the aisle; I will go walk precincts in Indiana. It will be a great catharsis, as the gentleman from Texas knows, to end this ill feeling and this poison that has been building up in this House to call a new election.

And if it costs the American taxpayers, as bedraggled and crushed and oppressed as they are in a nation that is overtaxed, not undertaxed, I know the American people, when they listen to this tomorrow night and the next night, and as many nights as we can go, getting the truth out to the American people, I know they will say, "Yes, we will bear the expense," and they will beg the indulgence of the great Governor of Indiana to have another election.

When we have that new election it will return some of the civility and gentlemanliness and ladiness and good feeling to this House of Representatives, because right now we are moving into a very sad period.

Do you know it was that vote where we lost by one vote to seat Rick McIntyre that caused an incident over there in that dark corner of the House where people were questioning the repertorial splendor and the satorial splendor of other Members, that was within 5 or 10 minutes of that vote on Rick McIntyre; that already had begun to poison the good-spiritedness in this House.

I say before this goes any further, pull back, Mr. Speaker, take a look at this situation, ask the majority leader to look in a mirror and ask himself if he feels good over the McIntyre-McCloskey affair. Any decent person will have to say: We've erred. Seal the 32 votes; put them in the Smithsonian Institution to be opened in 50 or 100 years to see that the rape of the Eighth District really did take place, but let's not open the 32; let's pull back from this thing and call for a new election. It is the only fair way to approach this. At least that is my decision; I may be wrong. If the gentleman disagrees with me, go ahead.

Mr. BOULTER. I thank the gentleman.

I do want to ask the gentleman something. Have you always believed that there should be a new election?

Mr. DORNAN of California. No. I have not. Quite seriously, I think, after listening to the secretary of state of Indiana and the great Governor of that State, I felt it was not my place to tell the State of Indiana: "Go on, get

out of here. I mean it, get out of here, Indiana." That is what we have been saying to them for months, and I did not feel that was my place.

Given the poisoning of the attitudes of Members in this House, it is not worth it over one seat.

Mr. BOULTER. And that is the point you are making, right? That we need to—again.

Mr. DORNAN of California. Yes, go back to square one, looking at the traditions and the great institutions of this House, and looking at the heavy historical issues that the 99th Congress has to face up to. After all, I gave up my hour special order tonight to talk about decency in this House when I had planned to talk about whether or not we are going to take 15,000 freedom fighters, men and women, and some very young boys and cut their legs off in the jungles and hills of Nicaragua after we had inspired them to fight on, told them to fight on; given them uniforms, boots, weapons and a certain amount of ammunition, and then tell them, "We're through with you; talk to our INS services, maybe you can emigrate to the United States" because we are going to feel guilty, as we did with the boat people about leaving you to just float around until Soviet gunships flown by Cuban pilots cut you down.

I wanted to talk about that great historical issue, but I spoke on this tonight first because until we settle this, once and for all with some sense of fairness or decency, we are not going to be able to discuss anything in this House without this ill feeling and without some Members taking to the dark corners of the House to criticize the apparel of other Members. That is how bad it can get.

Mr. MACK. Would the gentleman yield?

Mr. BOULTER. I would be happy to yield to my friend from Florida.

Mr. MACK. The gentleman from California, if I might engage him in just a discussion for a moment.

I gather from what you have said that you think that mayble our position ought to be the acceptance of a special election in Indiana.

Mr. DORNAN of California. I do. If the gentleman will yield further——

Mr. MACK. Let me, if I could, just make one comment about that.

I understand the reasoning behind it and the attempt, in essence, to put this all behind us and allow us to go on with business here in the House.

Frankly if we do that, we have in essence, you know, given up the position that we staked out in January, January 3.

Mr. DORNAN of California. Agreed.

Mr. MACK. We said in January that Rick McIntyre won that election fair and square. He not only won the election, he won the recount.

Now what has happened in the interim is that the Democrats basically have confused the issue sufficiently, that they have been able to convince many people to say, either they ought to allow the seating of McCloskey, or that there ought to be a special election.

I do not think that really is our position. I think our position should in fact be to say "No," seat Rick McIntyre. He won the election and he won the recount, and that we should not settle for anything less than that.

Mr. DORNAN of California. Well, without divulging any of the private discussions that went on in our conference today, the very gentleman who controls the time in the well, who has worked as hard on this issue as any Member of this House except possibly other Members from Indiana, as you graciously conceded today.

You brought up something, if I may divulge just a part of your presentation before the conference today, is that it was beginning to tear you in two different directions. One direction was your loyalty to our classmate and colleague, Rick McIntyre, and the other direction you were being told is that you were sent here to serve the people of the fantastic 13th——

Mr. BOULTER. If I may reclaim my time for 1 second——

Mr. DORNAN of California. Thirteenth of Texas, and I think that since that is why we were sent here, that the only way maybe for us to return to the business of this House is to let the people of the Eighth District exercise their will again.

You know, the people from the State of Ohio, both sides of that delegation; this great State that actually took the title, Land of the Presidents, away from Massachusetts and Virginia, this State of great generals in the Civil War, that has given us so much history; the people of Ohio understand because of their proximity to Indiana that that great State would not want their Governor treated in the rude manner that this Congress has treated the Governor of the adjoining State of Indiana.

Suppose we said to the Governor of Ohio, "Get out of here. Go on. Get out of here, we mean it. We'll decide the rules of your State." I do not think the people in Ohio or Illinois on the other side or Kentucky to the south, would ever stand by for what has been done to Indiana.

I expect to see more and more people coming to this Congress from Indiana saying to us, "How could you do this to our State?"

I may be all wrong. Maybe I am beaten back; maybe it is the early hour of the dawn—it is just dark—it is darkest before the dawn. Maybe I am wrong and you can talk me out of this, but I think to get on with the business of this House for the next year and a half that we need to battle this out, party against party in the precincts of the Eighth District and that this is the only way that decent people on the other side of the aisle can fight their way out of this trap that they put themselves in where they are getting rapped in one editorial after another across this country, particularly in the liberal papers like the New York Times and the Washington Post and the hometown paper of the distinguished gentleman from Texas, Mr. JIM WRIGHT, our great majority leader.

Mr. MACK. Will the gentleman yield?

Mr. BOULTER. Yes.

Mr. MACK. I would just say that, you know, we have fought the battle. We have fought the battle, precinct by precinct. And we won it.

My question to you is, where do we draw the line in the future? What Cuba, what Nicaragua is next?

Mr. DORNAN of California. Well, people, decent people, do learn by experience. After all, one of the great traditions of this House is to refer to one another as "distinguished" unless we have really been kicked in the face, and then I think the people that have been watching the conduct in this House realize that occasionally we just refer to one another as the Member from such-and-such State.

If we are really to refer to one another as distinguished in this body in our colloquies and dialogs back and forth, maybe we just have to go back to square one and tell the people of the Eighth District of Indiana that this House made a mistake; we did not accept your judgment, your State's elections laws, the double certification, and we would like you please to get us out of the mess we have gotten ourselves into, and will you do it all over again.

I have no doubt, given the way the editorials have been running across the country, particularly in the liberal papers, particularly the papers that we refer to in some of our major cities as the paper of record, like the great New York Times: "All the news that's fit to print."

I think that the people of Indiana are going to rise up when they realize how they have been ridden roughshod over by the majority party in this House, but maybe Indiana will take mercy on us and the Governor will take back what he swore he never would, in our presence; and that is call for an election when they have already run an honorable election and certified it twice, and in the second occasion they did it after an honorable recount, and I think that we should keep mentioning in this House over and over again, particularly when our great, distinguished Speaker is in the chair, is that nobody has investigated the election results on the first go around, and nobody in House Adminis-

tration or task force of this great deliberative body has seen fit to investigate the recount by the State of Indiana.

Mr. MACK. Absolutely right.

Mr. DORNAN of California. They just went in there and said, "Let us write our own rules, so we go along—we will do it all over again."

Mr. BOULTER. Absolutely correct. And I personally have never heard the gentleman be more cogent.

Mr. DORNAN of California. Thank you. It is early in the morning.

Mr. WALKER. Will the gentleman yield to me?

Mr. BOULTER. Happily.

Mr. WALKER. I thank the gentleman for yielding, and I think the gentleman from California makes an excellent point as to why we ought to proceed with the special election.

I must say, though, that I, too, as my colleague from Florida has said, I have reservations about going that route and in fact find it somewhat strange that we would consider going that route.

Because the one thing that really bothers me about this process is, you have one person who has been certified twice as the winner from Indiana, and yet the one option that we will not be considering in the House of Representatives; anybody, if we move toward a special election, the one option that we will not be considering is seating that Member.

We will have two options. We will be considering on one hand taking that Member and throwing him into a special election and forcing him to run again for the seat that he has already won—that will be the one option.

The other option will be to certify or to give the seat to someone who has never received the certification from the State. Those are the two options before us.

It tells us something very, very sad about this body to which the gentlemen has referred as a great deliberative body. In other words, our deliberations will be around two options that should have been regarded as totally unacceptable by this body when you already had a certified Member from the State of Indiana.

Mr. DORNAN of California. Let me ask the gentleman about his own State. Your Governor prides himself on being a tough politician, that word in an honorable sense. Would he call another election in the great State of Pennsylvania if he had certified a winner in one of his congressional districts, twice certified a winner?

Mr. WALKER. I have no way of knowing what they would do. It would depend upon the circumstances. I am sure it will depend upon the circumstances in Indiana. But the problem is, of course, that Governors, the Governor of Indiana and the Governor of my State in similar kinds of circumstances would be stuck with a decision made by this House, which bears no relationship to whatever the laws of my State, whatever the laws of your State, whatever the laws of Indiana are.

We are running roughshod over those laws, and putting the Governors of the States, putting the State legislatures in impossible positions. We have in this instance created a national voting law, and that in itself is disturbing. It is extremely disturbing because if just flies in the face of our entire constitutional system for that to have happened. That puts the Governors in a very, very difficult position because if this House, for instance, declares the seat vacant, which is something we can certainly do, and the Governor of the State would not call a special election, you in fact are denying your State appropriate representation in the House of Representatives for who knows how long? At least through the rest of this term of Congress.

It does not matter how tough a politician you are, you have disenfranchised vast numbers of people in your State if, in order to make your point, you decide to leave certain numbers of people outside the representative system.

Mr. DORNAN of California. I wonder if the Governor of Oklahoma or Ohio would want to be put in the position of calling another election. I do not even have to ask the gentlewoman about her Governor or our Governor Deukmejian in California, and we certainly know, having seen the pictures of the proud Governor of Texas down there in Honduras bringing jalopena beans to his men from the Texas National Guard digging wells and engaging in civil action programs in building a real brotherhood between the nation of Honduras and ourselves.

I know what the Governor of Texas would say to any task force from the House of Representatives if they met, particularly on Texas turf. He would say, "Get out of here. I mean it. Get out of here. Our elections stand as our voters voted for them in November 1984."

Mr. BOULTER. Let me at this time yield to our distinguished colleague from California. I really do thank you, Congressman HUNTER, for organizing this special order tonight.

Mr. HUNTER. I thank the gentleman for yielding, and I thank everybody who is participating and has really defined this argument.

Let me ask my two colleagues who have brought this question to light. What are we going to do? If, in fact, the House, the Democrat majority, should move to seat Mr. McCloskey based on principles and regulations and a new law, essentially a national voting law that the State of Indiana is not in agreeement with. Does that mean that all the other Congressmen who run for Congress in Indiana and who are presently incumbents will run in their seats under the Indiana law from here on out but that this seat, the McIntyre/McCloskey seat, shall be governed by different rules?

Does the Federal Government at that time basically preempt the State law? Maybe the gentleman from Pennsylvania could speculate on what is going to happen.

Mr. WALKER. If the gentleman would yield, my concern is that we are not just dealing with Indiana here; that we have in fact set a practice that could require all of us to run under that national voting law in this sense: that each time that you run, you would literally have to face two elections around here, one election where the people of your district sent you here and then another contest where it would be decided in this House whether or not they are going to accept your certification from your State, and if in fact they did not accept that certification, you would be forced to run in yet another election under laws created by this House.

I think that just turns the Constitution on its head if you start that kind of practice. What we are doing, we are setting into place a precedent that would allow that kind of a scenario to develop any time there was a close election, and that is something which goes against the concepts of the Constitution.

I think most people in this country have always understood our system of government to mean that if you win by one vote, you have won the election. Now that does not mean one vote that was jerry-rigged by a group of Washington politicians who get together to figure out how to keep one of their friends here. It means one vote on election day when everybody in the district gets out and votes their conscience and the people make a decision.

What we have here is a system where the people made one decision and the Washington politicians made another decision, and this House is on the verge of accepting the decisions of the Washington politicians rather than the decision of the people.

I think that we are on very, very dangerous ground for the future, not only for the people of the State of Indiana and for the Eighth District of Indiana, but setting a precedent that will have massive implications for everyone who runs for a seat in this body.

Mr. BOULTER. Clearly, what the gentleman from Pennsylvania is saying is true. Clearly true.

I come back, also, to Congressman DORNAN'S remarks, and certainly, you know, we all recognize that nobody needs to take a back seat to the Hon-

orable BOB DORNAN from California when it comes to fighting in elections and fighting for the rights of people to be heard.

Yet I think Mr. DORNAN's point is this: What do we do now? And, you know, how do I as a freshman Congressman from Texas act as a responsible minority member? That is a serious question for all of us. I feel it very deeply.

In the 13th District of Texas, I have got farmers who are going broke. Times are really hard out there. We have got the Nicaragua debate today. I think there is nothing more important than to fully debate this issue, and it does require good will and mutual respect, and I really do yearn for that, and that is why I was expressing deep feelings earlier this morning in our conference.

I think what has been said here is extremely important. How do I act, what is my role, when, to quote the Honorable BILL THOMAS, the Republican member of the task force: "Democracy has been raped because it is very difficult to act reasonably and with good will when you have been raped.

Mr. ARMEY. Will the gentleman yield?

Mr. BOULTER. I yield to my friend from Texas.

Mr. ARMEY. I would like to respond to the question you raised, how do you; indeed, how do I act as a responsible member of the minority party.

The fact is the majority party has got us between a rock and a hard place. They have got the gavel and they have got the votes. They know and we know they do not have to be here to be involved in this debate; all they have to do is call the question, and the fact is, we will lose.

Now, we have a simple choice: We either fight or surrender. If we are going to lose, let us at least lose fighting for what is right. What is right is seating Rick McIntyre because he won the election.

The people of Indiana certified him; he won the election, he won the recount; that we can at least stand for the principle that the Indiana folks have a right to decide their own election; that it cannot be decided in this House on a strict partisan vote.

We may lose, but at least we will not lose our pride. We will not have to surrender. And Rick McIntyre will know and we will know that we stood for the Constitution, we stood for his right to be elected in a free land as a free man who put his faith in the one man, one vote principle, put his faith in the electorate and in his State, and if those other Members or any other Member in this House does not want to vote for those principles, let him then live with that.

But as for me, I am going to fight for that principle. I do not want a reelection; there should not be a new election. We won, or Rick won the election on November 6.

He has been certified the winner. This House was wrong not to have honored that certification at the time. It will not make that right if we acquiesce now to an overpowering and overbearing majority that will have a disregard for the Constitution, have a disregard for what is fair, and it is simply work their will for no other reason than if they have got the power to do it.

Mr. SHAW. I thank the gentleman for yielding to me.

Mr. Speaker, one of the things that I think is going to be most interesting, out of this is how are some of the majority party members going to react to the marching instructions that they are given to their leadership.

I am particularly thinking now about those Members from the Southeast and Southwestern United States. How will they go home and explain that they let the House of Representatives' majority party, the Democrat Party, decide on who is going to represent a seat in Indiana?

I think that is a very serious question. Traditionally, States rights have been extraordinarily important to that part of the country, and I might say to people throughout the country—and I think that is a very serious question here: Can the House of Representatives impose its will upon 500,000 people in Indiana to decide who is going to be representing them here in this Congress? That is a fundamental question.

I think that the Members who are from the Southern States are going to find this to be a very tough election issue.

I know that some of the Members had a tough time going home and explaining how they voted for the Speaker. The Speaker has constantly come to this Congress with very partisan ideas, and some ideas that are very hostile to many Members of that region of the country.

It has become a campaign issue, just that one vote, as to who they voted for for Speaker. Now we are going to be faced with another situation, and these Members had better look at the political ramifications.

Are they going to put their party before the Constitution? Are they going to put party politics before the very fabric of this Nation? And what is set forth, and what is set forth in the Constitution and all of the other papers associated with it from that time?

The gentlemen who drafted the Constitution of this United States apparently never anticipated that there would be a dominant Speaker of the House at one time who would try to decide who the Members of the House were going to be; who those people were going to be from throughout the country.

I think already the political heat is being felt by some of the leadership in the Democratic Party, and I think that it is going to be felt even greater.

So I think that all the Members should look at themselves as to their representation of their people and how their people would want them to operate.

I think also the leadership of the Democratic Party had better be very careful in treading on this issue. I am reminded, when we talk about the question of seating and what the Democrat Party is talking about is what the President says; "Make my day."

I think politically, politically, this would be a real issue that the Republican Party can grab hold of and run with, and I think it is going to change many seats in this House beyond Indiana. This thing has ripples that go on far from right here in this House and this vote.

Mr. BOULTER. The gentleman is correct.

I thank the gentleman for those remarks, and you remind me, Mr. SHAW, that of the five Democrats who have put the interest of fairness and justice above partisan concerns on this issue, three of those are from Texas.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

□ 0550

ORDER OF BUSINESS

Mrs. MARTIN of Illinois. Mr. Speaker, I ask unanimous consent to take my special order out of order at this time.

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

There was no objection.

THE INDIANA ELECTION DISPUTE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. MARTIN] is recognized for 60 minutes.

Mrs. MARTIN of Illinois. Mr. Speaker and Members, it is perhaps wise, having listened to the westerners and southerners speak, to hear from the Midwest. I happen to come from an area where elections are not always as direct as they should be. I was raised in the 41st ward of the city of Chicago, and we used to say that something was stolen fair and square.

What has happened here, though, has gone beyond that. It used to be done with a degree of efficiency. It was done with a degree of kindness. It was done with a degree of honesty, and somehow it was felt that that was acceptable on a local level. It didn't

make it right, but we expected more from a national figure, and we expected more from national elections.

So what we have instead here is not as it used to be done under the expert hands of Mayor Daley when the election was won before the polls closed, or it was won before the next morning, so that there wasn't this ludicrous, ridiculous time loss. But we have now a winner, a recount winner, and then a funny kind of recount until you get another winner. I believe that is beyond the ability of the American public to accept.

I might add that this is no longer a township or a city or the famous county of Cook; this is supposedly the Congress of America where people have, through the years, supported governments and opposed governments purely on the issue of the freedom to vote. Now we have within this very body a question about the freedom to vote, who or what vote will be counted, what vote will not be counted, and can a majority so dominate a minority that, indeed, no longer can one talk about democratic government.

The reason I took out this special order is because it seems to me appropriate as a minority, as defined by the Federal Government, to talk about the rights of the minority and what it is like to have imposed upon that minority shackles so heavy that the very ability to function as that minority, and to function as a loyal minority with the majority, is being destroyed in this House.

I believe that unless we move, and unless the majority recognizes the depth of the feeling within the Republican Party of the House of Representatives, the chance for not just comity, but collegiality, is gone for this session. At the end of that, no one benefits. It is not as if the minority party will benefit, it is not as if the majority will benefit; in fact, the only people ultimately that will suffer are those who believe government should work together. But when a minority is so stepped on, so down-trodden, so lashed, there comes a point at which it must say this must stop. The very things we were sent here to stand for, the very belief we have in the right to vote, the very belief in the Supreme Court's view that there will be one vote for each human in this great Nation, at some point we have to stand up for that, too.

So I am asking as someone who has always been a minority as a woman, has always politically served in the minority—except for one brief, shining moment, from 1972 to 1974, at a little county board, just that one brief moment—that the majority recognize that they have gone too far, that we may behave rather well, that we are pleasant, that we can eat lunch together. But the string has been stretched too tight on this one, and there will be little chance for the reconciliation and accommodation that we must have to achieve government, and it will be the fault of the majority.

I share, having arisen from my trundle bed to come over here, with the gentleman from California the belief that, regrettably, the answer is a special election. I happen to believe McIntyre won fair and square. I happen to believe it was recounted fair and square. I happen to believe it was stolen unfairly and unsquarely. It was stolen so obviously that I suspect that the gentleman from California who led the task force is a wee bit ashamed, because he is a smoother person generally than that. If it was so fair and square, why was it two to one? If, indeed, it was going to be perfectly honest, why would not you say we will have equal representation as we do in this House on the Ethics Committee? Then you would say if they come up with an answer, but if they come up with 2-to-1 party votes, 2-to-1 party line votes, one has got to ask the question: Fair for whom? If it had taken another week, would they have gone to the highways and byways and purchased some more people to vote to finally get the answers they wanted?

Mr. WALKER. Would the gentlelady yield?

Mrs. MARTIN of Illinois. Indeed, I will to the gentleman from Pennsylvania.

Mr. WALKER. At one point they were thinking about counting votes that were cast in adjoining congressional districts. I understand that they decided not to do that, that ultimately they ruled that out. They thought that even that was a little too flaky for this task force. But at one point they considered taking a vote that was cast in a district next door, for the Congressman next door.

Mrs. MARTIN of Illinois. For what election?

Mr. WALKER. They had a ballot that had been cast for the gentleman from Indiana [Mr. HAMILTON]. It was a ballot that was voted straight Democratic. At one point, there was a recommendation to the task force—I think it came essentially from staff—that they count that ballot because that, even though the ballot showed Mr. HAMILTON's name on it, he really meant to vote for Mr. McCloskey. That takes a little bit of interpretation, the gentlelady understands, and, ultimately, the task force decided not to do that.

There are some other just as strange votes that they did accept. But she is absolutely right, the exercise we went through here is just positively absurd.

Mrs. MARTIN of Illinois. Just taking back my time momentarily, I come again from an area where we believe in political involvement. Heaven's sake, we don't even let little things like dying stop our right to vote. Our cemeteries are filled with voters on a yearly basis. But we generally keep them in the same county or the same district or the same State.

I am still little bit unclear. Do you mean now that the majority has achieved the ability to read people's minds and, therefore, from any part of the State they could pick a vote and say it was really meant for Walter Mondale, it was really meant for LEE HAMILTON, or it was really meant for Frank McCloskey? Is that what you are saying?

Mr. WALKER. That was at least one option that was given to the majority. As I say, they decided not to take it.

I understand what the gentlelady is talking about. We have the same problem in Philadelphia. There is a story about Philadelphia about the fellow who said that his uncle had voted—was a very, very staunch Republican and had voted Republican right up until the day he died, and he has been voting Democratic ever since in Philadelphia.

The fact is we have those kinds of situations around the country, and I think it would be interesting to note that I think Chicago is one of the examples of this, that, typically what has happened when the Federal Government has stepped in, we have stepped in because an election was fraudulent, because there had been all kinds of shenanigans, and the Federal Government steps in to protect the rights of the voters of particular areas. I think that has happened in Chicago, I know it has happened in Philadelphia. We have even sent in Federal marshals from time to time to protect the integrity of the process.

This instance is very different from that, because it is us who are going in and doing away with the integrity of the process. We are the people who are stepping in, overriding State laws, setting up our own laws, and we are the ones, the Federal Government have become the ones who are undermining the integrity of the electoral process and moving away from the one-person/one-vote concept. In fact, it is my understanding that we have now—if you want to get to the realities of what the task force has done—we have now in some precincts counted more votes in those precincts—this sounds really like Chicago—we counted more votes in those precincts than there were people who signed up on the poll sheets.

Mrs. MARTIN of Illinois. That I truly can understand. That happens—I grew up with that.

But I assumed that was something that, in general, even with new math, was considered inappropriate, that generally you like to have ballots and the people have a vague relationship to one another.

Mr. WALKER. In most instances, I think that is the case. It is interesting that at least in some of these places where we end up with more people voting in precincts than you have actual people signed up at the polls, in most cases, they at least had the good sense to put a tombstone or something with it. In this case, it is interesting that what they did is they went and they reached into the spoiled ballot bag—in other words, the ballots that were thrown out for some reason, generally because the voter says he made a mistake and had his ballot taken away, and that was put into the spoiled ballot bag. When they couldn't find enough legitimate votes, the task force reached into the spoiled ballot bag and pulled out a vote and said, oh, here is one. What that means is that, in some instances, if you were for Frank McCloskey, you got to vote twice. You voted once in the ballot that you took the second time, and then you had your ballot counted in the spoiled ballot bag as well. In some instances, that particular process has given us more voters in a congressional district than people who signed up on the polling sheet.

Mrs. MARTIN of Illinois. Voting earlier and often is still alive and well.

Mr. WALKER. Voting early and often is alive insofar as the task force as formed by this body is concerned. I mean that has evidently become an option which is totally acceptable to at least some elements of this body, because that is precisely what we had happen in terms of getting that four-vote lead that they are now about to foist upon the House as being the only count that makes any sense.

Mrs. MARTIN of Illinois. The gentleman is probably very aware that we are starting to reach a point in this new technology where we may not have to bother with elections anymore. We can just allow the majority to say they are the majority and, if they want a seat, to just suggest that our people don't have the wisdom to choose and, therefore, it is someone else that was elected. After all, everyone knows that when a majority starts getting dictatorial, the first thing to go, in the majority's view, is really the right of the people to make choices. I think that is what we are seeing.

I first will yield to the gentleman from Minnesota.

Mr. WEBER. I just want to thank the gentlelady for taking out her special order.

I wanted to comment on what the gentleman from Pennsylvania said a minute ago, because he touched on an important point, which is that they have taken certain precautions in Philadelphia and the infamous Cook County and elsewhere to safeguard the integrity of the process. As the gentleman and many other speakers in the course of this evening have pointed out, the violations of those safeguards are taking place now—not out in the polling places—but here in the House of Representatives.

The interesting thing is, what are the latest safeguards that are being violated, precisely the safeguards put in place not even by the minority Republicans, but by the Democrats themselves? If you go back through the task force hearings and the questioning, particularly on that final night, the validation of our case is made by the staff person appointed by the Democrats. If you were a member of the debate at the time, the Democrats went to the General Accounting Office to get personnel to conduct the recount, and they made a great ballyhoo about this was going to guarantee the integrity of the process because the GAO is an independent entity and they could be trusted to conduct this recount honestly and fairly. Many of us who were trying to object on principle of the whole idea of Federal recount didn't make much of that, but was supposedly, in the minds of the Democrats, the great reason why this whole procedure was high-minded and above reproach.

Well, in the last night's hearing, the gentleman from California, Mr. THOMAS, in arguing with the chairman of the task force, Mr. PANETTA, specifically asked questions of the head of the recount committee, or whatever they called it, the guy from the GAO, the Democrat they hired to do this, and he validated every point that Mr. THOMAS had made, and the Democrats went ahead and voted him down anyway. So it is safeguards that they themselves put in place to guarantee against fraud that they are now denying.

Mrs. MARTIN of Illinois. Reclaiming my time briefly, you can see how powerful the majority is. They are not here to answer. They don't feel they have to. Do you realize how sad that is? I grant you that this is a difficult hour. It is not fun being up for some people. We are talking about the ultimate right in a democracy.

The gentleman is aware, for instance, that I have a little bill that puts the Congress under the civil rights law. The majority part is opposed to it. It seems to me it is the same kind of thing. A democracy, law, order, as long as it doesn't affect them, should be imposed on others. But when it affects them, then they—and as soon as you have people who work under a different set of standards, in effect, and it was the lesson of Watergate, no one can be above the law of this Nation. And it is happening here.

So I will tell the gentleman that, although both of them seem like nice people to me, both Mr. McCloskey and Mr. McIntyre, I really don't know them terribly well, and I don't think it is that election that is the important issue here. The issue is how it is happening, because that process could be the destruction of what 200 years has produced around here.

Mr. WEBER. Would the gentlelady yield?

Mrs. MARTIN of Illinois. I would be happy to yield to the gentleman.

Mr. WEBER. Beyond that, as many people have mentioned throughout the night, there is a genuine constitutional question involved here. All us stand up here on the opening day, put our hand up, and we take an oath of office. We are supposed to uphold and defend the Constitution as part of our responsibilities. The Constitution specifies how we shall judge elections and, indeed, establishes that the House is the ultimate judge of its own membership. But part of upholding and defending the Constitution means defending the integrity of that process and not abusing it to undermine democratic principle. So the question here is fundamentally our willingness to stand up and maintain our integrity as Members of Congress and our duty as people who have taken an oath of office to uphold and defend the Constitution.

Mrs. MARTIN of Illinois. It is a special obligation, I must tell you, of a majority, even more so than a minority which, by its nature and definition, does not have to worry about any chance of oppression. And this majority, with this Speaker, must react, or I believe they are putting in jeopardy the concepts that they believe in, too, and that make this House possible.

I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentlewoman from Illinois for yielding.

I want to reflect back to the comments of the gentleman from Pennsylvania [Mr. WALKER] who was indicating a little while ago that now it is us, now it is the House of Representatives, that is involved in the election process or the corruption of it.

I feel a great concern that maybe some people may indeed look upon this House of Representatives and say, yes, Mr. WALKER from Pennsylvania is right, it is the House of Representatives that is lousing up the election process in the Eighth District of Indiana. I don't feel any responsibility for that. As a matter of fact, I feel opposition to it, and I think all of us do. I think the gentleman from Pennsylvania does. In fact, I think there are those of us who feel quite rebellious about being included in the functioning of a body that is so autocratically operated as to bring about this dire result in one congressional election. It is only one. It is like being a little bit pregnant, I suppose.

Mrs. MARTIN of Illinois. The gentleman may not know as much about that as I do.

Mr. KINDNESS. I defer to the expertise of the gentlewoman from Illinois in that respect.

But I do wish that the gentleman from Pennsylvania might be yielded to in order that he might clarify the point that when he was speaking of "we" being involved, we are really talking about a rather small group, a minority of the House of Representatives being involved at the core of this corruption.

Mrs. MARTIN of Illinois. I would be happy to yield.

Mr. WALKER. I thank the gentlelady for yielding. I think we need to define our terms here a little bit. I guess I was using the royal "we." Since this place is an autocracy at this point, the royal "we" seems suitable.

But I would say to the gentleman that you have to define it in a couple of ways. There are a majority of Members of Congress who have voted to allow this process to go forward. The gentleman from Ohio, the gentlelady from Illinois, and the rest of us here are not a part of the majority who has cast our votes that way, but they have to be held responsible for the fact that their vote is what has brought about this situation.

Thank goodness, on our side of the argument throughout most of this, there has been a bipartisan coalition on our side of the argument. There has not been a majority coalition. The only bipartisan consensus that has existed on this matter is our side of the argument. There have been both Democrats and Republicans who have supported our point of view, albeit a small group of Democrats.

The problem, as the gentleman puts it, is inside the vote that brought about that majority that, in fact, raped the process, you have a very small leadership group that is foisting this kind of power upon the House of Representatives. They are the group making these kinds of decisions, the internal group, and some of them have been mentioned out here in the course of the evening. It has been the majority leader, it has been the chairman of the Democratic Congressional Committee, and a few others who are the ones who are making the decisions that are in this direction of autocracy and dictatorship. They are the ones who have fundamentally made the decision to move ahead, despite the wishes of the people of Indiana, to take this seat for their friend, Frank McCloskey. That, in fact, is the problem. That is a very small group, even within the majority.

One of the things that concerns me, I must say to the gentleman from Ohio, is the fact that time after time when given a chance on this floor, the majority party has, in fact, ratified the decisions of those leaders rather than reject the leadership which is taking them in the wrong direction.

Mr. KINDNESS. Would the gentlewoman yield on that point?

Mrs. MARTIN of Illinois. I would be happy to yield.

Mr. KINDNESS. I would say that the gentleman from Pennsylvania has correctly described the situation. But I am wondering whether things have been too comfortable for those on the other side of the aisle who have been willing to cast their vote to support this ungodly thrust by their leadership, whether things have been so comfortable that they ought to be made uncomfortable, not only the light of attention publicly, but the scorn of the American public ought to be somehow focused upon this deed that is being carried out to the detriment of the people of the Eighth District of Indiana and to the detriment of everyone who votes or cares to vote in the future of our country.

Mrs. MARTIN of Illinois. The gentleman is right.

What I must add here is we have a difficult problem, because people are used to elections being stolen, so they say, aha, all this is is business as usual. One of the purposes for people being here is trying to show, in small ways granted, this is beyond that. This has moved beyond simple larceny, if you will. We have gone into now major criminal felonies that are crimes against the State itself. It is not simply who got what votes and how they managed to win 2 to 1 to get that vote, but that by doing so, this election has again really made obvious to those of us who have to work within this body the increasing autonomy and autocracy and almost czaristic tendencies of the majority party. That is dangerous for Democrats in America as well as Republicans.

Mr. WALKER. Would the gentlelady yield?

Mrs. MARTIN of Illinois. I yield to the gentleman.

Mr. WALKER. I thank the gentlelady for yielding.

I think the gentleman from Ohio may be one who, amongst those of us on the floor this evening, would be the one best qualified to comment on the kind of things that were said at the time of Watergate. I think the gentleman served on the committee of jurisdiction at that point. As I recall, the exact kind of words used by the gentlelady a moment ago were used at that time, words about crimes against the state, political crimes against the state, and arrogance of power had led to crimes against the state.

The fact is that that is precisely what we are dealing with in this instance. It goes far beyond the individual instance of the matter at hand, just as Watergate far transcended the burglars who showed at Democratic headquarters. What we have building here is a massive arrogance of power that has led people to engage in activities that can only be seen as crimes against the Constitution and, thus, crimes against the state.

It seems to me that we need to begin to focus on this matter as being in that league of seriousness. As I say, the gentleman from Ohio, having had some experience with that issue, it seems to me, might reflect upon the applicability of this particular issue as well.

Mrs. MARTIN of Illinois. He will be.

But first, I would like to yield to the gentleman from Wisconsin.

Mr. ROTH. I thank the gentlelady for yielding.

I have been waiting here some time, but that only stands to reason because we have some 15 Members here on the floor waiting to speak on this issue. I want to congratulate the gentlelady for helping. I also want to thank the people who organized this educational program today so that the American people know what is going on on the floor of Congress.

I don't think it is anything new to us here on the floor what is taking place, as far as arrogance of power is concerned. I mean, we have 182 Members in this House, the majority party has 252, and they have ruled this House since 1954, and never has there been equality in this House because they have always had the upper hand and they have always had the votes.

But I think something is taking place that goes even beyond the Eighth District of Indiana, and that is that the people on our side of the aisle, for a change, are saying no, we are not going to take it anymore. I think that that is a healthy sign, not only for this body, but for our democratic institutions and for this House.

So I want to congratulate the people who had the initiative, the gumption, to get up and go and to say, no, we are not going to take it anymore, we are going to speak out. I think that is a healthy trend.

You know, Mao-tse-Tung said that power goes out of a barrel of a gun. That may be true for China, but in this country we have always felt that power grows out of the precincts. Once we lose that, we are going to lose our democratic institutions and our democratic government. So what we are going to have to do is redouble our efforts in our precincts and work even harder so that we can make our voices heard.

Spinoza, the great philosopher, said that decline of power is never pretty. I think we can see that now with what is taking place on the other side of the aisle.

So I want to congratulate you and all the others who have worked to make this issue not only an issue that we have been aware of here in the House, but an issue that the entire

country should know and has to hear about.

Mrs. MARTIN of Illinois. I thank the gentleman from Wisconsin. Certainly, I must say generally I am not discussing Spinoza at 6:15, and it, quite frankly, is rather wonderful.

You made a point—and you know this—not for me, but for others, this does take courage. For anyone listening, there can be retaliation. I suspect some of us will have the Democratic Campaign Committee more excessively in our districts with some of the stranger stories of all times. So you take that risk. Suddenly bills don't move through committee. Suddenly you can't get appointments. So, for years, as a minority, we said we really have to get along. They don't have to, we do. What you are saying is absolutely right.

□ 0620

Mr. ROTH. I somewhat hesitate to interrupt your very eloquent remarks, but I just want to make this point.

When I came to the House here, everyone—and you were told the same thing—Sam Rayburn is revered by Democrats and Republicans alike. I was told, like you were told, to "get along, go along."

I want to say something to the people that started this, COS, the COS group. We have had one import in this country that has been important, and that is a little steel in our backbone. I think that is what COS gave this body, especially people on our side of the aisle, a little backbone. We are no longer going to sit back and let people come to us. As well-meaning as they are, people who have been around here a long time, they do not speak out, to "get along, go along." There are some people in this body who are not here today that have said, "No, we are not going to go along any more. It is not good for us; it is not good for the country; it is not good for this institution; and thanks be to God, we have got them." That is why I am working here in this body and why I go into all these precincts other than my own, because we need more Republicans like that, so that we can again have a two-party system.

We have not had a two-party system in this House since 1954, although we have been led to believe we have. But we have not had a two-party system because the Speaker, every single Speaker since 1954, has been from one party. And we know what a Speaker can do. He sets the calendar.

Well, if you can set the calendar, you can run this House. Every single chairman has been from that side of the aisle, has been Democrat. Every single subcommittee chairman has been Democrat. We have just been here saying "yes." We have just been water carriers.

I want to again say this to the people of this country, that there is a group like COS that has had the nerve, has had the intestinal fortitude, to say "No, we are not going to take it any more." My hat is off to them.

Mrs. MARTIN from Illinois. As the gentleman from Wisconsin so appropriately points out, it might be wise to add for the people, too, that under this Democratic reign we now have 42,000 subcommittee chairmen, at incredible cost. There is not question—no one has ever suggested that the legislation is any better than it was 20 or 30 years ago. But the taxpayers get to pay more for it, because to pay off for some of these votes, in effect, you make subcommittee chairmen.

The Democratic Party was able to say in the seventies that they reformed, and actually people started to believe that, except if you look at what this "reform" means. I must say that objective, historic perspective, people working from empirical evidence, also suggest that the speakership has regrettably become more and more partisan, so that instead of a Speaker of the House, we are seeing the errors and the continuing diminution of that to the Speaker of the Democratic Party. And I like the Speaker. He and I share kind of the way we were raised, ethnic background, and I hope—he's in bed sleeping right now, and that is fine, too. But I hope that he understands what is happening, that decent people, not bomb throwers, not firebrands, people that don't have tempers, legislative temperaments, have had it. Enough, enough.

Treat us the way we are asking for the people in El Salvador and Nicaragua. Does not that seem funny, that in the House of Representatives we have to ask that from the majority party? We have got to stop. We have got to demand it for the people we serve.

The gentleman from Minnesota.

Mr. WEBER. I thank the gentlelady for yielding.

I think the gentlelady raises an important point. You know, is it not interesting, that the Speaker is going to retire this year, and so this session of Congress, probably more than any other, is going to write the legacy that Speaker O'NEILL will leave behind him.

Already we have some bad indications of what that legacy might be, simply because—and I don't blame this entirely on the Speaker—but the fact is, according to every public opinion survey taken, the reputation of the Congress as an institution is at its lowest point in all of history. We can argue about why that may be.

I think it has a lot to do with the functioning of the House of Representatives. I think it has a lot to do with people's perception that this House is no longer receptive to the will of the people on a whole range of issues.

But would it not be tragic for this man, who has put so much of his life into the House of Representatives, if really the sort of cap of his career as he got ready to retire and go off to be Ambassador to Ireland or whatever he is going to do, was marked by this massive, massive rebellion of the minority party because of a blatant violation of the Constitution. That would write really a dark history of this speakership of the Speaker and who the gentlelady holds in such regard.

Mrs. MARTIN of Illinois. I think what the gentleman from Minnesota is saying, "Oh, we do not want this." You look at the bipartisan mission to the Soviet Union, with the Republican leader, ROBERT MICHEL, and the Speaker of the House, THOMAS O'NEILL, and that is what you want, that kind of working together for America. So what we have now, and what you are saying, is do not let his history be written as the revolt for freedom on the other side. Have his heritage and his history be written at a time that the House started on a path and he corrected it, so that the freedoms of the minority and the majority were both recognized.

The gentleman from California.

Mr. DORNAN of California. Yes. I want to thank the gentlelady for yielding.

I want to go out on a limb and make a prediction here.

Mrs. MARTIN of Illinois. Oh, no.

Mr. WEBER. The gentlelady warned us against firebranding.

Mr. DORNAN of California. The same blood courses through my veins as courses through the veins of the great Speaker of this wonderful deliberative body. I do not think he wants to return, after 32 years of service to his country, and run in the Boston Marathon, and have little Irish children screaming from the sidelines, "Is the race fixed, Tip?" He doesn't want that. This great American does not want to go down to New York and walk along that beautiful Fifth Avenue with the center divided line painted green for St. Patrick's Day, and pass St. Patrick's Cathedral where I was baptized, and have the Gay Rights Task Force standing on the steps of St. Patrick's saying, "Atta Boy, Tipper. You got your gold watch." The gold watch, of course, referring to the Wall Street Journal article of yesterday, saying that instead of getting a gold watch, someone is going to bring him the head of Rick McIntrye and say he will not be seated during your last 2 years, Mr. O'NEILL.

Now, there is a great event in Indiana that I went to on my honeymoon 30 years ago. There was a Californian actually from TONY COELHO's district, the gentleman from the central part

of the San Joaquin Valley in California, the great racer, Bill Vukovich, had won the Indianapolis motor speedway race in 1953 and 1954 and he was going for the triple crown in 1955. I had been married a few weeks. I took my bride up there to Indianapolis. Dinah Shore sang "Way Back Home in Indiana."

Now, it is truly "goose pimple" time when one of the great owners of "The Brickyard," the Indianapolis Speedway, says—and if the lady will forgive the chauvenist challenge I am about to repeat; some day it will be changed—he says, "Gentlemen, start your engines." It is goosepimple time. There are 33 cars lined up, and there are supposed to be 33 Members on the Republican side of this aisle, in this freshman class. We will never be satisfied with 32.

But when those 33 cars are lined up and that challenging voice rings out, "Gentlemen, start your engines," is it not possible that next month there should be a little epilogue to that challenge, and it should go something like this:

> Gentlemen, start your engines; but if you happen to cross the finish line first, do not think you have won the race, because the majority party in the House of Representatives may send a task force to Indianapolis to retime all of the pit stops and decide really if you finished second in this race.

We don't want that in the great State of Indiana. We don't want anybody singing "Way Back Home in Indiana" where the House of Representatives rides roughshod over the rules of that fine State, telling their Governor to get lost when he asks to appear before this task force in the House Administration Committee, to merely suggest to them that the process was decent and honorable in that great State's recount. No.

We have poisoned the well of this House, and I appeal to a gentleman who has served his country so well over three decades to take a look in the mirror this morning. I have a feeling in my bones that he is up. He has got C-SPAN on. He is watching what is taking place here. I ask you, Mr. Speaker, let justice be done. Seat Rick McIntyre.

I caught you looking down at Rick the day we were all sworn in. He was sitting in the middle of the fourth row back here. He was seated while the rest of us were raising our hands as you swore us in, to protect the Constitution of the United States. I caught you looking at him. A more decent looking young man or woman has never had the honor of winning an election to this House. Don't send him and his young beautiful wife back to Indiana to have to do it all over again for a year and a half.

You know this is a Republican seat. This seat has changed five times since the tragedy of Watergate. It changed in 1974, again in 1976, and then a colleague I had the honor of serving with, Joel Deckert, won in 1978, when fresh blood was injected into this House. These walls still reverberate with the great oratory of the class of 1978.

When I came here and spoke in this well on August 22, which is when we started making our case for justice here last night, I was told that I was impudent for speaking so soon. I said, "Lenin's birthday wasn't early enough, August 22, to make my maiden speech?"

But within 2 years, when the class of 1978 hit here, I remember the distinguished gentleman from California, BILL DANNEMEYER, taking this well within 5 minutes after he was sworn in to make a case about the disparity of balance on the committees in this House, and he has made a compelling case for 8 years ever since. No, that class of 1978 came in here, and Joel served 4 years honorable. And then, during the end of this election, the election period of 1980, he was 60 percentage points ahead in the polls. In driving home from the relaxation of a card game, he fell asleep at the wheel of his car—he was alone—and crashed his automobile.

Because he told the truth—and this is what hurts—that he had a couple of rum and cokes—if he had lied, nothing would have happened to him; he would have probably held that seat. But he told the truth. He went from 60 percent down to a close loss, 48 or 49 percent, and Mr. McCloskey took over his seat.

Mr. McCloskey knew he was serving in a Republican seat. He worked hard to hang on to it, and he didn't make it. Now the seat went back to its Republican column where it has switched back and forth since the tragedy of Watergate, and because I understand—if I am wrong, the gentleman from California [Mr. COELHO] can correct me—but I understand his wife comes from this district, that the great majority party max'd out and put the maximum amount of money, $25,000 or more, into the seat. Mr. COELHO himself went out to that district, appeared at campaign gatherings and spoke—in other words, he felt a visceral feeling that he has a piece of the action out there. And because of that, when they looked at Mr. MacMillan's seat in North Carolina, and then looked at this contest in Indiana, and went back and forth deciding where they could do some interesting work in challenging an election, because of the Coelho interest in the seat, they chose the seat of Mr. COELHO's wife to work their mischief.

I think that it is about time that the leadership on the other side stepped back, look at the brandnew editorial that I see they have been reading up at the Speaker's Chair all this morning, and take the advice possibly of the Washington Post.

I am going to back up from my position of about 3 hours ago because it was the darkest part of the night and reconsider that I said possibly we should call for a reelection. I don't know if I am ready to ask the voters of Indiana and the whole country to pay for another election. But something has to be done here to unpoison this well and to return some decency to this House.

I yield back the time because I see the gentleman from Minnesota is on his feet.

Mrs. MARTIN of Illinois. Just one moment. And we thank the gentleman from California. I think he is absolutely right, that after 32 years' of service, the Speaker should not be remembered as someone who destroyed the rights of the minority, although thinking about the Speaker and the Boston Marathon, is a bit more than I can manage, even if he comes down in the right way on this one.

The gentleman from California.

Mr. HUNTER. I thank the gentlelady for yielding.

I think the point that has been made time after time over the last 12 hours or so by all of our colleagues who have been engaged in this marathon, is that what happened in Indiana was basically unfair and it was a situation in which the majority party did something in a political way that should have been done in a very bipartisan way.

You know, that last meeting in which Mr. PANETTA and Mr. THOMAS took different sides of the issue on whether or not they should count the last 29 absentee ballots, after the absentee ballots had been counted to that point, to give Mr. McCloskey a four-point edge, and at that point the Democrat majority changed their strategy and said "Here, although we have done something other than Indiana law up to this point, we are going to go along with it because our guy is ahead." I think at that point the Nation and this party decided that they had been dealt with in a very political manner and a very unfair manner.

I think it is appropriate that the gentleman, Mr. DORNAN from California, should be here making this point and talking about it, because here is a gentleman who has been the subject of a political fight. We all acknowledge that politics is very much a part of this House, in gerrymandering and reapportionment. Politics is the dominant issue and is what essentially evaporated the gentleman's district up in North Hollywood. He didn't complain about it. He said gerrymandering is part of this United States.

But when you are talking about counting votes—and we are counting

votes in Indiana—politics has no place there. That is what we have been complaining about and that is what we have been talking about for the last 12 hours, the fact that the Democrat majority ran roughshod over not only the Republican Party but over the State of Indiana and over those people who voted for Rick McIntyre.

Let me just sum up by saying that they had counted nonnotarized absentee ballots. These are ballots with people's names on them. They are ballots that have people's addresses on them. They are ballots that can be readily identified with living, breathing voters in Indiana. They counted those ballots up until they came to the last 29 ballots, that were well secured—the clerks of the court said they had kept those ballots under security, nobody had bothered them, nobody had messed with them. But they came from Mr. McIntyre's counties. They came from the counties in which he was strong, including his home county. When they got Mr. McCloskey four points ahead, they stopped counting.

The Democrats ask, "Why are you so outraged at this?" I think the gentleman and the gentlelady have brought up in their arguments the implicit theme that comity, respect for the minority, respect for the process, for the democratic process, is what this country is all about. It is what this House is all about. That respect was absolutely absent. There was no respect from the Democrat Party for the democratic process, the people of Indiana, or the Republican Party.

Mr. McIntyre won that election. He was certified twice to be the winner, once by 34 votes and once by over 400 votes. And now, after having a 2-to-1 majority on this team, they have worked the thing and turned it every which way but loose, and they have finally gotten a 4-vote lead without counting the last 29 votes.

We want to see those last 29 votes counted. I think that is the feeling of most people on this side of the the asile, and perhaps a lot of the people over on this side of the aisle. But I hope the Speaker of the House will reconsider his position.

I want to thank everybody who came out here and left their families. Many people stayed up all night discussing this issue, taking valuable time away from their homes and from other issues and other items that were very important to them. I think it perhaps is one of the most important things that we will talk about this year, and I hope that the majority reconsiders before they make an attempt to seat the guy who did not get 50 percent of the vote in that election in Indiana.

I thank the gentlelady for yielding.

Mrs. MARTIN of Illinois. The gentleman from Minnesota. I thank the gentleman form California.

Mr. WEBER. I thank the gentlelady form Illinois for yielding.

Something struck me as the gentleman from California was talking, because indeed, the gentleman in the well, Mr. DORNAN, was victimized by a process that many of us consider to be very unfair, that being to gerrymander congressional districts in the State of California after the last census.

We raised a great many questions about that and objected to it and tried to change it.

But the interesting point, as unfair as that was—and I think commentators across the political spectrum were critical of the gerrymandering of congressional districts in the State of California—as blatant as that abuse of power by the Democratic legislature was, the Congress never came in and changed the district lines in the State of California. Those lines remain in place today, even after most fairminded observers have said that they are unfair, that they are gerrymandered to the benefit of one political party. In fact, the author of that plan, the late Mr. Burton, who was a Member of this body, was fairly candid in joking with the press about how he had drawn the lines to the benefit of his friends and relatives and other people. But this Congress never came in and overruled that plan and imposed a set of boundaries in the State of California because they respected the basic principle that the Constitution sets forth, which is that the States guarantee these matters.

And yet, in that district in Indiana, the Eighth Congressional District of Indiana, we have thrown out all of this precedent, we have thrown out the Constitution, and we have thrown out 29 ballots, as the gentleman from California points out, that truly decide this race, and decided in this one instance we're just going to wipe out all of the precedent and all of the law and all of the history that decides how we should judge the membership of this House. We are just going to impose somebody.

That is why what we are discussing here is truly a historic issue. It is not just an issue of who is seated. After all, the point that should be made is that this seat is not going to determine the control of the House of Representatives. This seat is not even going to change the ratios in the committees, which are unfair to begin with. This is basically a question of constitutional principle, of the honor of the House of Representatives, of our capability to stand up and defend our oath of office to uphold and defend the Constitution. That is what is genuinely at issue here, I think.

I thank the gentlelady for yielding.

Mr. DORNAN of California. Will the gentlelady yield for one more second?

Mrs. MARTIN of Illinois. Yes.

Mr. DORNAN of California. Although the importance of the constitutional aspect cannot be overemphasized, I believe there will be some votes coming up in the remainder of this 99th Congress that may be decided by one or two votes.

Now, you may not see that reflected on the front pages of the morning papers, because when a vote gets very close around here, sometimes Members, in their own knowledge of their district, will begin to "jump ship" on both sides of the aisle and start changing their votes and saying to their various whips "I was with you, but now I have to exercise my political judgment for the election coming up in 1986." You will see a reshuffling of votes and a disparity of five or six or seven that may develop.

But many times we have seen on this House floor, when all the people are seeing across America on C-SPAN, or even our staff in our offices looking at our closed-circuit television, will only hear the lovely classical Chamber music and just see the screen with the numbers dancing for a few moments, we will see down here on the House floor, that some Members occasionally in frustration will yell out "regular order, regular order." Some of the majority people are asking for commitments from some of their people, and a few votes will change. We will see that 1 or 2 votes will make the difference and it will be reflected in the morning paper as 8 or 10 votes. I believe that when the Michel-Broomfield amendment comes up, our third opportunity to vote for some financial assistance to the democratic resistance forces in Nicaragua, that that third vote is so close to call right now that nobody is making predictions on the other side. Those people have got a little bit burned making predictions on the Peacekeeper missile certainly aren't saying anything. Nobody knows how that third vote is going to go.

It is quite possible that if Mr. McIntyre is not seated—because he has already expressed an opinion about whether or not we should assist the resistance forces—it is possible that we could cutoff a fighting force in the field, in Nicaragua, vis-a-vis its pro-Communist Government in Managua, could be so embolden that they would unleash their Soviet Hind helicopters with Cuban air crews to just tear up the freedom-fighters in the recently cleared, so-called free fire zones of the north. One vote can turn a lot of history in this House.

So with all due respect to the constitutional arguments, which we were making powerfully here while you were nurturing your bodily energies and catching some well-deserved rest, which some of us have not had an opportunity to do—while we were making that constitutional case for

you so strongly, and as much as we appreciate you coming in and powerfully with your constitutional knowledge crossing our T's and dotting our constitutional I's, never forget that in 1940, by one vote, we reinstituted the draft in this House.

Do not forget that 19 of our Members were unfortunately caught in the air, in blizzards, in their districts visiting with their constituents, on that day last month when, by one vote, we fell short of seating Mr. Rick McIntyre.

I will gladly yield back the time to the gentlelady from Illinois.

Mrs. MARTIN of Illinois. I thank the gentleman from California. The sleep that is so necessary for normal human beings is unneeded by this spectacular gentleman from California. He just gets better as the evening wears on.

When the gentleman was speaking about Nicaragua, I still have to come back to—I mean, we are asking to be treated for the same things we are asking for the people of Nicaragua and El Salvador. We are asking in our own Nation that a majority doesn't override a minority when the majority is wrong.

I find it fascinating that the same people on one side of the majority side who argue about the rights for minorities, for women, for blacks, for Hispanic Americans, will ignore the rights of another minority to which women, blacks, and Hispanic Americans belong, and that is the Republican Party.

I just want to keep coming back to that, that this is not just a question of today's vote or tomorrow's vote. This has the effect, and can have the effect, of literally ungluing the necessary adhesive that holds this House together.

The Democratic Party can pass everything without it, but they really shouldn't want to, because that is not the way to run a Government and that is ultimately not the responsibility they must have. Ultimately, that is not what the Speaker should be the leader of, not a rebellion, but a disintegration of the idea of Government that works together. So I feel so strongly about this that the fact there are now 20 of us here, this is going to continue, and it is going to continue tomorrow and the next day and the next day and next day and the next day, because these feelings aren't going to end. These feelings aren't going to end.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

ORDER OF BUSINESS

Mr. KINDNESS. Mr. Speaker, I ask unanimous consent to take my special order out of order at this time.

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

There was no objection.

THE INDIANA ELECTION DISPUTE

The SPEAKER pro tempore. Without objection, the gentleman from Ohio may proceed and is recognized for 60 minutes. The gentleman from Ohio [Mr. KINDNESS].

Mr. KINDNESS. Mr. Speaker, no person who serves in the House of Representatives can avoid feeling from time to time emotions in the consideration of issues that come before this body. We all have to admit to our human frailties, our feelings that involve human emotions influencing our judgments on some pretty important matters. Sometimes the more important the matter, the more emotion involved.

The time for reason has ended. The time for emotion is here. Anger at the injustice that is sought to be perpetrated on the people of the United States by the task force and the following of the recommendation of the task force by the House Democrats is uncalled for, unjustified, and history will brand as thieves and scoundrels those who support the effort to corrupt our Constitution.

So what? Some will justify what they do on the basis of some kind of logic. Some emotion. Put it all together and there is no way that you can justify corrupting our Constitution. Anger rises within all of us at times. Some are considered infrequent speakers on this floor. The gentleman from Wyoming [Mr. CHENEY] in the beginning of the special orders last night, indicated it is not his practice, as it is not mine, to request special order time. He very seldom requests the opportunity to speak for 1 minute out of turn at the beginning of our sessions, as I very infrequently do, too.

□ 0650

But there are a bunch of us who are very much outraged by what is sought to be perpetrated upon this House. It is time for rebellion. There are thoughts that run through my mind like how to being the attention of the American people sufficiently to this subject that they will provide the necessary pressure upon Democratic Members of this House of Representatives to do what is just and what is right, rather than to do what is politically convenient.

I feel sympathy, pity, for those who are involved in this travesty. The Speaker of this House has been mentioned, and some are inclined to pity his situation. Nearing retirement, this blot is about to occur on his long record of service to the United States and to his State of Massachusetts.

The gentleman from California [Mr. COELHO] has been mentioned, the chairman of the House Democratic Campaign Committee, and I have not heard anyone express sympathy or pity up to now and, indeed, I pity him.

All of the leadership on the Democratic side has to be pitied, the political staff of the Speaker in the Democratic House Campaign Committee, and of other Democratic leadership offices. I pity them.

Even more, I pity the Democrats who have gone along with this travesty through lack of attention or partisan loyalty or misunderstanding as to the false information that has been provided to them and to all of the foregoing. But perhaps most of all, as was mentioned last night, I pity the gentleman from California who has headed the task force of the House Administration Committee. His standing and reputation among his fellow legislators crossed party lines. I cosponsored legislation that he has authored or sponsored. I had some confidence in his integrity and ability to fairly conduct the functioning of that task force.

Today I stand here bared of all that trust and innocence. I have lost any trust. All of us, I think, have lost any trust, no matter who the person might have been and how great the integrity that person may have had or the respect that person may have enjoyed.

What has happened in the conduct of the examination of this election in the Eighth Congressional District of Indiana by the task force from the Committee on House Administration has stripped us of all trust, and in the process, there is a loss of respect. I pity him.

Who believed the lies? Who believed the process was going to run fairly? I am afraid cynicism infected most of us from the beginning, and in the beginning I felt OK with cynicism in heart and cynicism in mind. Perhaps the best that the Democrats could hope for would be to get a special election in the Eighth District of Indiana. Well, maybe that is what could happen, but I hear people on our side of the aisle now saying maybe we ought to have a special election; it cannot be called any other way. Yes, it was a close election no matter how you slice it, and there is one winner in every election and the difference in the votes counted under the law of the State of Indiana is all that should matter in the seating of someone who is to represent the Eighth Congressional District of Indiana, as long as that law was complied with.

No. The task force had to undertake to make its own law. That is something close to anarchy. When the Democrats in control of the House of Representatives seek to assert and to act in an anarchistic manner, that in-

vites anarchy, that invites rebellion, that invites every kind of opposition to everything that might happen in this House of Representatives. Some of us feel rather strongly about that.

The invitation has come clearly, the gauntlet has been thrown down on January 3, 1985, when Rick McIntyre was not seated upon the certification of the secretary of state of the State of Indiana. The gauntlet has been there on the table ever since. The challenge has become stronger and more corrupting. It is time to accept the challenge of rebellion in an orderly manner, perhaps, with the respect that is due to this House of Representatives institution which has been corrupted, but if we are to correct that corruption, perhaps we must take very strong action.

I would yield to the gentleman from Ohio [Mr. DEWINE].

Mr. DeWINE. I thank the gentleman for yielding.

I thank my colleague from Ohio and the rest of the Members who have been here all night. I was one who got a little sleep and appreciate that very much, but I appreciate what they have been doing all night, what the Members of the House have been doing.

The gentleman from Ohio was talking about the application of Indiana law. I have been thinking about this and been thinking about it, I guess, more intensely the last 24 to 48 hours. I have been trying to summarize in my own mind what this really means.

What it means to me when you really study the facts is that in any close election, any close election, 300, 400, 500 votes, maybe 1,000 votes, that whoever writes the rules can decide who wins the election. I think that is very evident and very clear, particularly when you write the rules after the fact, after the ballots have been cast.

What happened in this case, and my colleagues have been outlining very, very eloquently, my colleague from California started last night and gave us what the basic facts were, but if you try to summarize, and I am not as familiar with the facts, of course, as my colleague on the task force was, but the basic facts are these: that the application of Indiana law was made by the Indiana officials and Rick McIntyre won.

The application of law was again made, and Rick McIntyre won. The law was applied once more loosely, once more strictly, and he won both times.

What did our colleagues on the other side of the aisle do then? They then went in with a special task force on a partisan vote, a task force that was not constituted like our Ethics Committee is, on an even split between Republicans and Democrats. That is not how they did it. They set up a special task force with a 2-to-1 Democratic majority.

That should have been some tipoff to all of us at the beginning. We should have had some idea what was coming. Maybe some of us were naive. Maybe some of us still thought that there was some amount of fairness left in the majority that has ruled this House since I was 7 years old. The arrogance of power is very, very clear.

But what did they do? They wrote their own rules and they wrote them after the fact and they disregarded Indiana law. What they really said was, those election officials in Indiana have no business deciding how their law is applied; that Indiana as a sovereign State has no business deciding the qualifications of its electors or the qualification of those who it sends to Congress.

So they went back and rewrote the law. So they have this whole set. We have it here. I am sure it has been referred to during the night and early this morning, the whole set of rules that they wrote. They went back and applied those rules, and then they found that even by applying those rules, they still were not guaranteed of winning and they went through and they got down and they had a 4-vote margin, 4-vote margin, with 29 votes to go.

At that point, they decided again to bend or change the rules, or at least the application of those rules. Ballots that had been in a similar situation, in a similar security situation, merely because of one very, very small difference, a distinction without a difference, they did not count them and did not want to take the chance of going ahead.

Mr. KINDNESS. Would the gentleman yield back on that point?

Mr. DeWINE. I would be more than happy to yield back to my colleague from Ohio.

Mr. KINDNESS. I thank the gentleman.

In fact, those ballots not counted were in one place the whole time, were they not, and they were indeed more secure than the ballots that were counted which had gone out to the precincts and then back in to the clerk's office.

Mr. DEWINE. That is absolutely my understanding of the facts, and it is further my understanding that there were affidavits filed by the county election officials which really no one was contesting, no one says the affidavits are not right, no one is claiming that the security was not there.

So you have a situation that is identical and yet our colleagues again, not being satisfied just to not apply Indiana law, but then they setup their own rules, and then not being absolutely sure that they were going to win under their new rules, then had to change those rules.

We talk about the arrogance of power. That is the only term I can think of. When you are in power for years and years and years, there is a corrupting influence apparently with that power and you take things for granted, and you ride roughshod over the opposition.

Do they need this seat? They do not need this seat. My colleague from California [Mr. DORNAN] has pointed out that we are going to have a close vote today. Votes do count. We have seen them decided just in this Congress by one or two votes, so yes, this seat is important, it is important that Rick McIntyre be here. But it goes beyond partisan politics. It goes beyond whether or not the Republicans have one more seat and the Democrats have one less seat. They run the House. They control things. They set the agenda. They tell us when bills are coming up. They have every committee chairmanship in this House. They have every subcommittee chairmanship. They decide if bills come out.

We had a special order last year about school prayer. Do they bring that out? Do they let us, the people's representatives, vote on that? No, they do not bring that out.

It is an arrogance of power, and it is the utter disregard for this institution that causes them to act that way. It is just absolutely, absolutely unbelievable.

Mr. KINDNESS. I want to thank the gentleman from Ohio for his analysis and his comments and his contribution to this discussion. It is very important, I think, for us to bear in mind that what we are dealing with is a very arrogant use of power which historically always has invited rebellion.

Mr. SMITH of New Hampshire. Mr. Speaker, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from New Hampshire.

Mr. SMITH of New Hampshire. I thank the gentleman for yielding.

Mr. Speaker, in the comments of my colleague also from Ohio, we almost have an instant replay here of this. We do have an instant replay of this election. We had a vote, we had a recount, replayed it, and in both instances Mr. McIntyre was the winner. Now we have a third party, a third instant replay, if you will. We have changed the cameramen, we have changed the angles of the camera, and we have changed the referrees.

Mr. KINDNESS. Do not forget the program director.

Mr. SMITH of New Hampshire. And the program director as well. That is correct.

There is one point that I believe the America people, though, are going to judge us on. It is not a football game. It is not a baseball game. It is the Constitution of the United States of America.

There are times in this body, and we were all subject to it on both sides of

the aisle, when we become, if you will, the victims of the whip in the sense that we need to respond to the party leadership on key issues and we try to do that. But this is not a whip issue, and I would like to share a couple of thoughts with my colleagues on the Democrat side.

The Constitution is not, should not, should never be a party line vote, ever, and that is what you are making it, because not one of you had the courage to break ranks on the first couple of votes that we had on the seating of Rick McIntyre, although to their credit four or five have done so since. But the Constitution is not a party-line vote.

I think earlier in the evening, listening to my colleague, BILL THOMAS, who has suffered through the frustration that some of us have not had the opportunity to do, of watching this hypocrisy take place, made a very impassioned statement, and I think it was one of the best things that I have heard on the subject since I have been here. He used the analogy of the number of individuals who have sat up in that chair. Just in the 3 months that I have been here, I have seen it, individuals who are much junior to many of us are here, Members like our leader, BOB MICHEL, who have been here for some 20-odd years, never had the opportunity to even share in that simple pleasure, if you will, of being there and sitting in that chair, not for 5 minutes.

That is arrogance of power. It really is arrogance of power. We are messing with the Constitution of the United State of America and I think that the American people know that. I think when you take all of the rhetoric away, and I know it is difficult and there are people out there watching now who are trying to figure out what in the world is going on here; we have Republicans saying they won the seat; we have Democrats saying they won the seat.

The position is so obvious. Anyone can change the rules of a game and win the game, in the middle of the game. If a person comes up to bat and hits a line drive to right field and it is a base hit in the first inning, and in the fifth inning he hits a line drive to right field and the ball is picked up and thrown to second and the umpire says "Home run," it is pretty easy to determine who is going to win the game.

That is the issue here. That is the issue. It is arrogance of power. It is disrespect for the Constitution. I taught the Constitution for 6 years. I am not an attorney. I am a businessman and a former schoolteacher, and I was taught to respect that document by my family. My father died in the service of his country, and I was taught that he died for something.

If you do not stand for something, you stand for nothing. If you do not stand for something, you stand for nothing, and that is exactly where we are at in this particular argument. We should stand for something. We should strip aside the party arguments. We should strip aside all of that and we should say the fact is very clear. We have changed the rules in this recount so that one party could change the result, and that is what has happened here.

I ask the American people to judge those who have done that. Somebody made a statement earlier, Mr. COELHO will probably take it upon himself now to come after some of those who have been here all night doing this special order, and I say, "Come on."

Mr. KINDNESS. I thank the gentleman for his contribution. I think there are a few of us who would like to find TONY COELHO in our districts.

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

Mr. KINDNESS. I yield to the gentleman from Florida.

Mr. SHAW. I thank the gentleman for yielding.

Mr. Speaker, I also would like to compliment those who have spent the night here, joined by some of us as early as 4:30 and 5:30 this morning. I think that certainly underscores the importance of what we are doing and the reason that we are doing it.

The expression has been used by the three previous speakers as to the arrogance of power. I think we ought to also talk about the corruption of power. There is no question but that this was a conspiracy, in my opinion, that originated when the vote started. They tried to figure out how they were going to make it come out the way it did, and that is exactly what they have come up with.

I think it is going to be very interesting if this does make its way into court as a deposition as to what backroom conversations did transpire.

The Government's business should be done under the eyes of the American people. We have a law in the State of Florida called the sunshine law. I will tell you this: In my opinion, if the sunshine law and the principles of the sunshine law were adhered to, this deal would never have been cut. I say it was a deal, and that is exactly what it was, and it was done by certain members of the leadership of the majority party of this House. I think it is quite disgraceful.

We have talked this morning about what the Constitution says, and I think it would be appropriate at this time to read a couple of excerpts that will just take a minute.

Article I. The framers of the Constitution put this into article I, because that is where the importance lies. It says:

> The House of Representatives shall be composed of members chosen every second year by the people of the several States.

It then goes on further down and says:

> When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancy.

The only writs of election that I know of that have come out of Indiana have said that Rick McIntyre is the winner. Now, the House is proceeding under section 5 of the same article, which says:

> Each House shall judge the election returns and the qualification of its own members.

It does not, however, say that the House of Representatives shall certify the winner, and there is nowhere in the Constitution where that is said. It simply gives to the House of Representatives a sacred trust, and that is to figure out the qualifications of its own Members, and in doing so, judge the elections.

I quite frankly do not know under what authority the majority party could possibly seat their candidate. It just does not exist within the Constitution itself.

I am also not totally convinced that the majority party is going to have the necessary votes in order to pull this off. I think there are some very good Members over there who are going to be searching their own consciences and are going to put the Constitutions before party politics. I think any Member who puts either the Democrat or the Republican Party ahead of the future of this country and the Constitution is not fit to sit in this body.

I would certainly hope that the majority of these Members would certainly requalify themselves by adhering to the results as certified by the State of Indiana and seat Rick McIntyre.

Mr. KINDNESS. I thank the gentleman from Florida for his contribution to this discussion and would indicate that I agree. I believe that there are going to be more of the Members of the House on the Democratic side who will not want to be branded by history as thieves and as corrupt, and they will, indeed, think much more carefully than they have on previous votes about whether to seat someone unjustly and in violation of the laws of the State of Indiana.

Mr. SHAW. Will the gentleman yield on that point?

Mr. KINDNESS. I would be happy to yield.

Mr. SHAW. I think that this next vote, how it is framed, might not be inconsistent with the first vote. The first vote was not a disqualification of Rick McIntyre, a negative vote on that; it was simply a wait-and-see. Now they are going to be faced with the issue as

to whether it is the Members of this House who vote on the qualifications and certify a candidate, or whether it is the people of Indiana, and those same standards can very well be turned on them in their district and the 500,000 people that each Member of this House represents.

Mr. KINDNESS. I thank the gentleman.

Mrs. BENTLEY. Mr. Speaker, will the gentleman yield?

Mr. KINDNESS. I yield to the gentlewoman from Maryland.

Mrs. BENTLEY. I thank the gentleman for yielding.

Mr. Speaker, the gentleman from Florida brought up a very interesting point when he read article I, section 2, of the U.S. Constitution.

When our Founding Fathers wrote the Constitution, they put their ideas in deceptively simple terms, and that particular article is a perfect example of such simplicity, and let me repeat what he said: that the House of Representatives shall be composed of Members chosen every second year by the people of the several States. This House shall be composed of Members chosen by the people of the States.

That was simple in 1787 and it is simple today. Yet in these past 3½ months, we have seen this very ferocious effort in this very House to cloud that simple idea of our Founding Fathers.

We are called by the Constitution the House of Representatives. We are officially called Representatives. And yet again I have to point out that a substantial number of Members of this House have worked these several months to take away that proud title.

I think we all have to question how proud we are. If we do not represent those people of the several States, whom do we represent? That question remains to be answered.

If one is to listen to the leaders of the majority party, we represent only this body itself. These leaders have simply announced that another section of article I, section 5, changes section 2, and places, instead of the people, the Members of the majority party of this House. What does this magic section say to so easily convert this House from a representative body into a ruling clique, I ask you, sir?

Mr. KINDNESS. I thank the gentlewoman from Maryland for her very valuable contribution to this discussion, and I wonder, too, whether those who are in the driver's seat, that small clique in the Democratic leadership or Democratic Party in this House, if they have some notion that judging elections of Members of the House of Representatives or judging qualifications of people elected to the House of Representatives is entrusted to them solely on a partisan basis, and if it is, in fact, the right to control the seating or only to judge whether there has been any problem, any disqualification, any lack of compliance with election laws in the election of someone to a seat in the House of Representatives.

I think there is a great misunderstanding on the part of those who are in the driver's seat and whom we would like to see out of that seat in regard to this matter, as to what judging means in that part of article I which says that each House shall be the judge of the election qualifications of Members.

Mr. DENNY SMITH. Mr. Speaker, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from Oregon.

Mr. DENNY SMITH. I thank the gentleman for yielding.

Mr. Speaker, I think it is an interesting situation. We all sort of look at our own situation in regard to this seating of a Member in the House of Representatives because if we can deny, through the misuse of power in the Speaker's hands, the seating of a Member from Indiana, then they could certainly deny this Member his opportunity to serve in this House, having been duly elected by the people in my district in Oregon.

I thought it was an opportunity to look up what Oregon law would do in this instance, and in Oregon law, Rick McIntyre would have been seated if he had been treated fairly and equitably by the majority party in charge of this House of Representatives.

I would just like to run down them for a second. First off, a certificate of election is sent to the individual elected, and I think Rick McIntyre certainly was issued a certificate of election.

Following that, a letter is sent to the Clerk of the House from the Oregon secretary of state listing all of our district certified winners, and the next procedure is that the secretary of state of the State of Oregon issues a proclamation of election listing the winners, and this document is filed in the public records of the State.

Finally, the secretary of state prints and distributes the official abstract of those, breaking them down county by county.

The thing that really bothers me about this situation is that it would appear in my initial election three terms ago, in 1980, I could easily have been denied certification by the House of Representatives based on the same situation under which Rick McIntyre was denied. He was given a certificate of election. He was told in a recount that he had had a sufficient number of ballots to be the winner, and we now have seen a warping of rules so badly that he is no longer the winner according to the House of Representatives. But the secretary of state of Indiana, if I am to understand the facts, is still saying that Rick McIntyre is the winner in the Eighth District of Indiana.

So I fail to see how we, in this body, in the majority party, can fail to seat Rick McIntyre in this seat in the House of Representatives. It is just too bad for all the people in this country, not just for the Eighth District of Indiana.

□ 0720

Mr. KINDNESS. I yield to the gentleman from Ohio, and then to the gentleman from New York.

Mr. DEWINE. I appreciate the last three or four speakers' comments about the Constitution, and that the Constitution does not mean what the majority seems to think it means. That they can arbitrarily deny a seat.

There is a separation of powers, but that is not what was intended at all. Let no one make a mistake about what we are talking about today or what is going to be next. If they can deny Rick McIntyre's seat under a new set of rules, brand new set of rules, they literally drew themselves, took out of the air, superimposed on this election, after the fact—if they can do it to Rick McIntyre, they can do it to any of us. Any of us.

Any of us who are in a marginal district or anything that is even close to being a marginal district, they can do that. I guess it is maybe not so important what they do to MIKE DEWINE or what the do to TOM KINDNESS, CLAY SHAW, CONNIE MACK, but what is important is what they do to the people we represent.

I think when the American people begin to realize, and this story, frankly, is just starting to get out, just now starting to get out, the American people are not, unfortunately, going to be so upset about Rick McIntyre, nor would they be about MIKE DEWINE; one congressional seat. But what they are going to be incensed about is that a majority can tyrannize the House and take their votes away from them. That is what they are going to find is just intolerable; that their own vote can be taken away from them. It is the one thing that we hold so precious in this country is the right to vote.

Basic things of democracy; the right to vote and the right to have your vote counted, and the right to have a free election. Those are basic things. When the American people come to understand that in this particular case, the rules have been redrawn, superimposed after the fact by the majority, they are going to understand the arrogance of it, and they are going to be very upset about it. I think the majority party in this House is going to pay a very, very heavy price for this.

Let no one make a mistake that those of us who are on the floor today are going to stop this battle today. We are going to continue to speak out; we

are going to continue to do what we have to do on the House, on the House floor, to bring this issue to the attention of the American people. Thank you.

Mr. KINDNESS. I thank the gentleman from Ohio and I yield to the gentleman from New York.

Mr. MILLER of Washington. Thank you.

Mr. Speaker, here we are at 7:20 in the morning in Washington, DC, and I thought it might be helpful if the gentleman from Ohio would yield to go back to the facts of this dispute.

I am a new Congressman from the State of Washington, and I have found the facts of this case fascinating. I did not know something like this could go on. I think the American people, with all the rhetoric back and forth, may not yet understand all the facts. So if we could just go back to the beginning, and if the gentleman would be so kind to yield to some questions.

As I understand it, there was an election in the Eighth District of Indiana last November.

Mr. KINDNESS. But not subject to a majority vote.

Mr. MILLER of Washington. What was that, please?

Mr. KINDNESS. Not subject to a vote in the House of Representatives, apparently.

Mr. MILLER of Washington. Right. But there was an election between a Democrat, Frank McCloskey, an incumbent; and a challenger, Rick McIntyre, and after that election, there was a count. And what did that count show?

Mr. KINDNESS. At first, it showed that the winner was the gentleman from the eighth district, Rick McIntyre.

Mr. MILLER of Washington. It showed him ahead, it was 34 votes, something like that? And then, in my State, after there is an election and a count, the secretary of state certifies the election. Did that happen here?

Mr. KINDNESS. Rick McIntyre was certified.

Mr. MILLER of Washington. And he was certified. Then, was he seated in this Congress?

Mr. KINDNESS. Well, first there was a recount.

Mr. MILLER of Washington. But in January we came here, Mr. McIntyre had won the election, he had been certified, but this House did not seat him.

Mr. KINDNESS. Right. He had been certified twice by that time. Even in the recount, he was certified the winner.

Mr. MILLER of Washington. What was the reason for not seating the winner of a congressional race certified by a secretary of state?

Mr. KINDNESS. Now, I would not be among those who would say that it was the work of a bunch of thieves and scoundrels. Some might say that; but it was a majority vote along strict partisan lines.

Mr. MILLER of Washington. And this majority, they called for an investigation; is that correct? But while this investigation was going on, they refused to seat Mr. McIntyre who had been certified the winner by Indiana's secretary of State.

Had this ever been done in the history of this House, to refuse to seat somebody who has been certified by the secretary of state while an investigation was going on?

Mr. KINDNESS. No, this was, there was some smoke blowing in the ears of the Members. There was some sleight-of-argument that indicated that this was just like another case from Indiana, in which there were actually two people certified. So it was not an analogous case at all. But this is the first time, to my knowledge, that the House refused to seat either of the contestants while the matter of the election was being examined.

Mr. MILLER of Washington. So that the House decided to disregard Indiana law, and conduct its own investigation. Now, I recall last January, there was talk about that investigation being completed expeditiously, in a few weeks, and that did not happen, as I understand it.

But then there was another recount, was there not? After that first, after the refusal to seat Mr. McIntyre, the beginning of January, Indiana conducted a recount; they were in the middle of conducting a recount is that not correct?

Mr. KINDNESS. Yes, you are correct. My impression earlier was incorrect. The recount was going on at the time, but the result of that was again the certification of Rick McIntyre as the winner.

Mr. MILLER of Washington. And then when they, when Indiana finished the second recount, what did that show?

Mr. KINDNESS. Rick McIntyre again.

Mr. MILLER of Washington. Again. And the House then, did the House seat Mr. McIntyre after a second recount?

Mr. KINDNESS. By this time the argumentation was going along this line: "Well, we have already decided to look into this, so the recount does not matter, and we are going to go ahead and determine this election in our own partisan way."

Mr. MILLER of Washington. So this House investigation continued. Now, when this investigation continued by the House Administration Committee, could the gentleman from Ohio tell me, did this House Administration Subcommittee follow Indiana law in looking at this election?

Mr. KINDNESS. No; the gentleman misunderstands.

This subcommittee or task force decided that it was above the law of Indiana or any other law. You have got to understand that in order to understand the rest of the process, so let me emphasize that.

Mr. MILLER of Washington. You are telling me that they just decided the State of Indiana law and all those previous recounts and the Secretary of State certification did not count? Is that what you are saying?

Mr. KINDNESS. That would have required a lot of reading; that is another thing. They could not be bothered with that. It would have required the use of time in order to hear witnesses who knew something about it.

Mr. MILLER of Washington. And the committee did not want to hear witnesses?

Mr. KINDNESS. Well, no, that would be time-consuming, and they wanted to proceed expeditiously in their partisan manner.

Mr. MILLER of Washington. So, if they were throwing aside Indiana law, could the gentleman from Ohio tell the Members of this House what rules did they follow? Where did they get these rules?

Mr. KINDNESS. Ah, sweet mistery of life.

I yield to the gentleman from Ohio.

Mr. DEWINE. Well, they literally made them up. Again, I am becoming a little redundant. I appreciate this colloquy between my two colleagues. I would just like to insert this again, that those who write the rules control the results. I guess those of us on the House floor on the minority side were a little naive about this whole situation. At least I was a little naive.

I thought we were going to get a fair count. The key is when you write the rules. If you write the rules before the game starts, then everybody knows what the rules are, and then we proceed accordingly. I guess you can write them, as you do, when the Democrats gerrymandered California, for example, to my colleague's loss, at least you know what the rules are when you go in. What they did is they got the rules literally out of thin air.

Mr. MILLER of Washington. So they wrote the rules, were these rules unanimously agreed to by this subcommittee?

Mr. KINDNESS. Unanimously 2-to-1. That is, the Democrats agreed unanimously, there are two of them, and the Republican disagreed unanimously, and there was one of him, so he lost.

I yield to the gentleman from California.

Mr. DORNAN of California. I appreciate my distinguished colleague from Washington at this point in the morning, reelucidating some of these facts. He asked a very cogent question, he said: "Did this majority-run committee, the House Administration Committee, start to investigate the elec-

tion." You used the important word "investigate." The facts are there was not a single, solitary effort made to investigate the election of November 6, or to investigate the efficacy of the recount, which resulted in the second certification. They merely proceeded to set about a recounting of the ballots on their own under this miniscule task force of three Members; two majority, one minority.

Mr. MILLER of Washington. And you cannot judge an election if you do not look at it, can you?

Mr. DORNAN of California. Exactly.

Mr. DEWINE. How can you judge an election by running your separate counts?

Mr. MILLER of Washington. Do you mean to tell me that they set up their own rules; they disregarded Indiana law? Had anybody charged that there was fraud or irregularities in this election to justify this.

Mr. KINDNESS. I would respond first to that point. That is one of the most telling points in this whole matter. That there is a procedure established in Federal law. The Federal elections law allows specifically for election contests to be brought to the attention of Federal courts. There was no such complaint; there was no complaint to the appropriate administrative authorities either. Mr. McCloskey did not, at any time, allege that there was anything wrong with the election.

I yield to the gentlewoman from Maryland.

Mrs. BENTLEY. Mr. McCloskey never at any time made any charge that there was any fraud or any question on the election?

Mr. KINDNESS. Not in any official way that has been recorded. He may have whispered it in a dark closet.

Mrs. BENTLEY. In a real dark closet; somewhere where nobody heard it. And yet we are going on with this charade. They are taking or stealing an election. There was never any charge, there was never any implication of any wrongdoing whatsoever at any time.

Mr. KINDNESS. Let me reiterate here just for the sake of clarity that this was not a matter of judging the qualifications or election of Rick McIntyre. It was a matter of running a separate kind of a procedure which is a count of ballots, some of which came out of the waste, the spoiled ballot bag.

Mrs. BENTLEY. You mean that they picked up ballots that had been thrown away, and they counted those?

Mr. KINDNESS. Well, everyone makes mistakes, but the spoiled ballot bag contains those ballots that have been mismarked or have been, somehow they were damaged or that sort of thing, so that the elector, the person voting, gets a new ballot.

It is a void piece of paper; it is not to be used in any election in the country, ordinarily.

Mr. DEWINE. Is it my understanding that ballots could have been counted twice, or people could have voted twice? There could have been a ballot thrown away, and voided, and the person could ask for a second ballot. That would have normally been counted; then when they went back on this special, special recount, so that person actually would have voted twice; is that my understanding?

Mr. KINDNESS. That is how they came up with more votes than they had voters in some precincts.

Mr. DEWINE. And there were precincts like that; were there not?

Mrs. BENTLEY. Yet they included all of those in their count? I am not going to say recount; it is their count.

Mr. KINDNESS. That is the point; it is a new election. It is not a recount, and it is not the judging or the examination or investigation of the election that was conducted. That is indeed the sort of procedure that did occur.

Mr. MILLER of Washington. I just want to make sure I understand this. You are telling us that Mr. McIntyre won by 34 votes in the November election. That that election was certified not once but twice by the Indiana secretary of state; that this House refused to seat Mr. McIntyre, an unprecedented action. That another recount showed Mr. McIntyre ahead by over 400 votes, and this House still refused to seat Mr. McIntyre. That a subcommittee appointed by the House majority then set up its own rules to judge this election; disregarded Indiana law; and you are telling me that they counted ballots in a way that there were more ballots than people—voters from certain areas?

Mr. KINDNESS. You get down to a point of close decision and you lack a few marbles, you have got to find some more. So, we started counting, or the task force had counted ballots that had not previously been decided to be included in the count. Then, those were some of the absentee and disabled voters' ballots that were identified on the outside; you knew whose they were, and they were then in two categories.

Some were originally sent to the clerk of the county, and on election day were sent out to the precinct polling place even though they were not properly qualified ballots. Because of the mishandling on the part of the voter of the envelope which had to be notarized or witnessed.

Others of those stayed in the offices of the county clerks and were not sent to the precincts, but they stayed in the offices of the county clerks under courthouse security; appropriate security.

Now, the task force decided we need to find some more marbles, so we will count these ballots that would not have been counted under Indiana law because they were improperly prepared or packaged without notarization or witnessing. But, only the ones that had gone out to the precincts and come back. Ah! We found enough marbles; let us quit right there! That is what happened.

Mr. DEWINE. I would ask was there a distinction as far as the security applied to the ballots that were counted versus the ballots that were not counted? In other words, if the security is different, then maybe there is a reason for the distinction.

Mr. KINDNESS. Well, that is it. The ones that stayed in the courthouse all along might have been too secure for all I know. Which would count, but they were not counted.

Mr. DEWINE. They were not counted.

Mr. KINDNESS. The ones that went trammeling out to the precincts and come back were counted.

Mr. DEWINE. It is my understanding in fact that there were affidavits and in fact the committee, the special task force, had affidavits from each county saying that the security was good on the ballots they threw out.

Mr. KINDNESS. Well, at least with respect to four counties. It appeared from the affidavits that they were, that the security was at least as good or better than the security afforded any of the other ballots in the election that were counted, and those four counties happen to be counties that might be expected to be favorable to Rick McIntyre. So they do not count those.

I yield to the gentleman from Connecticut.

Mr. McKINNEY. While you are talking about security on the ballots that were counted, the security was so great on some of the ballots that were counted that they were sitting in two cardboard boxes in the hallway of a county courthouse. Now that is amazing security.

I think in New Haven, CT, where a car got caught in a wreck, got rearended, at least there the ballots that were stolen were locked in the truck of a car. These ballots,which were counted, under this great security, were actually in a box, a cardboard box in a hallway. Now, that is amazing security. I think that is just a good point to bring up.

Mr. KINDNESS. I thank the gentleman. I know of courthouses in our area even where ballots stored in that manner can be desecrated by a dog coming down the hall. That is a terrible way to treat ballots.

I yield to the gentlewoman.

Mrs. BENTLEY. The gentleman said, as I understand it, that some ballots that had the word "void" written

on them were counted. Did I understand you correctly?

Mr. KINDNESS. No; let me clarify that point. Some of these ballots were not ballots that would be counted under Indiana law; they were void because they lacked either the notarization or the witnessing that is required under Indiana law for absentee or disabled voter ballots.

Mrs. BENTLEY. Under Indiana law. Now, as I also understood it, not from you this morning, but I have heard in the past that there were some ballots sent in by military personnel, the men who are out serving the country, and although these were postmarked before election day, these ballots were not permitted by the task force to be included in their count. Is that correct?

Mr. KINDNESS. I will yield to anyone that has a more exact reading on that.

Mr. SMITH of New Hampshire. I thank the gentleman for yielding. The gentlewoman is correct; this testimony was given before the committee, and that there were at least somewhere between 10 and 20 ballots from military personnel that were mailed in some cases as early as October. It did not arrive until a day or two after the election, which were thrown out in this process that my colleagues were so eloquently going through step-by-step in the slogan that the Democrats have used, "count all of the ballots."

Even when their own rules, which they made up on the third election, the term that you used was not a recount, but their count, which is very appropriate. When that was applied, when the four-vote lead for their man came in, they stopped. I think it is important because this shows not only the importance of the fact that they stopped the count, but now you have stopped, in the case of military personnel, who voted obviously, clearly, way ahead of time. The Postal Service did not get the ballot there on time, and under the old rules they were not counted.

But under the new rules of counting all the ballots, their rules, they should have been counted. That process stopped. It is a process that is so insulting, Mr. Speaker, to the intelligence of the American people and such a discredit on this institution, it is a shameful, shameful act. It really is. As tired as we all are, and as we have gone through this process, over and over again, think of it; it has come down to this: There are now approximately 42 maybe 45 ballots lying there that have not been opened and have not been counted that are clearly, were clearly the intent of the voter who voted way early, early enough, that are simply not being counted.

Mr. KINDNESS. I yield to the gentleman from Washington.

Mr. MILLER of Washington. I am just trying to understand this whole thing from the beginning. Now, what you are telling me is that in November there was an election. The Republican, Rick McIntyre, in a count at that time, was ahead by 30-odd votes.

The secretary of state for Indiana, you are telling me, certified the election, not once but twice. This House refused to seat him in an unprecedented move; then you are telling me a recount showed he was ahead by even more, and this House again refused to seat him, and then you are telling me that this subcommittee of House Administration, disregarded Indiana law, set up its own rules, went into Indiana and starting counting ballots, we set up these rules on straight party-line votes. You are telling me that they did not apply their own rules consistently, you are telling me that in some cases there were more ballots than people in their counts? You are telling me they did not count the votes of our servicemen that were postmarked before the election? And you also have just been telling me as I understand it they counted some absentee ballots and they did not count others. Then they came up with the result where Mr. McCloskey was ahead by four votes and you are telling me then they stopped counting?

Mr. KINDNESS. That is correct. And we are supposed to think it is fair now.

Mr. MILLER of California. And now are they suggesting to this House that we not seat Mr. McIntyre, and we seat Mr. McCloskey? Is that what they are saying?

Mr. KINDNESS. That is the way we are heading; that is the task force recommendation.

I yield to the gentleman.

Mr. DELAY. In the process of the debate, and I think you are almost out of time, there was a Democrat who showed up on the floor to ask the question: If you count all the ballots——

The SPEAKER pro tempore. The time of the gentleman from Ohio [Mr. KINDNESS] has expired.

Mr. MCKINNEY. Mr. Speaker, I ask unanimous consent to take up my special order out of order.

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

There was no objection.

THE INDIANA ELECTION DISPUTE

The SPEAKER pro tempore. Without objection, the gentleman from Connecticut [Mr. MCKINNEY] is recognized for 60 minutes.

Mr. DELAY. If the gentleman would yield to let me finish my point, I would appreciate it.

Mr. MCKINNEY. I can think of nothing that would please me more since I expect we will be here for several hours, and if the gentleman would like to take 15 or 20 minutes to finish his remarks, go right ahead. We are all members of the Insomniac Club of America. What the heck, our Forefathers died for our Constitution; we might as well stay awake for it, because that really is the issue, is it not?

Would the gentleman continue, please.

Mr. DELAY. I appreciate the gentleman yielding.

Mr. Speaker, as I was saying, to continue the dialog about where we are today, reaching four votes for McCloskey and stopping counting the ballots, and of course, we have heard all these some 107 days that they want to count all the ballots.

There was a question raised on this floor about 2 o'clock in the morning, I believe it was, that if they counted all the ballots, would you accept the results? That is their new ploy. Now, we have moved the discussion from McIntyre winning outright, winning a recount and not being seated to count all the ballots to a task force that created rules that they absolutely did not adhere to, to now, if we do count the rest of the ballots, will you accept the result?

□ 0750

That is not the point here. And then they would probably throw us a bone if they are going to be very fair with us and not bring a resolution to this floor to seat McCloskey and offer us a special election. That is not the point. The point is this should never have happened in the first place, that the "investigation"—the investigation should never have happened——

Mr. MCKINNEY. Amen.

Mr. DELAY. Should never have happened in the first place. And it has been asked many times on this floor do we have—don't you think that the House has the right to seat its own Members. And I hope we will get into that sort of debate at a little later date.

I appreciate the gentleman from Connecticut yielding.

Mr. MCKINNEY. I want to tell the gentleman I deeply appreciate his finishing his remarks. But I find myself in a strange position here. MCKINNEY has been called everything, I think, by his Republican friends back in his district; mostly I have been called a traitorous rat fink. I think that's legal, Mr. Speaker.

I have been very independent because I felt I came to the Congress to do something. You know, it's strange. I felt that in my forties and now in my middle fifties that I came to the Congress of the United States to uphold the Constitution of the United States

and try to make this a better place for my five children and now two and a half grandchildren. I have never bothered with what is known as partisan rhetoric.

You know, it is an interesting thing that I took my first 1-minute speech—I let you guys take care of those things—in 15 years just a few days ago. I have never in fact stood up and talked in a special order because I have always figured out as long as I can write it out on a piece of paper and make it part of the RECORD of the United States that my thoughts are in fact determined there on record and really why keep the staff here sort of standing around waiting for me to finish feeling my self-importance on the floor of the House.

But here I am. And I am going to tell you that I am here in a really totally partisan fashion. I have worked for 15 years with moderate Democrats to do what I thought was right for the United States of America. That's why I am here.

All of a sudden I find out that this House and my colleagues and my friends—and if anybody out there is watching C-SPAN—it is only about 5 o'clock in California—if anybody is watching C-SPAN out there, I suddenly found out that my Democratic friends, the people I have worked with, the people I have compromised with, have decided out there, Mr. and Mrs. America, your vote doesn't mean a damn thing. Not one single thing. Don't bother to vote. Stay home. Really, don't bother. I mean it is crazy. Particularly if you are in California—we are arguing about poll closing times and all that other good stuff—you know, don't bother. Because really they don't care. They don't care, in the Democratic Party, about your vote. They have decided that in their little star chamber that they are going to take over the electoral process of the United States.

Now, you know, a lot of my Republican friends, ladies and gentlemen, just so I can be equally critical of both sides, want to push this thing and we are going to seat our guy.

I want to seat him, too. But I want the people of Indiana to seat him. I don't think the gentleman from Connecticut, myself, or the gentleman from any other State, or the gentlelady, has the right to turn around and tell the people of Indiana who is going to represent 500,000 of them.

The Constitution may say, and in fact this House in the 1800's used to spend days and weeks and months arguing about who belonged in what seat. The Constitution says sure, the power is here, but it is implicit in our entire set of beliefs that we are here not to impose the will of the House of Representatives, but to prove that the will of the people of that congressional district has been lived up to.

You know, I like to be rational. I read rational editorials. The Washington Post is so rational this morning I can't believe it. The Washington Post. There is always an amazing shock once in a while. And even the Washington Post says you know, let's give the people of Indiana a chance once more to express their will.

I am quite sure that strange happenings in different counties in Indiana will in fact cease if the entire body of the press in the United States and if the entire body of public opinion in the United States is watching that congressional district.

Mrs. BENTLEY. Will the gentleman from Connecticut yield?

Mr. MCKINNEY. I can't think of anything I would rather do than yield to the beautiful lady from Maryland.

Mrs. BENTLEY. Thank you.

Mr. MCKINNEY. Who fought, by the way, three elections to get here and the people of Maryland sent her here and nobody said she shouldn't be here. She won.

Mrs. BENTLEY. And even when there was a close election on the second time around, I——

Mr. MCKINNEY. And, boy, was there one.

Mrs. BENTLEY. I didn't challenge it.

Mr. MCKINNEY. You didn't come crying down to the Speaker, did you, and ask him to change the thing?

Mrs. BENTLEY. That's right, sir.

Now, you mentioned that the Washington Post suddenly may see the light a little bit. I would like to point out that yesterday the Baltimore Sun wrote an editorial on this and the headline is "Vote Again in Indiana." And down in—it relates a little bit about what had happened and it says "Don't be surprised if the task force and then the House vote to seat Mr. McCloskey. A study of contested elections shows that in only 47 of 547 instances has the minority party's candidate been awarded a contested House seat. Seating either candidate would be a mistake. We say that even though the task force count may be more exact than the earlier one, but most people in and out of Indiana probably believe this count reflects bias if not fraud."

Mr. MCKINNEY. You bring up an interesting—by the way, I congratulate the Baltimore paper. I had lost hope in it for a while, too. Even the New York Times has joined the fray. You know, it makes an old man like myself feel that there is life after death and there is maybe some common sense spreading through the press of the United States—it is a wonderful thought.

What you are saying is really interesting. Doesn't it degrade your seat, doesn't it degrade the people of Maryland in your district, doesn't it degrade my seat and the people in the Fourth Congressional District of Connecticut when in fact we turn to the American people and say, "See all these seats here; some of those seats are not properly filled."

Perhaps there is a chance that someone in one of those seats shouldn't be here.

Shouldn't we, as the House of the people, be turning around and saying in fact that we want to make sure? We fuss and fume about one man/one vote. In reapportionment we worry about half a percentage point, a half a percentage point, and here we are turning around and saying that nobody can really figure out what happened in this election but because I own this place I am going to seat that person. Isn't that what we are doing here, really?

Mrs. BENTLEY. You touched on a very sensitive point, and that is, what do the people of America think of this body, and you know we have—this body has gone through some very questionable periods in recent years, and there have been charges out in the public of corruption and of fraud and of just everything disreputable. And, you know, there were times when I was running people said, "What do you want to go there for? I mean those people aren't honest."

Now, I didn't believe it. I didn't believe it. I ran again because I wanted to come here because I felt that this House, this body, was something that was going to lead the country properly and that we were going to do good things for the people, just like you said.

Mr. MCKINNEY. I really thank the lady from Maryland.

Mr. DEWINE. Will my colleague yield for a question?

Mr. MCKINNEY. Yes; I yield for a question.

Mr. DEWINE. The gentlelady has brought up I think a very significant point and that is the public confidence in this body, and I wonder—maybe I can just ask my colleague who has the time, who has been here a lot longer than I have, if he could maybe shed some light on something that I have been thinking about for the last few days and that is if you were going to try—if you were the majority party—I know that is a thought that is very foreign to us, to be the majority party, but if we were the majority party and we were going to try to construct a scenario where we would give confidence to the American people as far as the results of a special task force that was looking at the results of an election, wouldn't you want to construct it so that you could have a bipartisan basis for that inquiry? Just like we do on the Ethics Commission.

There is a reason, it would seem to me, that there are an even number of Republicans and Democrats on the

Ethics Committee. But on this particular investigation it is 2 to 1.

Does my colleague have any reason or can he think of any logical reason why they would do that?

If public confidence is what we are interested in.

Mr. McKINNEY. I can't imagine that the party of the people would do something like this. I'm shocked.

Look, when this House gets into trouble, when there is someone that we think has disgraced all of the House, in a bipartisan, nonpolitical fashion we address that problem. And we either answer it with a "guilty" or an "innocent."

In this instance we are politics. We will have twice as many Democrats as Republicans because we are going to disenfranchise the people of Indiana.

Mr. DEWINE. What does that do to the public's confidence in whatever the result is?

Mr. McKINNEY. I didn't want to depress my good friend from Maryland by saying to her that after 15 years they are still asking me that question. "Why do you want to go down there with that bunch?" It makes the public perception of what we are pretty bad.

Now, let's stop for a minute and just think. We have a $200 billion deficit. Correct? At least. We have a communist government in Nicaragua. And I don't agree with the President of the United States. I am going to vote against him. He knows that. He is not very happy with me. But he hasn't been happy with me so far this spring. Maybe things will improve as we go on into the hot days of summer. But still in all it is an issue that affects the future of the country.

We have all kinds of problems and yet the leadership of this House is more concerned with seating one Democrat and destroying the credibility of this House which is in fact going to make all these decisions once it gets to work and stops with this nonsense.

Mr. DAUB. Will the gentleman yield on that point?

Mr. McKINNEY. I would be delighted to yield.

Mr. DAUB. I haven't been here throughout the night. I want to commend all of my colleagues who have been participating in this vigil. But how much will it cost me to keep my seat next election?

I just want to say very briefly that this, to me, is an abortion of the Constitution. And I am sad that the Members of the other side of our aisle feel that they want to conduct themselves and jeopardize the constitutional tests that have for so long given us a position as a parliament in the world of parliaments above parliaments.

Mr. McKINNEY. Let me tell you something, my good friend. I agree. When my hour of this is over, and I certainly hope this will just continue right on, since we seem to feel in the leadership on the other side of the aisle that nothing else is important except seating that one Democrat—don't worry about the world, war, peace, famine, et cetera. I am leaving here to speak to the Washington Work Shop Group, young Americans from all over the 50 States of the United States. After I finish speaking to them I am going to speak to a group from the King School in Stamford, CT, where my oldest son teaches. What do I say to them?

I go in and I have this impassioned plea, my staff and my constituents call it McKINNEY's sermon on the mount. I have made it so many times I just can hold up my finger and they say there he comes again, speech No. 1.

In that speech I say "You do make a difference." I say John Kennedy was elected by less than one vote in each voting precinct in this country. I turn around and tell them we elected the first Republican mayor in the city of Bridgeport in 48 years with three votes. Because we worked.

I turn around to them and say "Young kids like yourself stopped the Vietnamese war. Young kids like yourself made the Congress of the United States figure out for the first time that the word 'men' in the Constitution was generic and not physical." So it does make a difference. Yeah. That's my sermon.

How do I give that sermon this morning? How do I go in and give that sermon this morning when this House is being raped by a political decision? What is it that gets STU MCKINNEY, moderate, get along, easy go, so damn mad that he is here? And I will tell you something: If they do seat the gentleman from Indiana, I will vacate this room when he speaks, because he has no right to be seated, unless reelected in a new election by the people of Indiana.

Mr. DAUB. I applaud the gentleman.

Ms. SNOWE. Would the gentleman yield?

Mr. McKINNEY. I would yield to the gentlelady from Maine who is here missing an appointment because I asked her to come on over. It is always nice to have someone good looking instead of you gentlemen, and I am sure the American public is delighted that the television screen is changing for a bit.

Ms. SNOWE. Mr. Speaker, I greatly appreciate my colleague from Connecticut for yielding to me, and would like to commend him and my Republican colleagues as well for their perseverence and determination throughout this unfortunate, inexcusable situation. The marathon of special orders that is now winding down is testament to our belief in the processes that comprise our Republic; and in the awareness that those processes are coming under fire and are imperiled by the handling of the Eighth Congressional District seat.

Mr. Speaker, I want to address myself for a few moments to the notion of process in our Government and in this Chamber. It is a subject, quite frankly, of minimal concern in the day-to-day lives of the American public, and often not of substantially greater concern to Members of Congress. I believe that is the way it should be, though, for a process is functioning best when it is least noticed. We hear about the budget process these days, for example, precisely because it does not function well.

But process was at the core of one of the most critical moments in American history. I refer to the testing of the constitutional procedures and institutions during the waning months of Watergate. What was most frightening at that time was the ominous prospect of losing the shape, order, and structure that had allowed America to grow and prosper since 1789. It is important to remember, however, that the days of Watergate, considered some of the darkest in American history, were some of the greatest as well: For we found out, under the most trying of circumstances, that the system worked.

Again today, the House is faced with a procedural question that would usually be considered arcane at best, but that is of critical importance to this institution of the House, which we all cherish so deeply. The handling of the Indiana Eighth vote will forever color the character of the House and the ability of the Representatives to discharge their duties successfully in the years ahead.

As the Speaker said in his maiden remarks after having been elected as Speaker for the first time:

> The House is greater than any one of us. Its greatness is the product of 435 human beings collectively contending with extraordinary problems.

But, while the House is greater than any one Member, it is no greater than any one action we take. The greatness of this institution can be diminished by one action in a way that no one Member could ever do.

Mr. McKINKEY. If the gentlelady would yield for just a moment.

Ms. SNOWE. Be glad to.

Mr. McKINNEY. Wouldn't the—by the way, that is a marvelous quote, and it is an incredible statement, and I agree with it, and I would guess that the House is greater than any one political party, too, isn't it?

Ms. SNOWE. Absolutely.

Mr. McKINNEY. Thank you.

Ms. SNOWE. Mr. Speaker, in that first speech as Speaker, the gentleman from Massachusetts quoted from Henry Clay's principles to guide future Speakers. He cited the—

pledge to remain cool and unshaken, guarding the permanent laws and rules of the House from being sacrificed to temporary passions, prejudices or interests.

We ask no more than that in this instance. A zeal to lay claim to the Eighth District seat threatens not just to mock the votes cast last November in Indiana, but to cast doubts on certain fundamental understandings of what this Chamber is and how it must operate.

On that day the Speaker was first elected to his post, he told the Members gathered that "as a nation, we must demonstrate that democracy does work," That was and remains a sound prescription for our country in the world today.

I would submit, however, that as a legislative body, we here in the House must demonstrate to the Nation that democracy does work. We more than any other part of the Government, we who sit in the People's Chamber, cannot be selective in our commitment to the processes of democracy. The question that will come before the House is not solely a challenge of election results, it is a challenge to the American democracy, to the democracy that is founded on a faith in institutions and procedures.

The perception of how we address the question is central to the manner in which the American people eventually see their Congress at work, and thus is key to maintaining the faith and belief without which this Government would flounder.

Mishandling of the situation in Indiana, which I fear the majority in the House is preparing carefully to do, will provide rich fodder for those in our country who have become jaded and cynical about the real value of casting individual votes in elections today. We have all been dismayed in recent years by the dwindling percentage of people who actually get out and vote, and by the attitude about elections and government that is expressed in those percentages. Through a misguided handling of the question before us, however, the attitude that produces 50 percent voter turnout will only be strengthened.

What will potential voters think in years to come if the House fails to do justice to Rick McIntyre and the Eighth District voters? Imagine if you will a tight election scenario, which is usually considered a reason for increased voter turnout. We may see it turned into a reason not to vote—why waste time voting if the House will take its pick of the candidates anyway? The right to vote will not be endangered, but the right to have it counted will be very much in doubt.

That is ultimately what separates our system of voting from that of the Soviet Union and others such states. People vote in the Soviet Union without any problem; the value of the vote, however, is nil. Our country has spent 200 years ensuring that the votes cast by individual citizens are the only ones that count, and now we are faced with a serious erosion of that concept.

The House is on the brink of creating a hideous symbol of Washington arrogance, of Federal callousness toward the rest of the Nation, to the point where votes cast inside the beltway count more than those cast outside the beltway. A message that exudes political power plays, and back room manuevering will reach across the country at a time when we are grappling with enormously important economic and international issues. Our credibility is on the line with this issue, and the House will give little cause for the American public to trust that we will handle the complex problems of the day with any degree of forthrightness or fairness. "Politics as usual" will have taken on a grimier and more disturbing meaning, and it will taint our work as individual elected officials and as a legislative body as a whole.

Mr. Speaker, I have a constant reminder of the immediacy of the current situation right around the corner from my office in the Cannon Building. There is an office which is designated only as the "Eighth Congressional District Indiana." That sign, by the office door which always remains closed save for the occasional visitor, is an odd sight, an unreal one, and an unfortunate one. I also believe that it might be proven inaccurate.

If the majority party in this House decides to seat Mr. McCloskey, it will be their office, not the Eighth District's. The gentleman who will then occupy that office will have 252 constituents here on Capitol Hill of much greater importance than the 500,000 back in Indiana. I suggest that that would be a horrible perversion of the process of governing.

It is on behalf of that process that I appeal to the Members on the other side of the aisle today. Examine the events which have taken place, and the position that you will be asked to take. Place that within the context of the American governing experience, within your own experiences as a Member of this body. How will the events in this instance compare with our history? More importantly, how will these events compare with our hopes for the future?

I want to be able to answer this question proudly and with assurance that I have served well not my party, not my colleagues, but rather this institution. And when the time arrives to vote on the final disposition of this seat, I would like you to keep in mind these words of Winston Churchill:

History with its flickering lamp stumbles along the trail of the past, trying to reconstruct its scenes, to revive its echoes, and kindle with pale gleams the passion of former days. What is the worth of all this? The only guide to a man is his conscience; the only shield to his memory is the rectitude and sincerity of his actions. It is very imprudent to walk through life without this shield, because we are so often mocked by the failure of our hopes and the upsetting of our calculations; but with this shield, however, the fates may play, we march always in the ranks of honor.

Mr. Speaker, I urge my colleagues to vote for the honor and integrity of the House when we vote to seat Rick McIntyre, and I again thank my distinguished friend from Connecticut for yielding this time.

Mr. McKINNEY. I would like to tell the gentlelady from Maine with every sincere word that that is one of the most beautiful and impressive statements I have heard on the floor of this House in a long time because it is so true and it is so right and I am just sorry that every American can't hear it because you have stated succinctly, clearly, and very beautifully I think what the issue is here.

Ms. SNOWE. I thank the gentleman.

Mr. PACKARD. Will the gentleman yield?

Mr. McKINNEY. I would be delighted to yield.

Mr. PACKARD. I, too, wish to compliment the gentlelady for that excellent statement and would hope that the majority and the Speaker and those who are involved in this process would carefully read it.

I came at 6 o'clock expecting my time at the well and have listened since then to some remarkable statements, and I don't believe that there is anything that incenses the people of America more or there are few things that are more priceless to the American people than their right to be represented through fair and honest elections.

We fought our first war over that very issue. It was the right to be represented fairly and honorably that brought about the Revolutionary War.

I don't know of anything that bothers the American people today more nor the Members of this Congress more than the inability of the people in Nicaragua, the people in El Salvador, the people in Cuba, and multitudes of nations around the world to have free and fair and honest elections.

We hear almost daily from the other side of the aisle a plea for honest and fair elections in some of these countries. And it is somewhat of an irony that right here on the floor of this same Chamber those very same people are willing to rape the system and prevent a fair, honest, and free election from taking place.

Mr. McKINNEY. If the gentleman would yield for a minute, isn't that the truth. You know, they have designed a whole new way of counting. It is called you count until you are ahead. And

then once you are ahead you stop counting.

Mr. PACKARD. That is the rape, my friend; that is the rape of the system.

Mr. McKINNEY. And you know, you count absentee ballots when they come from Democratic districts and declare them secure, and when they come from Republican—even though they were stored in a hallway, as I pointed out earlier, in a paper box. Then when you come to Republican districts, obviously they are not secure. In other words, really, the gentleman brings it out. What is the difference, you know, between the minority party and Nicaragua and what is looking to be the minority party in the United States when there in Nicaragua I gather they use guns; here they use subterfuge and they invent a new way to count. But isn't the end result the same?

Mr. PACKARD. If the gentleman would continue to yield, when you and I and every Member of this body took our oath of office we stated in that oath that we would uphold and defend the Constitution against all enemies, foreign and domestic.

I never dreamed at the time I raised my hand and took that oath—I even wondered at the time what kind of domestic enemies would we have to deal with here that might rape, that might totally disregard and perhaps to some degree through their actions destroy the Constitution. And then to find at this stage that some of those domestic enemies might be right here in this body trying to take away or disregard such a fundamental process as the Constitution, to me that is inconceivable that there would be that kind of disregard for such a fundamentally valuable document and process to the United States people.

Let me recount briefly, if the gentleman would yield further, let me recount briefly some of the effects of my own election a litle over 2 years ago.

There was an attempt at that time to steal an election. It was done through a multitude of processes. One was by money, by trying to buy it, but also by trying to deceive the people of my district into believing things that were not true in regard to candidates.

Well, it worked. I was finally declared the winner of the primary. There were 18 Republicans running and three Democrats, which certainly confused the electoral process, but I was declared the winner for the first 3 days after the election and then they found some uncounted—two bags of uncounted absentee ballots within the home town of the most despicable of candidates and when they counted those it obviously changed the election, and where I was * * *

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Well, it worked. I was finally declared—I was declared the winner of the primary. There were 18 Republicans running and 3 Democrats which certainly confused the electoral process, but I was declared the winner for the first 3 days after the election and then they found some uncounted, two bags of uncounted absentee ballots within the hometown of the most despicable of candidates and when they counted those it obviously changed the election and where I was then declared to have lost by 92 votes. The process of not only trying to buy the election, but the process of trying to deceive the people in that campaign so incensed the people of that district that they called for an unusual procedure—that of a write-in, and I was encouraged to run in the general election as a write-in, an impossible task in normal political processes.

But the people were so concerned that they would have the right to choose who would be their Representative and that Representative would represent them with honor and integrity that they overwhelmingly voted for the write-in. I don't believe the American people want their seats or their Representatives to steal districts or to steal their representation; I don't believe that they want the system to be raped; I simply believe that they want to have the right to honest, fair elections.

Mr. GALLO. Will the gentleman yield?

Mr. McKINNEY. I will be happy to yield.

Mr. GALLO. I want to congratulate you and the rest of our colleagues who are carrying this fight throughout the night to allow the public to understand what is really happening. Going back about a month ago, model Congresses, our young people were all over this country, they were out trying to find out how the system works and I am sure many of my colleagues had the opportunity to speak before our young people while they were forming this model Congress and going through legislative bills and the process itself and I thought and I heard, and it has been mentioned but I think it is worth reiterating that when we talk about the process, the constitutional process, you talk about our young people that every so often, everyday, are up the balcony listening to what's happening. I talked to one model Congress, I guess it was 3 weeks ago right in the Capitol, and I was remarking to them as to what was happening with the Indiana Eighth and told them that in fact Rick McIntyre has been certified by the secretary of state of Indiana and yet wasn't seated and there was this look of puzzlement, question, why wasn't he seated. Now these weren't Republicans or Democrats, these are young, future laeders, and they were concerned and couldn't understand how this process could be allowed by this House, and I indicated to them that the Constitution guarantees the States the right to be able to formulate their own election laws and, yes, in fact, this Congress, the Democratic majority saw fit to disregard Indiana law and have their own so-called recount.

Now, until the last few days I thought and was hoping that there was going to be an honest attempt to come up with a count that would represent the voters of Indiana and I witnessed, as many of my colleagues did, TV tapings of those hearings and I think I was shocked and dismayed as much as my colleagues when we saw blatantly a political steal that is being referred to as the rape of the system, that it was a political steal, not only affecting Rick McIntyre, who should have been seated, but it was a steal in the way of taking votes away and the ability of the Indiana Eighth District to put their votes and have them count as they voted. To see some of the statements that were made, the blatant disregard for any kind of fair play, I think when the public sees this the awareness level will rise considerably.

But let me get back to the people as I see it that are really hurt by this whole thing.

Mr. McKINNEY. If the gentleman will yield for just 1 second on that, I want to just say to you that first off I haven't been here all night. I guess by being of a little seniority around here I grabbed a later hour, but I admire all of my friends who have, and I agree—you know, if I think the American people really got a chance to see this. I was surprised that the Washington Post allowed it to get on the front page, but then I decided around 6 that I would wander through the morning news shows. As far as the television media of the United States is concerned, this isn't happening. It is not here. I saw weather reports, I saw maps, I saw Nicaragua, I saw a cemetery that we all heard too much about in Germany; I saw all kinds of things, but this isn't happening. You know, I have to say to the gentleman, I have loved this body for 15 years and before I got here I wanted to get here pretty badly and I really can't believe that the national television media doesn't realize the importance to our Nation that you have expressed so well, that Ms. SNOWE expressed so well, that everyone here all night long has expressed so well. I really can't believe that they haven't bothered to concern themselves with the fact that some very intelligent duly elected Representatives have bothered to go without sleep, without rest, to keep this House open to make a statement of the unfairness of the political decision, or as

my good friend from Maine said, government from within the Beltway rather than within the Eighth District of Indiana. And I hope the gentleman is right. I hope that the media that I trust and love, I think that a free press is basic to the entire Nation, also basic to some of our problems, too; but, without it we are just like the rest of them. And I just am appalled to see that when 35 to 50 million Americans this morning with their coffee and crumpets on their way to work turned on the tube that nobody producing those shows decided that in fact the disenfranchisement of 500,000 Americans in the Eighth District of Indiana is perhaps a little more important than some of the other things they bothered to show.

Mr. GALLO. If I can just close on that, and I commend you for those statements because the press is the vehicle that is needed to alert the people of this country. With all of our abilities as Congressmen and House Representatives we do not command the entire ability to get this message out. The press has that and I hope they use that, but let me say that I hope from what has transpired yesterday and last night and early this morning that some of our colleagues on the other side of the aisle recognize the injustice that will take place if in fact they go to seat the candidate, Representative McCloskey. I think it is imperative that they understand that this is not a partisan issue anymore as far as Democrat versus Republican. This is an issue as to a blatant disregard to the Constitution and I would hope my friend from New Jersey on the other side of the aisle takes a hard look at this issue before they vote in favor of seating McCloskey.

Thank you very much.

Mr. McKINNEY. I appreciate the gentleman. The gentleman has been extremely patient standing there and I would be delighted to yield to him.

Mr. RUDD. I would simply like to dovetail something that you said earlier. I appreciate my distinguished colleague for yielding and I empathize with your dedication and your concern on this. Let me just recap so that we will understand exactly what is happening here. Rick McIntyre was certified twice by the State of Indiana and by the officials of the State of Indiana as having won the District Eight election to be seated in Congress and four times he was denied that seat here in this House, this body here. Instead of agreeing to that or even a new election, the House leadership in its wisdom decided to send a task force out there to conduct its own count of the election which had already been certified. When the facts are all in, when they continued the count until their candidate won and they stopped and they didn't count the remainder of the ballots. Now, it isn't a matter of whether it is Rick McIntyre or not, that is not the outrage. The outrage that the American people will grow to understand when this story is told and retold, again, is that that is not the really important thing. The important thing is that the vote of the people was denied, the Constitution was shredded by this action. There will be people who will say, what are we doing talking about this, about a vote election, we have got a Contra vote coming up today, we've got all sorts of budgetary problems that we must take up, why don't we take a look at that. But that is not the important issue here today. The issue is, of course, as you have stated, the concern of all us is that if we allow this to happen then the vote will be denied to the people time and again if the House decides to go in on a close election anywhere in this country in the future and decide to conduct their own election, in effect we've got a revolution so that the people of this country would have a vote and would have some say so in who their Governors would be and how they would run their Government, this is being denied, and that's the process that should be of importance to the media, to every citizen in the country in this issue.

I thank the gentleman.

Mr. McKINNEY. I appreciate that and, you know, the gentleman's statement about what this implies for all of us in our system, it is good that we bring it up at this point and I won't quote this properly, and it is so beautiful I really should, but we just remembered the Holocaust in my district and all of those millions of people that died and there was an inscription written on the wall of the concentration camp and it said, first they came and got the Communists and I didn't object because I wasn't a Communist, then they came and got the labor unions' members and I didn't object because I wasn't a labor union member, then they came and took the Pentecostals and I didn't object because I wasn't a Pentecostal, and then they came and took me and there was no one to object. And what you are really saying is if we in fact allow this absolute destruction of the basic values of the House of Representatives of the United States of America to take place, if we remain silent, when does it happen to us, when does it happen to us.

Mr. RUDD. Let me just congratulate you, let me congratulate all of the Members of this House on our side, the Republican side of the aisle, who have spent the night here, let me congratulate BOB THOMAS, Congressman from California, BILL FRENZEL, Congressman from Minnesota, who have spent hours and weeks and even months working on this project and let me commend all of my colleagues here who have gone far beyond what they should have—might be expected to do in order to bring this issue to the floor.

Thank you very much.

Mr. ROWLAND of Connecticut. I thank the gentleman for his participation and I would like to welcome the gentleman from the Fifth, Fourth, Third, Second——

Mr. ROWLAND of Connecticut. You're the Fourth.

Mr. McKINNEY. No, my neighbor——

Mr. ROWLAND of Connecticut. I'm the Fifth.

Mr. McKINNEY. My neighbor from Connecticut, Fifth Congressional District, Mr. ROWLAND, a new Member of the body who I am sure did not expect to come to Washington to find this kind of shenanigans taking place.

Mr. ROWLAND of Connecticut. I thank the senior Member of the Connecticut delegation for yielding.

Mr. McKINNEY. And again rapidly.

Mr. ROWLAND of Connecticut. Especially during this process. The last 4 months many of us have been conducting special orders, especially the freshman class, trying to speak out to the American people and let them know what has been happening here and fortunately or unfortunately, depending on how you look at the situation at this point, the Democrats have narrowed the whole issue down to quote, unquote, count all the ballots, and I had the pleasure of conducting and getting involved in many of the special orders over the last 4 months, and as a pet project last night while my colleagues were staying up all night speaking out on this very important issue, I decided to look through the CONGRESSIONAL RECORD, and just glance back at the comments made by Members on both sides of the aisle with regard to the McIntyre situation and with regard to the sign, the poster that has been placed throughout the Capitol saying, count all the votes. I think it is pretty interesting and I think as I look at the comments made by some of our colleagues on the other side of the aisle, I think we are going to realize that they are on our side, and a few comments come to mind immediately. Back in March, March 28, during the special orders, my colleague, or our colleague from Massachusetts said an interesting thing, and I want to quote him. He said, we believe that voters who in good faith showed up at the polls and voted should not have their ballots disregarded in large numbers because of a failure of the election officials and then during the debate on April 2 the gentleman from Indiana said that guidance is summarized in the principle that when there is no fraud all ballots should be counted or it is possible to learn the intent of the voter, and he said in short count all the ballots.

Now, we have listened to this rhetoric for the past 4 months and many of us on this side of the aisle made a number of attempts to seat Mr. McIntyre provisional and allow the investigation to go on, to allow the special recount to go on, and we all know there have been three recounts at this point and we said, OK, let's count all the ballots, let's get past the rhetoric. Now, we have done just this and I think that our friend, our colleague from Maine made an excellent——

Mr. McKINNEY. Will the gentleman yield for a minute?

Mr. ROWLAND of Connecticut. Certainly.

Mr. McKINNEY. I guess they were really saying, let's count all the ballots from the Democratic counties.

Mr. ROWLAND of Connecticut. Let's count all the ballots until we end up——

Mr. McKINNEY. And let's forget some of those from the Republican counties.

Mr. ROWLAND of Connecticut. In my opinion, I think he, I think they counted until they were ahead and said, OK, this is a convenient time to stop and see where we stand, and I think our colleague from Maine said it very, very well, and I wrote down her remark when she made it, she said "the votes inside these Halls seem to matter more than the votes in the Indiana Eighth District," and I think that is a great comment.

Now, another gentleman from Dakota, North Dakota, on April 4 during special orders said he was very concerned with the partisan outcome and he said, let me quote his comments on April 4, he said "now my interest is to see that all the people who voted in that election have their ballots counted." And I was talking about having Mr. McIntyre seated so that there is some representation, it's been 4 months and Mr. McKINNEY made some great comments about the fact that we have had some important votes here, we've got important votes today, we've got the budget, we've got the deficit, very important votes not only to you and I and our constituents, but important to the people in the Eighth District in Indiana. And he questioned me. He said, "when you talk about all the voters, are you talking about all the voters, including the ones that have been thrown out?" So now I think he is going to ask that same question of himself and of the task force back in April 2. The chairman of the task force said our goal is to determine the intent of the voters in the Eighth District. And then again on April 2, the gentleman from Indiana said, "Mr. Speaker, let us see to it that all the ballots are counted. If we do, we will be following basic principles of fairness, we will following the precedence of the House, we will doing what Indiana did last November in virtually every other April election contest." Then the majority leader said on April 2, what is, then, the basic issue at stake. The basic issue is quite clearly whether voters are to be permitted to have their votes counted or whether they are to be disenfranchised. Just stop and think about it a moment, he said. If a straight party line vote was all that mattered, we easily could have seated Mr. McCloskey. We've got to wonder whether that is exactly what he wants to do. Another gentleman from Illinois, February 7, I believe that this act of disenfranchisement is more important than even the final disposition of the House seating question, for it does not matter who serves in the Congress if all the people are not permitted their constitutional right to vote. Haven't we learned that we cannot take away any citizen's vote without threatening every citizens' vote. That was February 7, one of our colleagues from the other side of the aisle from Illinois.

Another gentleman from Indiana, he said we should not favor election procedures that ignore the clear intent of the voter or otherwise compromise the electoral process. I am listening to these comments and I am starting to wonder whether we said them. First, fair and reasonable recount rules should parallel Indiana law and practice as closely as possible. And I think the lone Republican member of the task force will tell you all about that and I think he can tell you when Indiana law is used and when it is not used. Usually at the convenience of the Democrats on that task force.

Another gentleman from Indiana said, but surely, in a constitutional democracy, such a provision could not be interpreted to confer upon a legislative body unlimited power to abrogate a decision by the electorate, or could it. And then again on January 3d the majority leader said what we are attempting to do is to fulfill our constitutional responsibility to make certain that an election has been duly held, that is result has been timely and regular and that the procedures have been fair, and then finally on January the 3d the majority leader said, had we attempted to exercise the raw power of a ruthless majority, I suppose we would have asked that the gentleman from Indiana, Mr. McCloskey, be seated on the basis of partial returns which we are informed at this point back on January the 3d, the gentleman made a 44 vote margin. Of course, we could have not been justified in doing that, and so we did not seek to do that. Well, I would like to ask the majority leader what the difference is 2 or 3 months later in taking a partial recount and being a ruthless majority, we still have partial returns, there are still ballots that aren't counted, so I think we've got a lot of support on the other side of the aisle and I think the ruthless Democrat majority is going to be hard pressed, very hard pressed in telling the American people and convincing everyone in this House that indeed all the votes have been counted that it has been fair and impartial, has been nonpartisan, and that they're not exercising pure, brutal political strength.

Mr. McKINNEY. Will the gentleman yield back to me for just a moment?

Mr. ROWLAND of Connecticut. Certainly.

Mr. McKINNEY. You know, one of the—I think that you have made some excellent points and there is really nothing that skewers us more firmly in the fires of eternal damnation than our remarks of yesteryear, I think somebody said something like that; but, anyway, would anybody, is there any American out there that really is going to believe at this point after all those remarks and what's happened anything we decide about that election. Isn't it really only fair to turn around and let the people of the Eighth District of Indiana tell the Congress the beltway—inside the beltway crowd—I love that one—what they feel. You know, thank God in the 15 years I've been here I go home every weekend. I, too, might have gotten caught up in the majority's cynicism about what counts and who counts. Frankly, I know Mr. ROWLAND has told the Fifth District of Connecticut as I tell the Fourth District of Connecticut that they are the things that count. But no matter what—even if in fact Mr. McIntyre had been seated in this process, which we knew wasn't going to happen from the very moment we saw the committee start to function, would anyone in the Fifth District really believe what came out of that. No, they want to see an election by the voters, not by the star chamber of two Democrats to one Republican.

I thank the gentleman for participating and I yield for a moment to the gentleman from Pennsylvania.

Mr. CLINGER. I thank the gentleman very much for yielding and permitting me this time.

I have to say at the outset that I have not been involved in this issue as I should have been and I am ashamed of that. I think that the reason I was not involved, because I didn't think it really affected me very much, it didn't affect my constitutents, and more importantly, I didn't really think there would be an effort to steal this seat. So I haven't been involved and that was a mistake, because I think what has happened here affects not just we who are Members of this body, but it affects all of our constitutents because if we have diminished one vote, we have diminished the entire process. I think it is ironic that we are preparing

to celebrate the Bicentennial of the Constitution. We are going to do obeyisence to that sacred document and at the very time that we are planning for the celebration of the Bicentennial of the Constitution we are seeing this kind of charade which takes place and undermines and really casts question, casting the doubt, the document itself.

There is an arrogance of power that I think is palpably evident in what has been going on here for the last month. Lord Acton, the famous cliche, power corrupts, absolute power corrupts absolutely, and I think we have seen that demonstrated time and time again. But I would just plead with our colleagues on the other side of the aisle that what is being attempted here is going to poison the well for a long time to come, the spirit of comity which is absolutely essential for this body to function I think is being cast into jeopardy. It is going to make it more and more difficult for reasonable men to reason together for the good of this country.

So I think that they should consider well what they do, that they really are poisoning the well to the extent that it may make it difficult for us to govern.

But more importantly, also I think what we have seen here is going to undermine the public confidence. Once this word gets out, and I agree with you that we have not seen this message really being transmitted to the American people, but it will be and if this is only a start, then thank God for that. But I think it ultimately is going to become clear to the American people that their rights, their votes, are affected by what is happening here and what is going to be called into question, then, in their minds, is what about this process, is this democratic process really, really going to be a fair one.

So I think what you have suggested is the only fair solution. The Washington Post this morning endorses that solution and says that when you have an election like this clearly the procedures that were employed in this recount were quixotic at best and in my mind highly suspect, but at this point it seems to me that the only fair solution is a special election.

So, I hope that this effort, and the effort of all of our colleagues here over this long night will, I hope, convince the majority not to proceed with this real charade. This, as I said, diminishes not just we as Members, but it diminishes everybody and perhaps a line from John Donne, although not totally relevant, might apply, ask not for whom the bell tolls, it tolls for thee.

Mr. McKINNEY. Very well said, and I think that is what we are bearing witness to and that is that this is an institution of the American people, their thoughts, and we were sent here to defend it and to live up to our oath and it certainly is made very difficult by the actions of the majority.

I would yield to the gentleman from Maine.

Mr. McKERNAN. I thank the gentleman. Especially to thank him for participating in this all night vigil. It is really a vigil, I think, for the preservation of our Constitution and for the protection of the minority from the tyranny of a majority, as well as the very foundation on which this country was built, and that's the rule of law.

Unfortunately, sometimes majorities forget that the most important right that they can preserve is the right of their minority in a particular legislative body.

I would just like to read a couple of comments that have been made by people in the past—John Calhoun, Senator from South Carolina, said the government of the absolute majority instead of the government of the people is but the government of the strongest interest, and when not efficiently checked, it is the most tyrannical and oppressive that can be devised. What we have been trying to do over these past few hours is to check that tyranny, make sure we bring to the public's attention the fact that we have a tyrannical majority, at least on this particular issue, and it needs to be checked for the good of democracy, for the good of this institution.

What I would like to do for just a second before I yield back to the gentleman from Connecticut is to just try to bring this issue out of the Halls of Congress and into the hinterlands throughout this country, look at some of the objective sources, look at what people have said. I would ask that——

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. McKERNAN. I apologize to the gentleman, my time has expired.

ORDER OF BUSINESS

Mr. SHAW. Mr. Speaker, I ask unanimous consent to take my special order out of order at this time.

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

There was no objection.

THE INDIANA ELECTION DISPUTE

The SPEAKER pro tempore. Without objection, the gentleman from Florida is recognized for 60 minutes.

Mr. SHAW. I yield back to the gentleman from Maine to continue his very fine statement.

Mr. McKERNAN. I thank the gentleman from Florida. I think it is important that we realize that we are not just talking about the views of those of us in the Repbulican Party and the minority here in the House of Representatives, we're talking about the views of people throughout this country. What better way to see those views expressed than on the editorial page of newspapers throughout the country representing Republican and Democratic areas alike. The Indianapolis Star, the home State of the gentleman from Indiana, Mr. McIntyre, was having his seat taken through the oppression of the majority. That paper states yet McIntyre is miffed, and justifiably so at the House's partisanship. The Washington Times under a headline entitled "Indiana McIntyre in the House of Doom," says the behavior of the House Democratic majority over Indiana's disputed House seat suggests a retched kind of partisanship.

The Wall Street Journal, under a headline "Trashing Hoosier Votes" says the Democrats in the House have gone into the business of declaring Federal elections irrelevant.

The Houston Post, under an editorial entitled "Do Voters Count?" says "No one is alleging fraud in McIntyre's election. The recount which substantially increased his margin was conducted with Democratic election judges. And now we have had the House of Representatives try to take that vote away from Mr. McIntyre."

The Baltimore Sun, "Indiana Disenfranchised." This editorial says that this is a textbook case of partisan congressional politics at its ugliest.

And the New York Times, "Seat Richard McIntyre. With a margin of 70 seats, Democrats in the House would hardly seem threatened by one more Republican, yet that's how they are behaving in refusing to seat Richard McIntyre."

Mr. Speaker, I just think that the point that needs to be made in this discussion is that we are talking about the very fabric of American society, we are talking about the very fundamental concept of representative democracy. So the Democrats, the majority party, can just pause and consider some of the words of their forefathers. Franklin Roosevelt said, "Inside the polling booth every American man and woman stands as the equal of every other American man and woman. There they have no superiors." That may have been true back in the 1930's. Apparently now American voters do have superiors, and that is the Democratic majority in the House of Representatives which wants to reverse the views of the voters of Indiana's Eighth District.

And finally, not by way of warning but by way of citing history and trying to bring this matter to the attention of the majority, let me just quote another American President, one of our party, Abraham Lincoln. These words I hope are not prophetic; they certainly bear keeping in mind. Abraham Lin-

coln once said that "If by the mere force of numbers a majority should deprive a minority of any clearly written constitutional right, it might in a moral point of view justify revolution." It certainly would, if such a right were a vital one. What right is more important than making sure that the will of the majority, the electorate in this country is represented in the House of Representatives.

Again I want to commend both the gentleman from Connecticut as well as the gentleman from Florida for participating in these special orders, and I thank the gentleman from Florida especially for allowing me to continue my statement.

Mr. SHAW. We thank you for a very, very fine statement. The Members on the Republican side have now gone through the evening. I think it is particularly encouraging to see so many of our freshmen and younger Members that are participating, that know that the importance of this issue that is before us.

I yield to the gentleman from Vermont.

Mr. JEFFORDS. I thank the gentleman for yielding.

I would like to talk a little bit with the gentleman about perhaps something we really have not brought to the attention of the body here, and that is how the Congress normally tries to handle sensitive matters where you want to try to get away from partisanship. We have one committee within this body which is formed for the purpose of handling these kind of sensitive matters, and that is the ethics committee. And that committee is one that has to deal with the difficulties that Members may get into with respect to ethical problems. And in order to insure that that committee does not get involved in partisan politics and that its decisions when rendered are considered as nonpartisan, that committee consists of an even number of Republicans and Democrats. Now I bring that out because I think it is important to point out that in this case this decision of this committee that was set up, this task force, was doomed from the start to be partisan, unless at the conclusion they came to the conclusion that the Republican was the victor. No other way could they come out with any credibility. So I think that what happened here was doomed, because once you set up a task force to handle a sensitive matter which should not be handled in the sense of any way looking partisan, that should have been a 2-to-2 task force or an even number on either side, such that you could presume, as I hope you would in this body, that the Members will act responsibly and that their goal will be to determine as to what the real will of the people of Indiana was.

But what we saw here when they set it up by a 2-to-1 majority was this: Unless there is no way that we can find a way to determine that the election was made in favor of our candidate, unless we cannot do that, then we are going to come out in favor of our candidate. That is the way it was set up. And so right from the beginning it was doomed unless they came out in favor of McIntyre to be tainted with partisanship. There is no other way you could come to a conclusion when a body is set up that way and not only that, but then when it continues to act that way. If the Republicans had, after all of the ballots had been counted, had agreed to it, that is the only other way they could have come up and said that McCloskey was that winner.

So I would agree with those that say that having doomed themselves from the beginning, it is only fair that we give them the kind of result that it ought to be, and that is that we turn it back to the people of Indiana and let them make the decision which this body was unable to do unless under those two rare circumstances, that it would be so unanimous that all the task force would agree, or that it was so overwhelmingly or so untainted in favor of McIntyre that the Democrats had to declare it that way.

I think logically as the editorial writers and all reasonable people are saying now the only answer here now is to let the people of Indiana determine who the winner really was.

I thank the gentleman for yielding.

Mr. SHAW. I thank the gentleman for his very fine statement. I think at this point it is only appropriate to also add to your statement by reading a portion of article I of the Constitution of the United States which says, "When vacancies happen in the representation from any State, the Executive Authority thereof shall issue writs of election to fill such vacancies."

I doubt very seriously whether the executive authority of the State of Indiana will issue a writ based upon a congressional hearing rather than based upon what the people of that district said in Indiana law.

I yield to the gentleman from Michigan.

Mr. PURSELL. Thank you. I want to congratulate the speaker for holding a long vigilance with others who are speaking to address a central issue in this Nation, and I think it is really the central issue of the concentration of power. And I think it is inappropriate and I hope that the Democratic Caucus would reconsider this major thrust of encouraging the additional effort of concentrating more power in the hands of the few.

The Democratic Party and the Republican Party is broad based throughout the Nation, and here we have a committee 2 to 1, two members deciding, making a recommendation on a strong constitutional issue that is fundamental and written in our Constitution by our Founding Fathers.

This is a sacred issue and a solid issue of challenging the power that is concentrated here in Washington. And so beyond the technical problems, we see that there is no fraud, it was a clean election, McIntyre was duly certified by the State of Indiana. And so we have a course of history since November 6 of an honest election that has been taken away from the people of Indiana, and constitutionally our Founding Fathers would turn over in their grave to see a few people in Washington abuse the privileges and honor and the integrity of serving in public office irrespective of political party.

And so the Republican leadership here is challenging the Democratic Party and the caucus to reconsider this issue and to lay it on the table and if need be hold a special election and let the people of Indiana make a decision as to who their Congressperson should be. And so I congratulate those who have spent long hours looking at this issue fundamentally, one of the great abuses of power that I have seen in my 16 years of public life.

I yield back the balance of my time.

Mr. SHAW. I thank the gentleman for a very fine statement. Before I yield to the gentleman from California, I would like to say to our Democratic colleagues that might be watching this proceeding from their office that they are certainly welcome to come to the floor and participate, and I can assure them they will get a much fairer hearing here than Mr. McIntyre received before the hearing committee.

I yield to the gentleman from California, a member of the committee.

Mr. THOMAS of California. I thank the gentleman very much for yielding, and I thank him for taking this special order, as I thank all of my colleagues who throughout the night took special orders. This gentleman from California started last night in discussing this problem, and I think that when we started many people thought that this was some kind of a stunt, that in fact it was freshman Republicans once again looking for some kind of a project. But I think if anyone watched and listened to who spoke, that what they saw was not just a cross section of the Republican Party, but the heart and soul of the Republican Party, and that no one can deny the depth of the feeling of those who spoke. And if we ever felt that we have been isolated and alone, this is always the concern I believe of the minority, and that is even though you know you are right. Is anyone listening?

I want to assure my colleagues that their efforts were not in vain, that in

fact a number of people have been listening.

The Evansville Press has editorialized, under the heading "Once Again, Who Won?" The Evansville Press in Indiana, in the Eighth Congressional District, rightfully could be and is much more particular in its editorial discussing what did and did not happen in front of the recount task force. The point that the Evansville Press editorial makes is that in nine counties for a variety of reasons too complicated to rehash here, the task force did count technically flawed absentee ballots. In two counties, Vanderburgh and Crawford, similarly flawed absentee ballots were not counted because they had not been kept under lock and key since election day. Their integrity could not be guaranteed, so the ruling not to count them seemed reasonable. But in the four remaining counties, the integrity of the absentee votes was not in question, yet the task force still refused to count them.

That was the fundamental point that we made at the beginning, the fact that we went to the task force to investigate the election in Indiana's Eighth District under the cry of the majority leader that there had been voters disenfranchised and there had been an uneven application of law. And what we have seen through the many hours of the discussion of the election in the Eighth District and the task force's recount has been that the task force indeed did not improve upon the people of the Eighth District's performance. Individuals still are disenfranchised, and there was still an uneven application.

□ 0900

Individuals still are disenfranchised, and there is still uneven application.

Then yesterday the Wall Street Journal, in editorializing under the heading, "Tip's Gold Watch," I think, drew a basic bold line under this contest, that while we are talking about constitutional rights, there are folks out there who believe that "What no one took into account," the editorial said, "but probably should have, was that this whole show has been run by arguably the two most partisan Democrats in the House—TIP O'NEILL and TONY COELHO.

"From where Mr. O'NEILL and Mr. COELHO sit," the editorial goes on to say, "Mr. McCloskey's new, four-vote win is mainly an opportunity to stick it to their nemesis in the White House by staging a straight party-line vote on the seating.

"There is simply no way," the editorial concludes, "the Democrats can look good saying a Democrat's four-vote victory is valid after they said a Republican's 400-vote victory was invalid."

Then this morning, after we have labored all night, the premier newspaper in the Nation's Capital City, the Washington Post, under the heading, "A Special Election for Indiana," I think, sums up most of our feelings. I do not think anyone can say that the Washington Post is a Republican newspaper. I think its editorial position, though, clearly reflects the minority point of view, because in editorializing this morning in the Washington Post, they said they felt that "The controversy now rapidly coming to a conclusion in the House over who actually won last November in the Eighth District of Indiana inevitably raises one question. Can it ever be determined with certainty who won in such a close election? The proceedings before the three-member task force, which has concluded, 2-1, that Democrat Frank McCloskey beat Republican Richard McIntyre by four votes, suggests that the answer to this question is no. In an election so close, neither contestant should be seated. The House, embroiled in an ear-splitting dispute over the outcome, should in fact declare the seat vacant and let Indiana hold another election."

And in concluding, the editorial also said: "But when the margin is so close, doubts inevitably remain, and the candidate who is declared the winner will hold the office, so far as some of his colleagues and constituents are concerned, under a cloud. In these circumstances the by no means unusal or cumbersome remedy of a special election is in order."

I might tell you that, having traveled to Indiana's Eighth Congressional District a number of times and talked to the folks out there, I think that if someone were to conduct a poll today in Indiana's Eighth Congressional District, you would find the sentiment of the voters there, Democrat or Republican, is overwhelmingly that the task force did not do any better job than the folks in Indiana did on election night, and that if you are going to leave uncounted votes on the table, if you are going to disenfranchise people, if you are not going to be consistent in the application of your rules, then you should not criticize us if you are going to do the same thing.

The only thing that we can do now to work our way out of the problem that has been created in large part by a straight partisan vote is to agree on a bipartisan vote that the people of the Eighth District of Indiana ought to do it again. It is by no means cumbersome. It is not the awkward choice. I agree with the Washington Post when they say: "a special election for Indiana's Eighth Congressional District."

I want to compliment my colleagues once again. I do hope that the majority party understands that this all-night vigil, with a cross section of the Republican Party, is a true reflection of where this party feels it has to go to be able to get what it considers minimal justice out of the majority.

Mr. Speaker, I thank the gentleman for yielding.

Mr. SHAW. Mr. Speaker, I thank the gentleman for a very fine statement and also for his very courageous work, I might say, on the task force going out to Indiana.

I could not help but think, while you were going over the history of what has happened, that I question whether Mr. McCloskey would want to receive the seat under these circumstances. And why would it not be he that would call for a special election in Indiana. That would be a courageous act and would certainly be one that would be in keeping with the situation that he finds himself in right now.

Mr. Speaker, I see that one of our colleagues from the majority party has come to the floor. I refer to the gentleman from Indiana [Mr. JACOBS], and I am glad to yield to him at this time.

Mr. JACOBS. Mr. Speaker, I thank the gentleman for yielding.

I simply want the record to show that the opening prayer for April 23, 1985, was scheduled to be given by the dean of Indiana ministers, the Reverend Andrew Brown of Indianapolis. But because of the all-night session, there will be historically no opening prayer for the first day, and I am sure that particularly my House of Representatives colleagues hope that Reverend Brown will return on a subsequent date.

Mr. SHAW. Mr. Speaker, I would point out to the gentleman that I believe that the parliamentary situation would be that the opening prayer could be called for at the opening of the session.

Mr. JACOBS. Unfortunately, that is not true. The Parliamentarian has just ruled that it is impossible to have an opening prayer unless there is an adjournment and then a convening of the House.

PARLIAMENTARY INQUIRIES

Mr. SHAW. Then, Mr. Speaker, I would ask the Chair if he would entertain a parliamentary inquiry. I think that by unanimous consent I could yield to the gentleman from Indiana who is going to give us the prayer. We certainly need that at this particular time, and I can certainly say that the people of Indiana would be grateful for that.

The SPEAKER pro tempro. [Mr. WEISS]. The Chair will state that if the House were to adjourn or recess by unanimous consent, then there could be the opportunity and the occasion for prayer under the rules and precedents, but as the situation prevails right now, the House is in continuing session. This is still the same session

without interruption that commenced yesterday afternoon.

Mr. SHAW. Then, Mr. Speaker, I would certainly hope that the gentleman who is scheduled to give the opening prayer today would be able to stay with us until the appropriate time when we could adjourn.

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman yield for a parliamentary inquiry?

Mr. SHAW. I yield for a parliamentary inquiry.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

My parliamentary inquiry is this: Is it not true that the House by unanimous consent could give permission to the Chaplain to deliver the prayer at any point during the proceedings here?

The SPEAKER pro tempore. It is theoretically possible that what the gentleman requests may be accomplished. However, it is not possible for this Member holding the seat temporarily for the Speaker to entertain that request and would have to take it under advisement.

Mr. WALKER. Mr. Speaker, then I have a further parliamentary inquiry.

I do not understand the difference between theory and practice here. The fact is that we can modify our procedures by unanimous consent, and I would assume that we would not have objections.

Is the Chair ruling that if a unanimous-consent request is made, in fact the prayer could be delivered, and that we would not have a problem then in proceeding forward from there?

The SPEAKER pro tempore. First, the gentleman from Pennsylvania, who is an apt student of the parliamentary procedures of this body, knows that in fact there is an order of events that is prescribed by the rules and precedents for this House. The gentleman also knows that the House has been in continuing session since yesterday. There is not a new session here because the Sun has risen on a new day. We are still in the same continuing session.

Now, it is theoretically possible, were the House to complete the nonlegislative business and proceed with legislative business so that the House would be, practically speaking, at the beginning of a new legislative process, that what the gentleman requests could be accomplished by unanimous consent. At an appropriate time, if the request were to be renewed, hopefully the Chair could entertain a request that would satisfy the gentleman.

Mr. WALKER. Mr. Speaker, I have a further parliamentary inquiry.

If I understand the Chair, then, at a point where we desist from special orders for legislative business, it would be in order for some Member to make such a unanimous-consent request at that point?

The SPEAKER pro tempore. The Chair could at that point entertain that request.

Mr. WALKER. I thank the Chair.

Mr. SHAW. Mr. Speaker, I would at this time ask unanimous consent that the House recess for a period of 2 minutes for the purpose of hearing the prayer.

The SPEAKER pro tempore. The Chair really is under an obligation to consult with the Speaker before that kind of decision can be made, and the Chair would again repeat what was stated in the dialog with the gentleman from Pennsylvania. There has been no indication from the gentleman that this is in fact the termination of nonlegislative business, and in order for the prayer request even to be considered, the House should know that in fact it was about to begin the normal legislative business process of the day.

Mr. SHAW. Then, Mr. Speaker, I will withdraw my unanimous-consent request until the Chair asks permission of the Speaker for the House to pray.

□ 0910

I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Florida for yielding.

I think I would like to start off by saying this is the first time I have seen such concern about the opening prayer. I, too, like my colleagues, would like to see the opening prayer given at this time and I would hate to see a minister who came all the way from Indiana to give that prayer not be allowed to do it; however, I would like to add that I wish the same concern was shown for our school children throughout the country who have been without the liberty to have voluntary prayer in public schools for a long time. I wish my colleagues would pay a little bit of attention to their needs as well.

Mr. Speaker, I would like to thank my colleagues on behalf of the people of Indiana for providing this all night debate and vigil concerning the tragedy that is occurring or has occurred in the Eighth Congressional District of Indiana. I think the people across this country have seen that brute force by the majority has been used in stealing this seat, at least I consider it to have been taken unethically.

It appears to me, as has been stated earlier, that votes here count more than the votes cast by the people of Indiana in the Eighth Congressional District.

It has been pointed out time and again that 93 percent of the votes that were thrown out in the recount were thrown out by the Democrat-controlled commissioners. Sixty percent of the 15 counties were controlled by Democrat recount commissioners and yet the third time has proven to be the charm. The Democrat majority has in fact been able to change the scene and it appears as though they are going to attempt to seat Mr. McCloskey even though he did not, in my view, win that election.

Mr. HILER. Mr. Speaker, will the gentleman yield at that point?

Mr. BURTON of Indiana. Yes, I would be happy to yield to my colleague.

Mr. HILER. The gentleman from Indiana makes a telling point, that was a recount conducted under Indiana law. Is the gentleman familiar, is Indiana law materially different from other State laws in this country relative to elections?

Mr. BURTON of Indiana. No. As I understand it, there are a number of States that have identical election statutes to that of Indiana.

Mr. HILER. So that Indiana law is similar to maybe 19 or 20 or 25 or all 49 of the other States in this regard as to how we treat the recount of a contested election?

Mr. BURTON of Indiana. Yes.

Mr. HILER. Well, would the gentleman maybe tell me further from his knowledge, is it the gentleman's understanding that the task force decided to throw out all of Indiana law until the point where the gentleman from the Eighth District, Mr. McCloskey, became four votes ahead and they started to abide by Indiana law; is that the gentleman's understanding?

Mr. BURTON of Indiana. That is absolutely correct and I hope at the conclusion of the gentleman's remarks to read into the RECORD exactly what happened with the absentee ballots.

Mr. HILER. I am sure that the House would appreciate hearing that information.

I thank the gentleman for yielding.

Mr. BURTON of Indiana. I think that is one of the most telling points in the recount, what happened with the absentee ballots. I want to read exactly what occurred.

The task force voted in its final hearing yesterday—

This was right after the votes were counted—

on a two to one party line vote not to count 29 non-notarized absentee ballots held by county clerks in four counties that Mr. McIntyre won. The county clerks in Orange, Davies, Green and Lawrence, McIntyre's home county, swore in affidavits requested by the task force that the absentees had been properly secured in their offices since election day. James Shumway, the recount supervisor appointed by the Democrats, publicly stated before the task force vote that the ballots had been properly secured by the county clerks; however, some non-notarized absentees, also not previously counted on election night or in the State recount, were counted by the task force if they had

been improperly sent from the courthouse to the precincts on election day, but not counted there. These non-notarized absentee ballots were counted by the task force even in counties where some were not counted because they were held back at the courthouse.

So there is a double standard here. The task force had organized an elaborate procedure for collecting the affidavits of the county clerks regarding these uncounted absentees at their second to last meeting.

When Mr. McCloskey was behind in the running count by 12 votes and needed more ballots in the mix, so when it was to their advantage to count absenteee ballots, they did.

At the last meeting when McCloskey had gained a two vote advantage, the task force summarily voted down counting the ballots, disregarding the affidavits guaranteeing their security.

The task force also chose not to count 11 absentees in the possession of county clerks for which the carrier envelopes were unsigned by the voters, but counted identical ballots that had improperly been sent to the precincts.

Ms. FIEDLER. Mr. Speaker, will the gentleman yield

Mr. BURTON of Indiana. Yes, I will be happy to yield.

Ms. FIEDLER. What the gentleman really is saying then is that Mr. McIntyre is being denied his seat because of his personal political viewpoint. That is essentially what the gentleman is saying is it not?

Mr. BURTON of Indiana. Because he is not a Democrat.

Ms. FIEDLER. Because he is not a liberal Democrat, and therefore the liberal Panetta task force refused to seat him. Had he been a liberal Democrat, he would have been seated; is that essentially what the gentleman is saying?

Mr. BURTON of Indiana. I think the gentlewoman is a very discerning Member of Congress.

Ms. FIEDLER. Well, it seems to me what we have here is more than just a failure to seat a Member, but a failure to seat him based upon political philosophy and viewpoint and essentially what we have got here is a situation where not only is there a constitutional violation based on due process, but also the fact that his free speech is being limited and his free exercise, the ability to practice his political viewpoint, is being limited based upon his viewpoint. There is a complete obstruction of his free speech rights.

Is that not essentially what the gentleman is saying?

The SPEAKER pro tempore [Mr. WEISS]. May I remind the Members that the time is controlled by the gentleman from Florida [Mr. SHAW] and for any Member to speak at all, that Member must get permission from the gentleman from Florida.

Mr. SHAW. I thank the Speaker, and the gentlewoman certainly has permission to proceed.

Ms. FIEDLER. Is that not essentially what we are saying here, is that were he from a different political viewpoint, he would have the right to sit in this House today because he would have the mechanics, the authority, the power through the majority to win this process, but because he happens to be a Republican and not a liberal Democrat, his right to sit here has been denied him through the manipulation of the process.

Mr. BURTON of Indiana. I think the gentlewoman is absolutely correct.

Ms. FIEDLER. Well, I think this is something that every American has to be deeply concerned with.

The SPEAKER pro tempore. The Chair must admonish Members that they must request permission from the person who is controlling the time on each occasion that the Member wants to speak, other than the person controlling the time, and must request the gentleman from Florida to yield time for that purpose.

Ms. FIEDLER. Mr. Speaker, the gentleman from Florida yielded to me.

The SPEAKER pro tempore. Not on a permanent basis to two Members at the same time. If there are two Members other than the Member controlling the time, specific yielding must be requested from the Member who controls the time.

Mr. SHAW. Mr. Speaker, I continue to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. If I might conclude then, Mr. Speaker, I want to read the rest of this summation of the recount of the absentee voters.

Therefore, the Task Force counted some, but not all absentees, in strict compliance with Indiana law in a manner that was inconsistent between counties and even between precincts within the same county, despite absolutely no difference in their security. Ironically, the Task Force counted flawed absentee ballots sent to the precincts contrary to Indiana law and refused to count those ballots properly withheld and secured by the county clerks. At its final hearing when McCloskey appeared to be ahead by two votes, the Task Force also voted two to one not to count eight military absentee ballots, despite the fact that the envelopes were postmarked prior to election day.

Mr. Speaker, I would just like to conclude by saying that Mr. Thomas in the Indianapolis Star said that he felt the people of Indiana had been raped by the recount commission appointed by this House. I think his statement was absolutely accurate.

Mr. SHAW. Mr. Speaker, I yield to the gentlewoman from Nevada.

Mrs. VUCANOVICH. Mr. Speaker, I thank the gentleman.

I think many of us on this side of the aisle seldom speak out in this Chamber unless we serve on a particular committee or have a particular interest for our districts.

I want to say that I remember the feeling of pride and honor when I was sworn into this House. I can remember thinking that I was going to be able to serve in such a prestigious body with such prestigious colleagues. I knew that, of course, we would have partisan differences as well as differences because of the diversity of our districts that we all represented; but I never could have visualized that our Democrat colleagues would have failed to live up to their oath of office which is based on the U.S. Constitution.

□ 0920

I really would like to thank the gentleman from Florida [Mr. SHAW] and all of the others who have kept this vigilance with special orders tonight. They have spoken out for fairness and ethics in this body and I am saddened by this display of arrogant power by the Democrat majority, and can tell you that my respect for my Democrat colleagues has been tarnished.

My feeling of pride and honor of serving in this body has been diminished because of the actions of the partisan Panetta liberal task force who have declared Mr. McCloskey the winner of the Eighth Congressional District contest.

I would like to thank the gentleman from Florida [Mr. SHAW] and the rest of my colleagues on this side of the aisle.

I yield back the balance of my time.

Mr. SHAW. Mr. Speaker, at this time I would like to renew my unanimous-consent request that the House recess for 2 minutes for the purpose of receiving the gentleman from Indiana for purposes of prayer.

The SPEAKER pro tempore. The Chair will entertain that request at the end of the special orders.

Mr. SHAW. At this time, then, I would recognize the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I heard a Member speaking earlier in the day talking about the people outside of the beltway in the Washington, DC, area and in this Nation wanted a special election.

I want to also tell the Members of this body and the press and everyone else that the people inside the beltway, in Washington, DC, also want a special election.

Today the Washington Post, which earlier came out for the seating of Mr. McIntyre on a temporary basis, came out with an editorial. I hold it up. It says, "A special election for Indiana." I will just read a portion of this editorial, Mr. Speaker.

It says:

The controversy now rapidly coming to a conclusion in the House over who actually won last November in the 8th District of Indiana inevitably raises one question: can it ever be determined with certainty who won in such a close election? The proceedings before the three-member task force, which has concluded, two-to-one, that Democrat Frank McCloskey beat Republican Richard

McIntyre by four votes, suggests that the answer to this question is no.

The Washington Post is clear that the answer is no. It goes on to say that "in an election so close, neither contestant should be seated."

The Republican should not be seated, nor should the Democrat be seated. It is not enough.

Then it goes on to say:

In an election so close, neither contestant should be seated. The House * * * should in fact declare the seat vacant and let Indiana hold another election.

I think most fairminded people inside the beltway as well as outside the beltway may very well be confused about the merits and demerits of this case, but would say in fairness, since we had a close election, we should have a new, special election.

The Washington Post in today's editorial goes on to say, "* * * when the margin is so close, doubts inevitably remain, and the candidate who is declared the winner will hold the office, so far as some of his colleagues and constituents are concerned, under a cloud." No one wants to hold the office under a cloud.

"In these circumstances the by no means unusual or cumbersome remedy of a special election is in order."

Mr. Speaker, The Washington Post and just about every major newspaper in the country, and I think the important part about the Washington Post editorial is that it is from a newspaper that is within the beltway, part of the Washington complex. Secondly, it is the latest editorial to be published since the House Administration Committee came out with their recommendation.

Mr. Speaker, I think with all of the confusion and all of the doubt, and if each Member could put themselves in the role of Mr. McIntyre, and the pain and the hurt and you know how it is to go through an election to find out on election night that you were the winner, the letters of congratulations, the feelings of your wife and your children and your family, and then to go through this whole process and to have it taken from you has to be a tremendous hurt.

Frankly, obviously my position would be that Mr. McIntyre ought to be seated. The Washington Post, the New York Times, the Wall Street Journal, all of the newspapers have said that.

But I think we have passed that point now. What I think is the fair and honest and the decent and ethical and right thing to do, although I think some people may be amused by putting it this way, is to have a special election. Let both candidates go back, give them 60 or 90 days, and let the winner of that be seated.

So I rise in support of this effort, and that being the case, I thank the gentleman from Florida for yielding the time and commend my colleagues who have supported Rick McIntyre so much. I think he should feel particularly good about the way the freshman class has hung with him. And everyone cares about this.

Again I just urge, Mr. Speaker, do the right thing. Let us have a special election.

I yield back.

Mr. SHAW. I thank the gentleman from Virginia for a very fine statement in pointing out to this House that there are fairminded, ethical people inside the beltway. Hopefully that sense of fairness will rub off on the majority of the Members of this House, and they will do the right thing.

Mr. WALKER. Will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Pennsylvania for the purposes of making a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

Mr. Speaker, I heard you say a moment ago that we were going to have the recess at the end of special orders. Now I understand that there are still about 24 hours of special orders.

The SPEAKER pro tempore. Let the Chair correct the gentleman from Pennsylvania. It will be at the end of the special order of the gentleman from Florida [Mr. SHAW].

Mr. WALKER. It is my understanding, though, that at that point, the legislative day in which we presently are engaged will still continue, and that the special orders scheduled at that point will be continued over despite the fact we are going to revert to legislative business; is that correct?

The SPEAKER pro tempore. The gentleman from Pennsylvania is correct.

Mr. WALKER. And I also have a parliamentary inquiry. It was my understanding that we have an informal agreement around here that we would not, we would not move to legislative business once we had become engaged in special orders. Do I now understand that we are going to reverse that precedent that I understood that we typically operate under?

The SPEAKER pro tempore. This is not a reversal. Under the procedents, where legislative business had been previously announced the House may move forward as scheduled, and as announced.

Mr. WALKER. I have a further parliamentary inquiry. Is it my understanding that this legislative business we are going to be engaged in, however, had been announced for the next legislative day?

We are in fact proceeding on a calendar schedule rather than on a legislative schedule?

The SPEAKER pro tempore. No; the schedule, as was announced, was a schedule that was announced for Tuesday, for the calendar day of Tuesday. The calendar day.

Mr. WALKER. Yes; so we are proceeding on the calendar day because we are still on legislative Monday; is that not correct?

The SPEAKER pro tempore. Would the gentleman please repeat his question?

Mr. WALKER. The legislative day that we are presently engaged in is legislative Monday, is that not correct?

The SPEAKER pro tempore. The gentleman is correct.

Mr. WALKER. And we are going to now revert to the calendar schedule rather than a legislative schedule?

The SPEAKER pro tempore. As announced.

Mr. WALKER. I thank the gentleman.

Mr. SHAW. I thank the Chair for the clarifying ruling and I might say a very clear ruling.

Mr. HILER. Will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Indiana.

Mr. HILER. I thank the gentleman for yielding. I guess the point I would like to address in this concerns these uncounted, nonnotarized absentee ballots that remain with the county clerks.

My understanding of the reason that the majority party decided not to seat Rick McIntyre, the certified winner of this election, was that there was a recount going on. That goes back to January 3. Then after the recount was completed, the gentleman from Indiana, Mr. McIntyre, had won the election by some 400-odd votes.

The majority party then said that the recount had not been held consistently and that there were changes within the application in the 15 counties there in the State. At that point, McIntyre was not seated and the task force began its work. And the task force basically threw out all of Indiana law saying that Indiana law is not good law, even though it is the same law that governs quite a few of the States in the country. But that Indiana law would not be sufficient law to determine who won the election. Is that the gentleman's understanding?

Mr. SHAW. That is correct. It is my understanding that what has happened here is that at a period, that at the beginning of the hearing, the decision was made to count all of the votes, and some of them that would have been disqualified, and probably quite correctly, under Indiana law were counted. Then when they got toward the end of the vote and found that the Democrat was four votes ahead, they decided not to continue that practice and changed the rules

and reverted back to Indiana law at their convenience, and as a result, came up with a result that is not what the people of the Eighth District of Indiana has voted for.

Mr. HILER. If the gentleman will yield further, I think that is a significant point, that after having trashed Indiana law and come up with a new law, kind of a Federal election law, that law was not applied consistently.

Now the matter concerns 29 non-notarized ballots that under Indiana law an absentee ballot needs to be notarized. If it is not notarized, that ballot should be held by the county clerk pending whatever happens following the election.

□ 0930

Some county clerks, in fact, four county clerks certified that, yes, we held those nonnotarized ballots and, yes, we held them in a secure fashion so they could not be tampered with or added to or subtracted from.

Other county clerks, however, sent those nonnotarized absentee ballots to the individual precinct where they were held without being counted. Now the task force voted to count those nonnotarized absente ballots that had been sent to the precinct and yet had not been counted either election night or in the original independent recount—they counted those.

Then when Mr. McCloskey went ahead by two votes, the task force then voted by a 2-to-1 margin not to count those nonnotarized absentee ballots that had been held by the county clerks under the guise of conforming with Indiana law. Now this seems absolutely ludicrous to me that a task force of this Congress would criticize Indiana law as not being consistent, throw out Indiana law, come up with new law and then only apply the new law until such time as their man has more votes than Mr. McIntyre had and then revert back to Indian law for those last 29 ballots. It seems to me just totally inane that this kind of process could take place in this House. I think if ever there was a tyranny of the majority, it is occurring on this particular matter.

As a Representative from the State of Indiana, I recognize that my seat is only as tenuous or as secure as what the majority party seeks to make it. While I won by 11,500 votes, theoretically the majority party can decide there may be a counting rule that we can come up with to deny that Representative from Indiana his seat, because my certification was every bit as good as the gentleman from the Eighth District Mr. McIntyre's.

I hope that the House does not go the path next week of seating Mr. McCloskey with this tremendous act of insanity that is occurring by the task force by 2 to 1 votes. I think we all knew that the possibility that this would become extraordinarily partisan existed. Little did we know that at the point where their man became ahead, they would then stop counting the ballots. I think it is inane and I hope this House does not go that path.

Mr. SHAW. Thank you for a very good clarifying statement. I think that the Constitution itself protects your seat, protects my seat, and ultimately will protect the Eighth District of Indiana, and I hope this House does not try to stop the working of the Constitution because the Constitution says that "in the representation from any State the executive authority thereof shall issue writs of election to fill such vacancy." As I understand, such a writ has been issued by your Governor at least once if not twice, and on both of them, Mr. McIntyre is the one who has been so certified.

Mr. HILER. The gentleman is correct; the Governor and secretary of state did certify Mr. McIntyre as the victor and reaffirmed that certification. They did not issue a new certification, but reaffirmed that certification after the recount that took place under Indiana law. It is unfortunate because that certification by the Governor is as good as 434 other certifications for sitting Members of the House of Representatives. I guess it just shows if you are in the minority, you had better plan on winning by more than 34 votes or 400 votes in the recount, otherwise your seat is no longer safe, otherwise it is a tremendous affront on the Constitution. I hope other Members in the minority are not faced with a close election in the future.

Mr. SHAW. I appreciate your statement.

Mr. Speaker, I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. I appreciate the gentleman yielding. I will not take much time, except to point out, a couple of weeks ago, I took the floor to talk about the contrast between this McIntyre-McCloskey race and another race in which I was integrally involved. As a matter of fact, it was one of the highlighted races of the time back in 1976 when I ran for Congress in November 1976. I was defeated by a fellow who had run into a great many problems with respect to his primary election. His name was Rick Tonry. And I think the contrast of what happened to Mr. Tonry, my predecessor in this office, and this instance, this particular case, is actually astonishing and ironic. The fact is, Mr. Tonry was accused in both State court and Federal court of all sorts of outlandish and outrageous violations of law, of election law, of propriety and he was charged by his Democratic counterpart who lost to him in the Democratic primary. Mr. Tonry went on and defeated me in the general election and he was actually—despite all of the charges and all of the claims that there was fraud and injustice and impropriety, the House Administration Committee and all of the other committees assigned to look into the charges against Mr. Tonry by his Democratic opponent, sought not concede the validity of those accusations; sought to overlook those accusations and actually sought to seat Mr. Tonry without any hesitation whatsoever despite protests from his Democratic opponent and from me because there were violations involved or accusations of violations in the general election as well. Mr. Tonry was seated right along with everybody else who was sworn into the 95th Congress without impediment whatsoever.

Now I think, in the first place, that contrasts with what we have seen here with Mr. McIntyre, who was the certified winner as Mr. Tonry then. Mr. McIntyre was not permitted to be seated. But then as the protests dragged on, just the reverse happened.

In this instance, Mr. McIntyre was denied his seat in the beginning until the process worked its way and they finally found an opportunity to throw the election back to Mr. McCloskey and they now are saying that Mr. McCloskey should be seated.

In that case, Mr. Tonry could not escape the charges in the courts. The charges became so serious that they did convince Mr. Tonry to step down. That was the proper thing to do. In May 1977, Mr. Tonry stepped down and there was a special election.

I only point that out because I think that this process with the McIntyre-McCloskey incident has gone so far that there is no way to determine who is the proper winner and in fact it should be thrown back to the people of Indiana so that a proper winner can be selected in a special election.

Mr. SHAW. I thank the gentleman for a very fine statement.

I yield to the gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. I appreciate the gentleman yielding.

You know, when I was a young lawyer, I had a client, perhaps the only innocent one I ever had; we were before a crusty old judge in Virginia and the judge was saying that he did not believe a word that my client had to say. He just simply did not believe him. So he kept asking this young man, said, "When were you born?" The young man did not answer.

Finally, in a fit of irritation, the judge said, "When is your birthday?" The young man said, "What do you care? You are not going to give me anything, anyway."

The point I am trying to make to the gentleman from Florida [Mr. SHAW] is that I think that the majority party which has been behaving very much like that judge, should give Mr.

McIntyre something he richly deserves and that is a seat in this Chamber which he won in a free and fair election.

If they are not prepared to do that, at the very least they should have a special election in the Eighth District of Indiana at an early timeframe.

Now the point of all this, Mr. Speaker, is that the genius of the American political system and the thing that has served us so very well for two centuries is the competition of the two major parties and the efficiencies that brings with it and the stability in the center of the road, the traditional right of center, conservative, steady, historic position that this Government has followed for 200 years.

I am just a poor Virginia country lawyer, Mr. Speaker, but it seems to me the facts here are very simple. We had an election, Indiana said our guy won. He happens to be a Republican. Then the people in this House of Representatives said, "We can't let that happen; we want a test vote. We want a test case, so we will take on this seat, see if we can't take it away." So they started this process and they could not do it under Indiana regulations because we had won.

□ 0940

So they created some new regulations. And they just kept counting, and they took these votes and those votes, and they used these and they did not use those, and when they got to the point where they were four votes ahead, they said, "Stop. Our guy has now won. The contest is over. Finished with the count. Now let's just slam him in there." And if they do that, Mr. Speaker, in this case, next time it will be 10 or 20 or 50 that will have the same treatment.

Yesterday in a meeting, somebody said, "Are we doing this for the White House? Are we doing this for ourselves? Why are we doing this?" And my answer is that I am doing this for my grandson, who I want to be able to cast his vote in a free election in a participatory democracy, and that is what this fight is all about.

I thank the gentleman for yielding.

Mr. SHAW. I thank the gentleman for a very fine statement. You have certainly shown that even lawyers can understand the issues before this House in a very clear and concise way.

I yield to the gentleman from California for the purposes of carrying on a dialog with the gentlewoman from California [Ms. FIEDLER], and I would like to also thank the gentleman in the well for his persistence in staying up all night. He is probably the only Member of this House who charges his battery on exhaustion.

I yield to the gentleman.

Mr. DORNAN of California. I thank the distinguished gentleman from Florida, and I did want to point out to those who have just joined us in the Chamber and to those who have just availed themselves through the wizardry of electronic television, who find great historical value in tracking the proceedings of this House, that we are still, although it is the 23d of April, conducting the legislative affairs of April 22, because dozens of us have analyzed this sad, sad story of the stolen election of Indiana's Eighth Congressional District, and the more we have probed into this, especially during the wee hours of the night, some of us, in frustration and exhaustion, weakened to the point where we were finding ourselves back in the first week of January conceding that maybe we should have a special election, I said that first somewhere between 3 and 4 a.m. in the morning, I caught myself around 6:30 a.m., and now I would like to restate, when I came to my senses at 6:30, we cannot insult the people of the Eighth District of Indiana or their duly elected Governor without more reflection, even though all the great newspapers across this country are now in exhaustion themselves because they wrote their editorials in the wee hours of the morning calling for a special election. Rick McIntyre, my colleague in this freshman class of the 99th Congress, won that election and was duly certified twice, and I think we have to wait until the Governor of that great State of Indiana comes back from his richly deserved short vacation in the gentleman's great State of Florida, to find out what he wants to do as the Governor. I will take my lead from him, from Mr. McIntyre and from the majority voters who established a winner twice over in that election.

Mr. SHAW. I yield to the gentlewoman from California.

Ms. FIEDLER. I have some very serious concerns about what is taking place here, because essentially what we are saying is that an individual, simply because of his political viewpoint, is not being seated, and when we permit that kind of process to take place in a free and open democratic country, we have some very serious concerns as citizens, because, frankly, if the Democratic Party, who may maintain a majority here in the House of Representatives, is today willing to take away a seat from a Republican simply because of a difference in viewpoint, what next? If they are willing to take away a seat in the House of Representatives which has been duly won by a member of the minority party today, what rights are they willing to take away from people in the future? And this is not a modest or small debate. It is not a technician's debate. It is not lawyer's debate.

Mr. DORNAN of California. True.

Ms. FIEDLER. The issue is whether or not the minority in this country continue to have and enjoy the same rights as the majority. And if the answer is no, then we are in much more serious trouble than many who have even participated in this debate realize, because I am unwilling, as one Member of Congress, but, more importantly, as one citizen, to permit the majority party to take a seat away from an individual because of differences in political viewpoint when in fact that same party would probably be standing up and arguing for the advantages of permitting someone like a Manson to go through a free and appropriate trial.

Now, Rick McIntyre and the people of the eighth district are not being given even the same privileges as someone who has been charged with the most heinous of crimes in our own system. And when you lay those two issues side by side and say that even under the most onerous possibilities, even when there are witnesses to crimes, that those individuals charged with those crimes in a free society have the right to due process, have the right to fair and equal treatment under the law, and yet in this House of Representatives, the body which builds the law and is supposed to support the law, denies their own Members the same rights that they would afford to Charles Manson, we have got some serious problems here.

Mr. DORNAN of California. If the gentleman controlling the time would yield for the purposes of a colloquy, all night long, many of us have been making the constitutional point of the integrity of our State election laws when they are fairly applied. But you have brought up a whole new aspect here, that there is a freedom of speech issue here, that Mr. McIntyre, irrespective of party, if he had campaigned as a person wanting a seat here to oppose the President of the United States and speak out against his policies, then probably we would not have had to live through this 4-month charade of a small House task force second-guessing two duly certified elections of the State of Indiana. And that is a tragedy to add an insult to freedom of speech on top of the ongoing incessant insult to the Constitution.

The gentleman from New York I think was anxious to make a concluding remark.

Ms. FIEDLER. If the gentleman will yield further, I just simply would like to say that this is a typical case for the ACLU, and I wonder where they are today.

Mr. SHAW. May I inquire of the Chair how much time I have left on my special order?

The SPEAKER pro tempore. The gentleman from Florida has 30 seconds remaining.

Mr. SHAW. At the conclusion of my remarks, I intend to renew my special

unanimous-consent request for a recess for a couple of moments.

I think at this time, more than any other, we need to reflect on ourselves, our prayers, our history, and during the prayer that will be coming soon before us, I think we should think of the constitutional and the civil rights of the people of the Eighth District of Indiana who have not been represented in this House since January 1.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. BYRON (at the request of Mr. WRIGHT) for today and tomorrow (April 22 and 23), on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. VUCANOVICH) to revise and extend their remarks and include extraneous material:)

Mr. COATS, for 60 minutes, on April 30.

Mr. LIVINGSTON, for 60 minutes, today.

Mr. RITTER, for 60 minutes, today.

Mr. EDWARDS of Oklahoma, for 60 minutes, on May 21.

Mr. SWINDALL, for 20 minutes, today.

Mr. SILJANDER, for 60 minutes, today.

Mr. MICHEL, for 60 minutes, today.

Mr. LUNGREN, for 60 minutes, today.

Mr. SILJANDER, for 60 minutes, on April 23.

Mr. MACK, for 60 minutes, today.

Mrs. MARTIN of Illinois, for 60 minutes, today.

Mr. THOMAS of California, for 60 minutes, today.

Mr. KINDNESS, for 60 minutes, today.

Mr. EMERSON, for 60 minutes, today.

Mr. HUNTER, for 60 minutes, today.

Mr. GUNDERSON, for 60 minutes, today.

Mr. WALKER, for 60 minutes, today.

Mr. FRENZEL, for 60 minutes, today.

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. KASICH, for 60 minutes, today.

Mr. BARTON of Texas, for 60 minutes, today.

Mr. KOLBE, for 60 minutes, today.

Mr. MONSON, for 60 minutes, today.

Ms. FIEDLER, for 60 minutes, today.

Mr. ROTH, for 60 minutes, today.

Mr. WEBER, for 60 minutes, today.

Mr. PACKARD, for 60 minutes, today.

Mr. COBLE, for 60 minutes, today.

Mr. COBEY, for 60 minutes, today.

Mr. BOULTER, for 60 minutes, today.

Mr. STRANG, for 60 minutes, today.

Mrs. VUCANOVICH, for 60 minutes, today.

Mr. SMITH of New Hampshire, for 60 minutes, today.

Mr. MCMILLAN, for 60 minutes, today.

Mr. ECKERT of New York, for 60 minutes, today.

Mr. BILIRAKIS, for 60 minutes, today.

Mr. BATEMAN, for 60 minutes, today.

Mr. SHAW, for 60 minutes, today.

Mr. ARMEY, for 60 minutes, today.

Mr. LIGHTFOOT, for 60 minutes, today.

Mr. PARRIS, for 60 minutes, today.

(The following Members (at the request of Mr. SIKORSKI) to revise and extend their remarks and include extraneous material:)

Mr. COYNE, for 5 minutes, today.

Mr. CROCKETT, for 5 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GLICKMAN, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. GONZALEZ, for 60 minutes, on April 23.

Mr. RAY, for 5 minutes, on April 24.

Mr. RAY, for 30 minutes, on April 25.

Mr. ROWLAND of Georgia, for 60 minutes, on April 24.

Mr. GAYDOS, for 30 minutes, on April 23.

Mr. GAYDOS, for 30 minutes, on April 24.

Mr. MOODY, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GILMAN, on House Resolution 125, expressing the sense of the House that the Government of the Soviet Union be condemned for the murder of Maj. Arthur D. Nicholson, Jr., today.

(The following Members (at the request of Mrs. VUCANOVICH) and to include extraneous matter:)

Mr. BURTON of Indiana.

Mr. CHAPPIE.

Mr. EVANS of Iowa.

Mr. VANDER JAGT.

Mr. FIELDS in two instances.

Mr. MICHEL in two instances.

Mr. BROOMFIELD in two instances.

Mr. SOLOMON.

Mr. CLINGER.

Mr. KEMP.

Mr. GUNDERSON.

Mr. O'BRIEN.

Mr. HUNTER.

(The following Members (at the request of Mr. SIKORSKI) and to include extraneous matter:)

Mr. MILLER of California.

Mr. ADDABBO.

Mr. COELHO.

Mr. LANTOS in four instances.

Mr. MAZZOLI.

Mr. KANJORSKI.

Mr. ANDERSON in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. GONZALEZ in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. RODINO.

Mr. FLORIO.

Mr. AUCOIN.

Mr. SYNAR.

Mr. FORD of Tennessee.

Mr. HEFTEL of Hawaii.

Mr. DYMALLY.

Mr. LIPINSKI.

Mr. LEVINE of California in four instances.

Mr. UDALL.

Mr. DIXON.

Mr. RANGEL.

Mr. STARK in four instances.

Mr. TRAFICANT in two instances.

Mr. OBEY in five instances.

Mr. BUSTAMANTE.

Mr. EDGAR.

Mr. HAMILTON.

Mr. ACKERMAN.

Mr. BERMAN.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 813. An act to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations for fiscal years 1986 and 1987, and for other purposes; referred to the Committees on Energy and Commerce and Public Works and Transportation.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1065. A letter from the Assistant Secretary of Defense (Manpower, Installations and Logistics), transmitting a report on the annual review of the adequacy of pay and allowances for members of the uniformed services, together with recommendations for adjustments, pursuant to 37 U.S.C. 1008(a), 1009(f); to the Committee on Armed Services.

1066. A letter from the Secretary, Department of Housing and Urban Development, transmitting a copy of "Evaluation of the Urban Initiatives Anti-Crime Program: Final Report," pursuant to Public Law 95-557, section 207(e) (94 Stat. 1635); to the Committee on Banking, Finance and Urban Affairs.

1067. A letter from the Acting General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize printing of the back side of the U.S. paper money of the denomination of $1 by a method other than the intaglio process; to the Committee on Banking, Finance and Urban Affairs.

1068. A letter from the Acting General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize appropriations for the U.S. Mint for fiscal years 1986 and 1987; to the

Committee on Banking, Finance and Urban Affairs.

1069. A letter from the Chair, National Center for Research in Vocational Education Advisory Council, Department of Education, transmitting the Council's annual report for fiscal year 1984, pursuant to GEPA, section 443(a)(2); to the Committee on Education and Labor.

1070. A letter from the Chairman, National Advisory Council on Continuing Education, transmitting the Council's 18th annual report entitled, "In the National Interest: Continuing Education," pursuant to HEA, section 117(d) (94 Stat. 1382); to the Committee on Education and Labor.

1071. A letter from the Chairman, National Advisory Committee on Accreditation and Institutional Eligibility, Department of Education, transmitting the Committee's annual report for fiscal year 1984, pursuant to GEPA, section 443(a)(2); to the Committee on Education and Labor.

1072. A letter from the Chairman, National Advisory Council on Bilingual Education, Department of Education, transmitting the ninth annual report of the National Advisory and Coordinating Council on Bilingual Education on the condition of bilingual education in the Nation and on the administration and operation of the Bilingual Education Act, pursuant to 20 U.S.C. 3262(c); to the Committee on Education and Labor.

1073. A letter from the Chairperson, National Advisory Council on Adult Education, transmitting the Council's fiscal year 1983 annual report, pursuant to 20 U.S.C. 1209(d); to the Committee on Education and Labor.

1074. A letter from the Chairperson, Federal Education Data Acquisition Council, Department of Education, transmitting the Council's annual report for fiscal year 1984, pursuant to GEPA, section 443(a)(2); to the Committee on Education and Labor.

1075. A letter from the Executive Director, National Advisory Council on Vocational Education, Department of Education, transmitting the Council's annual report for 1984, pursuant to GEPA, section 443(a)(2); to the Committee on Education and Labor.

1076. A letter for the Chairman, National Board of the Fund for the Improvement of Postsecondary Education, Department of Education, transmitting the Board's annual report covering fiscal year 1984; to the Committee on Education and Labor.

1077. A letter from the Presiding Officer, Advisory Council on Education Statistics, transmitting the Counsel's annual report for fiscal year 1984; to the Committee on Education and Labor.

1078. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions by Lowell C. Kilday, Ambassador Extraordinary and Plenipotentiary-elect to the Dominican Republic, and members of his family, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

1079. A letter from the Acting Director, Office of Personnel Management, transmitting notice of a new personnel record system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1080. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting the Administration's annual report on the records disposition activities of the Federal Government for fiscal year 1984, pursuant to 44 U.S.C. 3303a; to the Committee on Government Operations.

1081. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's eighth annual report of its activities under the Government in the Sunshine Act during calendar year 1984, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

1082. A letter from the Chairman, U.S. Parole Commission, Department of Justice, transmitting the Commission's annual report of its activities under the Government in the Sunshine Act for calendar year 1984, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

1083. A letter from the Secretary, Department of Transportation, transmitting the Department's 10th annual report of its activities under the Freedom of Information Act during calendar year 1984, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1084. A letter from the Secretary, the Foundation of the Federal Bar Association, transmitting the Association's audit report for the fiscal year ending September 30, 1984, pursuant to Public Law 88-504, section 3 (36 U.S.C. 1103); to the Committee on the Judiciary.

1085. A letter from the Acting Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend title 5, United States Code, to make permanent the authority for flexible and compressed work schedules for Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

1086. A letter from the Special Counsel, U.S. Merit Systems Protection Board, transmitting a report of the findings and conclusions of the investigation by the Secretary of the Army into allegations of false reports of daily turbidity readings, unavailable or nonworking turbidity meters and unacceptably high turbidity readings taken when meters became available at the Red River Army Depot, Texarkana, TX, pursuant to 5 U.S.C. 1206(b)(5)(A) (92 Stat. 1125); to the Committee on Post Office and Civil Service.

1087. A letter from the Administrator of Veterans' Affairs, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to revise veterans' eligibility for health care from the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

1088. A letter from the Chairman, Interstate Commerce Commission, transmitting the Commission's 98th annual report covering fiscal year 1984, pursuant to 49 U.S.C. 10311, 10386, 10706(h), and 10731(b)(3); Public Law 96-448, section 217(c)(1); jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

1089. A letter from the Comptroller General of the United States, transmitting a report on the overview and perspectives on the Food Stamp Program (GAO/RCED-85-109; April 17, 1985); jointly, to the Committees on Government Operations and Agriculture.

1090. A letter from the Comptroller General of the United States, transmitting a report entitled, "Block Grants: Overview of Experiences to Date and Emerging Issues" (GAO/HRD-85-46; April 3, 1985); jointly, to the Committees on Government Operations, Ways and Means, Energy and Commerce, and Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAWKINS: Committee on Education and Labor. House Concurrent Resolution 67. Concurrent resolution expressing the sense of the Congress that a uniform State act should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents, and for other purposes (Rept. No. 99-52, pt. I). Ordered to be printed.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 664. A bill to amend the Panama Canal Act of 1979 with respect to the payment of interest on the investment of the United States; (Rept. No. 99-53). Referred to the Committee of the Whole House on the State of the Union.

Mr. FUQUA: Committee on Science and Technology. H.R. 1798. A bill to authorize appropriations to the Department of Energy for civilian research and development programs for fiscal years 1986, 1987, and 1988; with amendments (Rept. No. 99-54). Referred to the Committee of the Whole House on the State of the Union.

Mr. FUQUA: Committee on Science and Technology. H.R. 1799. A bill to authorize appropriations to the Department of Energy for civilian energy programs for fiscal years 1986, 1987, and 1988; with amendments (Rept. No. 99-55, Pt. I). Ordered to be printed.

Mr. BROOKS: Committee on Government Operations. Report on National Endowment for the Humanities and the Equal Employment Opportunity Commission (Rept. No. 99-56). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO (for himself and Mr. HILER) (by request):

H.R. 2148. A bill to authorize appropriations for the U.S. Mint for fiscal years 1986 and 1987; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BURTON of Indiana (by request):

H.R. 2149. A bill to amend title 5, United States Code, to make permanent the authority for flexible and compressed work schedules for Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. COLEMAN of Missouri:

H.R. 2150. A bill to improve debt-collection activities and default recoveries, and to reduce collection costs and program abuse under student loan programs administered by the Department of Education, and for other purposes; to the Committee on Education and Labor.

By Mr. DASCHLE:

H.R. 2151. A bill to provide for the establishment of an arbitration system to reduce the number and costs of injuries resulting from the use of excessively violent conduct during professional sports events; to the Committee on Education and Labor.

By Mr. GUNDERSON:

H.R. 2152. A bill to provide for the coordinated use and enhancement of the upper Mississippi River system; jointly, to the Committee on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. SAM B. HALL, JR.:

H.R. 2153. A bill to authorize appropriations for the Administrative Conference of the United States and for other purposes; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT:

H.R. 2154. A bill to accelerate the removal of the social security trust funds from the unified budget of the U.S. Government; to the Committee on Ways and Means.

By Mr. HERTEL of Michigan:

H.R. 2155. A bill to require that a comprehensive study be prepared regarding the present status of fish and wildlife cancer research at the State and Federal levels, and means for improving and coordinating that research; to the Committee on Merchant Marine and Fisheries.

By Mr. HUNTER:

H.R. 2156. A bill to expand Japan's market for U.S. agricultural products; to the Committee on Ways and Means.

By Mr. LUKEN (for himself and Mr. MADIGAN):

H.R. 2157. A bill to amend the Clean Air Act; to the Committee on Energy and Commerce.

By Mr. MARLENEE (for himself, Mr. WATKINS, Mrs. SMITH of Nebraska, Mr. ROBERT F. SMITH, Mr. DASCHLE, Mr. EMERSON, Mr. WHITLEY, Mr. NICHOLS, Mr. MADIGAN, Mr. STRANG, Mr. DENNY SMITH, Mr. THOMAS of California, Mr. HUNTER, Mr. LOEFFLER, Mr. FIELDS, Mr. MCCAIN, Mr. CHENEY, Mr. CRAIG, Mr. SUNDQUIST, Mr. WEBER, Mr. STANGELAND, Mr. RUDD, Mr. DORNAN of California, Mr. GLICKMAN, Mr. BROWN of Colorado, and Mr. BURTON of Indiana):

H.R. 2158. A bill to prohibit the importation into the United States of beef, bananas, and sugar from Nicaragua until the President finds that the policies of the Government of Nicaragua regarding opposition to the democratic resistance forces and a free democratic form of government are consistent with its obligations under the terms of the Nicaraguan revolution and the promises made to the Organization of American States; to the Committee on Ways and Means.

By Mr. MAZZOLI:

H.R. 2159. A bill to allow the President to rescind items of appropriation unless the Congress enacts legislation disapproving that rescission, jointly, to the Committees on Government Operations and Rules.

By Mr. MAZZOLI (for himself and Mr. MOORHEAD):

H.R. 2160. A bill to amend the Lanham Act to improve certain provisions relating to concurrent registrations; to the Committee on the Judiciary.

By Mr. MITCHELL:

H.R. 2161. A bill to set aside certain surplus vessels for use in the provision of health and other humanitarian services in developing countries; to the Committee on Merchant Marine and Fisheries.

By Mr. MONTGOMERY (by request):

H.R. 2162. A bill to amend title 10, United States Code, to authorize transportation on military aircraft to be provided to former members of the Armed Forces who are totally disabled as the result of a service-connected disability in the same manner and to the same extent as such transportation is provided to retired members of the Armed Forces; to the Committee on Armed Services.

By Mr. PEPPER:

H.R. 2163. A bill to permit certain Cuban and Haitian nationals to adjust their immigration status to that of permanent resident aliens; to the Committee on the Judiciary.

By Mr. RINALDO (for himself and Mr. HAMMERSCHMIDT):

H.R. 2164. A bill to accelerate the removal of the Social Security trust funds from the Unified budget of the U.S. Government; to the Committee on Ways and Means.

By Mr. SKELTON:

H.R. 2165. A bill to amend title 10, United States Code, to strengthen the position of Chairman of the Joint Chiefs of Staff and to provide for more efficient and effective operation of the Joint Chiefs of Staff; to the Committee on Armed Services.

By Mr. BARNES (for himself, Mr. HAMILTON, Mr. JONES of Oklahoma, Mr. FISH, Mr. LEACH of Iowa, Mr. ZSCHAU, and Mr. GRADISON):

H.J. Res. 247. Joint resolution to provide U.S. assistance to foster peace and nurture democratic institutions throughout Central America; jointly, to the Committees on Foreign Affairs, Appropriations, Permanent Select Committee on Intelligence and Rules.

By Mr. HUNTER (for himself and Mrs. BYRON):

H. Con. Res. 126. Concurrent resolution deploring the continued production and deployment of offensive, land-based nuclear forces by the Soviet Union and expressing support for a U.S. national security policy which provides for a deterrent capability that includes continued research and development for strategic defense systems; jointly, to the committee on Armed Services, and Foreign Affairs.

By Mr. HAMILTON:

H. Res. 138. Resolution to amend the Rules of the House of Representatives to restrict the honoraria any Member may receive from persons with legislative interests before committees upon which the Member serves; to the Committee on Rules.

By Mr. RICHARDSON (for himself and Mr. YATRON):

H. Res. 139. Resolution condemning the violations of human rights committed by the Government of Nicaragua and by the Nicaraguan insurgent forces, including the so-called Contras; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

84. By the SPEAKER: Memorial of the Legislature of the State of Arizona, relative to the Nation's money system; to the Committee on Banking, Finance and Urban Affairs.

85. Also, memorial of the Legislature of the State of Illinois, relative to the funding of Amtrak; to the Committee on Energy and Commerce.

86. Also, memorial of the Legislature of the State of Nevada, relative to ballots for elections in languages other than English; to the Committee on the Judiciary.

87. Also, memorial of the Legislature of the State of Arizona, relative to the issuance of a Prescott rodeo commemorative stamp; to the Committee on Post Office and Civil Service.

88. Also, memorial of the Legislature of the State of Tennessee, relative to the Tennessee Valley Authority's request for nonpower programs; to the Committee on Public Works and Transportation.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. GINGRICH, Mr. EDWARDS of Oklahoma, Mr. LEACH of Iowa, Mr. VISCLOSKY, and Mr. SPRATT.

H.R. 40: Mr. MCCURDY.

H.R. 43: Mr. WISE, Mr. PERKINS, Mrs. COLLINS, Mr. SAVAGE, Ms. KAPTUR, Mr. HUBBARD, Mr. SOLARZ, and Mr. WHITLEY.

H.R. 156: Mr. LANTOS, Mr. ROE, Mr. WHITLEY, and Mr. MURPHY.

H.R. 235: Mr. ANDREWS.

H.R. 281: Mr. EDWARDS of California, Mr. HUBBARD, Mr. JACOBS, Ms. KAPTUR, Mr. MAVROULES, Mr. MOLLOHAN, Mr. SABO, Mrs. SCHROEDER, Mr. TORRES, Mr. STUDDS, Mr. FEIGHAN, Mr. GAYDOS, Mr. GRAY of Illinois, and Mr. LEVIN of Michigan.

H.R. 479: Mr. COMBEST.

H.R. 587: Mr. NICHOLS, Mr. ERDREICH, Mr. ROBINSON, Mrs. BURTON of California, Mr. EDWARDS of California, Mr. DIXON, Mr. ANDERSON, Mr. DREIER of California, Mr. DANNEMEYER, Mr. PACKARD, Mr. YOUNG of Florida, Mr. THOMAS of Georgia, Mr. HATCHER, Mr. FOWLER, Mr. GINGRICH, Mr. DARDEN, Mr. YATES, Mr. CRANE, Mr. BRUCE, Mr. DURBIN, Mr. HOPKINS, Mr. PERKINS, Mr. MOORE, Mrs. HOLT, Mrs. BYRON, Mr. SILJANDER, Mr. DAVIS, Mr. FORD of Michigan, Mr. SIKORSKI, Mr. STANGELAND, Mr. LOTT, Mr. CLAY, Mr. VOLKMER, Mr. RICHARDSON, Mr. ADDABBO, Mr. SCHEUER, Mr. MANTON, Mr. DIOGUARDI, Mr. FISH, Mr. GILMAN, Mr. MARTIN of New York, Mr. HORTON, Mr. LAFALCE, Mr. NOWAK, Mr. MCEWEN, Ms. OAKAR, Mr. STOKES, Mr. MCCURDY, Mr. AUCOIN, Mr. COUGHLIN, Mr. COYNE, Mr. WALKER, Mr. MURPHY, Mr. HARTNETT, Mr. NIELSON of Utah, Mr. DANIEL, Mr. CHANDLER, Mr. ASPIN, Mr. ROTH, Mr. ECKERT of New York, Mr. DASCHLE, and Mrs. BENTLEY.

H.R. 615: Mr. BOLAND, Mr. COLEMAN of Missouri, Mr. DEWINE, Mr. FAZIO, Mr. FRANK, Mr. MCHUGH, Mr. PEPPER, and Mr. SCHAEFER.

H.R. 620: Mr. STUMP.

H.R. 644: Mrs. LLOYD.

H.R. 654: Mr. ANDREWS, Mr. ARMEY, Mr. BARTON of Texas, Mr. DANIEL, Mr. DE LA GARZA, Mr. HYDE, Mr. KOLTER, and Mr. WORTLEY.

H.R. 669: Mr. COLEMAN of Texas, Mr. ANDREWS, Mr. FROST, Mr. ROSE, and Mr. DELAY.

H.R. 816: Mr. DASCHLE.

H.R. 822: Mr. BONIOR of Michigan, Mr. PANETTA, and Mr. LEVIN of Michigan.

H.R. 891: Mr. WHEAT, Mr. KOLTER, Mr. GARCIA, Mr. WEISS, Mr. MORRISON of Washington, and Mr. MORRISON of Connecticut.

H.R. 930: Mrs. BENTLEY.

H.R. 932: Mr. MURPHY.

H.R. 994: Mr. TORRES, Mrs. LLOYD, Mrs. JOHNSON, Mr. MURPHY, and Mr. DASCHLE.

H.R. 1031: Mr. LELAND.

H.R. 1032: Mr. LELAND.

H.R. 1066: Mr. DIXON, Mr. KLECZKA, Mr. DONNELLY, Mr. BORSKI, Ms. KAPTUR, Mr. BUSTAMANTE, Mr. ACKERMAN, Mr. FORD of

Michigan, Mr. WOLPE, Mr. SAVAGE, Mr. KOLTER, Mr. BATES, and Mr. DASCHLE.

H.R. 1098: Mr. SAVAGE.

H.R. 1109: Mr. EDWARDS of Oklahoma.

H.R. 1124: Mr. KOLTER.

H.R. 1132: Mr. BEVILL and Mr. EVANS of Illinois.

H.R. 1164: Mrs. BENTLEY, Mr. DASCHLE, and Mr. MCCOLLUM.

H.R. 1242: Mrs. BENTLEY, Mrs. BOXER, Mr. SPRATT, and Mr. RANGEL.

H.R. 1243: Mrs. BENTLEY, Mrs. BOXER, Mr. SPRATT, Mr. LANTOS, and Mr. DOWNEY of New York.

H.R. 1257: Mr. GEKAS, Mr. DELAY, and Mr. STENHOLM.

H.R. 1294: Mrs. MARTIN of Illinois, Ms. KAPTUR, Mr. FOGLIETTA, Mr. RAHALL, and Mr. HANSEN.

H.R. 1304: Mr. DASCHLE.

H.R. 1359: Mrs. JOHNSON.

H.R. 1379: Mr. NIELSON of Utah and Mr. SLATTERY.

H.R. 1398: Mr. BERMAN and Mr. MINETA.

H.R. 1401: Mr. WEISS, Mr. BIAGGI, Mr. SEIBERLING, Mrs. BURTON,of California, and Mr. STOKES.

H.R. 1408: Mr. LEATH of Texas and Mr. TORRES.

H.R. 1436: Mrs. HOLT.

H.R. 1511: Mr. WEISS.

H.R. 1542: Mr. MURPHY, Mr. PERKINS, Mr. MACK, Mr. RANGEL, Mr. BEDELL, Mr. OWENS, Mr. ADDABBO, Mr. DYMALLY, Mr. CROCKETT, Mr. ROSE, Mrs. BENTLEY, Mr. GLICKMAN, Mrs. LLOYD, Mr. HAYES, Mr. RODINO, Mr. KOLTER, Mr. ROYBAL, and Mr. PEPPER.

H.R. 1579: Mr. SUNIA, Ms. MIKULSKI, Mr. FORD of Tennessee, Mr. FAZIO, and Mr. HOYER.

H.R. 1623: Mr. GEKAS, Mr. DEWINE, Mr. HYDE, Mr. HUGHES, Mr. MARTINEZ, Mr. STOKES, Ms. KAPTUR, Mr. KOLTER, Mr. ECKART of Ohio, and Mrs. BENTLEY.

H.R. 1659: Mr. HAYES, Mr. KANJORSKI, Mr. VISCLOSKY, and Mr. HAWKINS.

H.R. 1674: Mr. PEPPER, Mr. FUSTER, Mr. LEHMAN of Florida, Mr. CROCKETT, Mr. STOKES, Mr. ROE, Mr. PERKINS, Ms. KAPTUR, Mr. RAHALL, Mr. KOLTER, and Mr. RANGEL.

H.R. 1695: Mr. GRAY of Pennsylvania, Mr. STOKES, Mr. CHAPPIE, Mr. LEVIN of Michigan, and Ms. MIKULSKI.

H.R. 1704: Mr. SHAW, Mr. NELSON of Florida, Mr. MCGRATH, Mr. JONES of North Carolina, Mr. MCKERNAN, Mr. THOMAS of Georgia, Mrs. JOHNSON, Mr. WORTLEY, Mr. HAYES, Mr. SOLOMON, Mr. JEFFORDS, Mr. DIOGUARDI, Mr. YOUNG of Missouri, Mr. PORTER, Mr. NIELSON of Utah, and Mr. KOLTER.

H.R. 1710: Mr. WEISS, Ms. MIKULSKI, Mr. TORRES, Mr. FAZIO, Mr. CROCKETT, Mr. LEVIN of Michigan, Mr. STOKES, Mr. DOWNEY of New York, Mr. HAWKINS, Mrs. BURTON of California, Ms. KAPTUR, and Mr. KOLTER.

H.R. 1715: Mr. LEHMAN of Florida.

H.R. 1719: Mr. BILIRAKIS, Mr. DANNEMEYER, Mr. KRAMER, Mr. PARRIS, and Mr. WALKER.

H.R. 1722: Mr. HORTON, Mrs. MARTIN of Illinois, Mr. TOWNS, Mrs. COLLINS, and Mr. FAUNTROY.

H.R. 1771: Mr. BLAZ.

H.R. 1878: Mrs. BENTLEY.

H.R. 1893: Mr. BARNARD, Mr. LUNGREN, Mr. SMITH of New Jersey, Mr. STRANG, and Mr. PACKARD.

H.R. 1944: Mr. JACOBS and Mr. KOLTER.

H.R. 1994: Mr. FAUNTROY, Mr. LAGOMARSINO, Mr. LELAND, Mr. LIPINSKI, Mr. GRAY of Illinois, Mr. VOLKMER, Mr. DASCHLE, Mr. PORTER, and Mr. FUQUA.

H.R. 2024: Mrs. COLLINS, Mr. HAWKINS, Mr. HEFTEL of Hawaii, Mr. SMITH of Florida, Mr. WHITEHURST, and Mr. MILLER of California.

H.R. 2098: Mrs. HOLT, Mr. MONTGOMERY, and Mr. BENNETT.

H.R. 2116: Mr. RANGEL.

H.J. Res. 61: Mr. ANDREWS, Mr. ANNUNZIO, Mr. BENTLEY, Mr. CARPER, Mr. CARR, Mr. COELHO, Mr. CONTE, Mr. DE LA GARZA, Mr. DONNELLY, Mr. DYSON, Mr. EMERSON, Mr. ENGLISH, Mr. ERDREICH, Mr. FLIPPO, Mr. GARCIA, Mr. GEKAS, Mr. HAYES, Mr. JONES of North Carolina, Mr. KASICH, Mr. KINDNESS, Mr. LAFALCE, Mr. LUNGREN, Mr. MAVROULES, Mr. MCDADE, Mr. MCGRATH, Mr. MURPHY, Mr. ROE, Mr. ROSE, Mr. ROBERT F. SMITH, Mr. VANDER JAGT, Mr. VOLKMER, Mr. WEISS, and Mr. WOLPE.

H.J. Res. 64: Mr. GINGRICH, Mrs. HOLT, Mr. MARTINEZ, Mr. SPRATT, and Mr. STUMP.

H.J. Res. 65: Mr. GINGRICH, Mr. MARTINEZ, and Mr. SPRATT.

H.J. Res. 112: Mr. GEKAS, Mr. YATRON, Mr. DASCHLE, Mr. MACK, Mr. BRYANT, Mr. SPRATT, Mr. SPENCE, Mr. CAMPBELL, Mr. SABO, Mr. FROST, Mr. HEFNER, Mrs. LLOYD, Mr. ROWLAND of Georgia, Mr. TALLON, Mr. JACOBS, Mr. STOKES, Mr. HAWKINS, Mr. VOLKMER, Mr. ENGLISH, Mr. VENTO, Mr. EDGAR, Mr. MADIGAN, Mr. WHEAT, Mr. JENKINS, Mr. SAXTON, Mr. MARKEY, Mr. GIBBONS, Mr. WEAVER, Mr. LEVIN of Michigan, Mr. GALLO, Mr. WEISS, Mr. EARLY, Mr. MRAZEK, Mr. TRAXLER, Mr. COUGHLIN, Mr. DIXON, Mr. DE LA GARZA, Mr. GUNDERSON, Mr. MORRISON of Washington, Mr. LEVINE of California, Mr. TORRES, Mr. BEVILL, Mr. CLINGER, Mr. FRENZEL, Mr. COELHO, Mrs. HOLT, Mr. WOLPE, Mrs. SCHROEDER, Mrs. BOGGS, Mr. KLECZKA, Mr. LOTT, Mr. LIGHTFOOT, Mr. HENRY, Mr. MCMILLAN, Mr. BOEHLERT, Mr. WORTLEY, Mr. YOUNG of Florida, Mr. MCCAIN, Mr. JEFFORDS, Mr. BRUCE, Mr. CHANDLER, Mr. DIOGUARDI, Mrs. JOHNSON, Mr. PASHAYAN, Mr. CRAIG, Mr. ROEMER, Mr. DE WINE, Mr. KANJORSKI, Mr. WHITLEY, Mr. REID, Mr. ANDREWS, Mr. BILIRAKIS, Mr. BROOKS, Mr. CROCKETT, Mr. DYMALLY, Mr. EDWARDS of Oklahoma, Mr. FISH, Mr. HILER, Mr. KOLTER, Mr. MURPHY, Mr. NEAL, Mr. PANETTA, Mrs. SCHNEIDER, Mrs. ROUKEMA, Mr. STALLINGS, Mr. WAXMAN, Mr. SHUMWAY, Mr. ANNUNZIO, Mr. SHELBY, Mrs. BENTLEY, Mr. ROYBAL, Mr. MARTINEZ, Ms. OAKAR, Mr. HUNTER, Mr. ANDERSON, Mr. ADDABBO, Mr. LUNGREN, Mr. KEMP, Mr. MINETA, Mr. MAZZOLI, Mr. MCCOLLUM, Mr. KASTENMEIER, Mr. BROWN of California, Mr. HUTTO, Mr. LEHMAN of California, Mr. FUSTER, Mr. ROSE, and Mr. DANNEMEYER.

H.J. Res. 126: Mr. ROE, Mr. WOLF, Mr. SAVAGE, Mr. VENTO, Mr. CONYERS, Mr. CHANDLER, Mr. MURPHY, Mr. RAHALL, Mr. HUNTER, Mr. VANDER JAGT, Mr. SCHEUER, Mr. DWYER of New Jersey, Mr. FASCELL, Mr. GRAY of Illinois, Mr. BERMAN, Mr. JONES of North Carolina, Mr. HEFTEL of Hawaii, Mr. DARDEN, Mr. MCGRATH, Ms. KAPTUR, Mr. SHAW, Mr. IRELAND, Mr. COELHO, Mr. CHAPPIE, Mr. NICHOLS, Mr. MACKAY, Mr. ERDREICH, Mr. DAUB, Mr. VOLKMER, Mrs. COLLINS, Mr. KLECZKA, Mrs. BOXER, Mr. BRYANT, Mr. LEVINE of California, Mr. DE LA GARZA, Mr. KOLTER, Mr. GEKAS, Mr. LAGOMARSINO, Mr. TAUZIN, Mr. WORTLEY, Mr. AKAKA, Mr. ROSE, Mr. DIOGUARDI, Mr. STRANG, Mr. HUGHES, Mr. FEIGHAN, Mr. MINETA, Mr. HORTON, and Mr. SHUMWAY.

H.J. Res. 136: Mr. JONES of North Carolina, Mr. SHELBY, Mr. ADDABBO, Mr. ROBINSON, Mrs. JOHNSON, Mr. HUBBARD, Mr. WHEAT, and Mr. REGULA.

H.J. Res. 146: Mr. ROSE, Mr. YOUNG of Florida, Mr. ENGLISH, Mr. HENRY, Mr. HOYER, Mr. MURPHY, Mr. WHITLEY, Mr. SISISKY, Mr. DENNY SMITH, Mr. CLINGER, Mr. NIELSON of Utah, Mr. BOLAND, Mr. ORTIZ, Mr. ACKERMAN, Mr. AKAKA, Mr. BROYHILL, Mr. CARPER, Mr. CONYERS, Mr. DANIEL, Mr. DELLUMS, Mr. DIXON, Mr. GEJDENSON, Mr. GRAY of Illinois, Mr. HAMMERSCHMIDT, Mr. KOSTMAYER, Mr. LATTA, Mr. LEWIS of California, Mr. MCDADE, Mr. MORRISON of Connecticut, Mr. NATCHER, Mr. O'BRIEN, Mr. PRICE, Mr. RINALDO, Mr. ROBERTS, Mr. RODINO, Mr. SHAW, Mr. TAUKE, Mr. TRAXLER, Mr. VALENTINE, Mr. VANDER JAGT, Mr. WOLPE, Mr. WYDEN, Mr. WYLIE, Mr. SKEEN, Mr. RANGEL, Mr. DONNELLY, Mr. JEFFORDS, and Mr. NICHOLS.

H.J. Res. 170: Mr. BADHAM, Mr. BRYANT, Mr. CLAY, Mr. CONTE, Mr. DURBIN, Mr. FEIGHAN, Mr. FUQUA, Mr. GROTBERG, Mr. HAWKINS, Mrs. HOLT, Mr. LEHMAN of Florida, Mr. MAZZOLI, Mr. MONTGOMERY, Mr. MOODY, Mr. ORTIZ, Mr. PURSELL, Mr. REGULA, Mr. RICHARDSON, Mr. ROSE, Mr. SHUMWAY, Mr. STALLINGS, Mr. TRAXLER, Mr. VOLKMER, Mr. WOLF, Mr. WORTLEY, Mr. YATES, Mr. YOUNG of Alaska, Mr. DONNELLY, Mr. KASICH, Mr. HORTON, Mr. FRENZEL, Mr. RAHALL, Mr. BEDELL, Mr. COYNE, Mr. BLILEY, Mr. STANGELAND, Mr. WALKER, Mr. KEMP, Mr. WHITTAKER, Mr. DENNY SMITH, Mr. SMITH of Iowa, Mr. YATRON, Mr. MILLER of Ohio, Mr. MACKAY, Mr. JONES of Tennessee, Mr. GUNDERSON, Mr. STOKES, Mr. SYNAR, Mr. TALLON, Mr. CARR, Mr. DYMALLY, Mr. CAMPBELL, Mr. LOEFFLER, Mr. YOUNG of Missouri, Mrs. BOXER, Mr. GEKAS, Mr. WILSON, Mr. PORTER, Mr. HILLIS, Mr. BROYHILL, Mr. WOLPE, Mr. MORRISON of Connecticut, Mr. FRANK, Mr. WEBER, Mrs. BYRON, Mr. HATCHER, Mr. EVANS of Iowa, Mr. FASCELL, Mr. MOORHEAD, Mr. SNYDER, Mr. CONYERS, Mr. MINETA, Mr. SKEEN, Mr. BRUCE, and Mr. WYDEN.

H.J. Res. 171: Mr. MURPHY, Mr. DANNEMEYER, Mr. MANTON, Mr. JEFFORDS, Mrs. HOLT, Mr. DE LA GARZA, Mr. DIOGUARDI, and Mrs. LLOYD.

H.J. Res. 192: Mr. YATES, Mr. WOLPE, Mr. OWENS, Mr. SCHEUER, Mr. MILLER of California, Mr. PANETTA, Mr. GONZALEZ, Mr. HUTTO, Ms. SNOWE, Mr. HAYES, Mr. SABO, Mr. APPLEGATE, Mr. LEWIS of California, Mr. KLECZKA, Mr. YOUNG of Missouri, Mr. GEPHARDT, Mr. LUJAN, Mr. BIAGGI, Mr. ANDREWS, Mr. HAWKINS, Mr. BORSKI, Mr. PRICE, Mr. PERKINS, Mr. GEKAS, Mr. ORTIZ, Mr. EVANS of Illinois, Mr. MCGRATH, Mr. TAUKE, Mr. UDALL, Mr. LAFALCE, Mr. MCKINNEY, Mr. TRAFICANT, Mr. TRAXLER, Mr. BROWN of California, Ms. FIEDLER, Mr. GRAY of Illinois, Mr. BILIRAKIS, Mr. SUNDQUIST, Mr. OBERSTAR, Ms. MIKULSKI, Mr. YATRON, Mr. HUNTER, Mr. GOODLING, Mr. CHAPPIE, Mr. SHUMWAY, Mr. THOMAS of California, Mr. DREIER of California, Mr. DANNEMEYER, Mr. WYDEN, Mr. ROSE, Mr. HAMMERSCHMIDT, Mr. SCHAEFER, Mr. VISCLOSKY, Mr. FORD of Tennessee, Mr. BEILENSON, Mr. DOWNEY, Mr. SMITH, Mr. MCCANDLESS, Mr. SAVAGE, Mr. MOODY, Mr. WOLF, Mr. QUILLEN, Mr. LUNDINE, and Mr. MACKAY.

H. Con. Res. 32: Mr. MILLER of Washington.

H. Con. Res. 34: Mr. MCKERNAN.

H. Con. Res. 116: Mr. FOGLIETTA, Mr. GRAY of Illinois, Mr. KOLTER, Mr. MURPHY, Mr. SAXTON, and Mr. WAXMAN.

H. Con. Res. 125: Mr. GEJDENSON, Mr. BORSKI, Mr. SCHEUER, Mr. FRANK, Mr. LEHMAN of Florida, Mr. MRAZEK, Mr. ADDABBO, Mr. AUCOIN, Mr. BIAGGI, Mr. BONER of Tennessee, Mr. YATRON, Mr. WAXMAN, Mr. UDALL, Mr. TOWNS, Mr. STUDDS, Mrs. BOXER, Mr. SABO, Mr. DELLUMS, Mr. BUSTAMANTE, Mr. SYNAR, Mr. FAZIO, Mr. FAUNTROY, Mr. DYSON, Mr. RICHARDSON, Mr. KOSTMAYER,

Mr. KANJORSKI, Mr. LELAND, Mr. LEVIN of Michigan, Mr. HAYES, Mr. FORD of Tennessee, Mr. REID, Mr. BARNES, Mr. PEPPER, Mrs. LLOYD, and Mr. HOWARD.

H. Res. 12: Mr. MOAKLEY, Mr. ANNUNZIO, Mr. FAUNTROY, Mr. HORTON, Mr. ST GERMAIN, Mrs. JOHNSON, Mr. BOLAND, and Mrs. KENNELLY.

H. Res. 21: Mr. LELAND, Mrs. VUCANOVICH, Mr. LEVINE of California, Mr. WIRTH, Mrs. SCHNEIDER, Mr. ROSE, Mr. HOYER, Mr. PASHAYAN, and Mr. NIELSON of Utah.

H. Res. 60: Mrs. MARTIN of Illinois.

H. Res. 122: Mr. ECKART of Ohio, Mr. KOLTER, and Mr. HORTON.

H. Res. 135: Mr. SUNDQUIST, Mr. LENT, Mr. BERMAN, Mr. ACKERMAN, Mr. FORD of Tennessee, Mr. MOAKLEY, Mr. DYSON, Mr. PEPPER, Mr. MOODY, Mr. LEHMAN of Florida, Mr. MORRISON of Connecticut, Mr. SCHEUER, Mr. STUDDS, Mr. DOWDY of Mississippi, Mr. WEAVER, Mr. KOLBE, Mrs. SCHNEIDER, Mr. BUSTAMANTE, Mr. FOWLER, Mr. FAUNTROY, Mr. DOWNEY of New York, Mr. ERDREICH, Mr. FOGLIETTA, Mrs. KENNELLY, Mr. CARR, Mr. ASPIN, Mr. DURBIN, Mr. SCHUMER, Mr. SHELBY, Mrs. BURTON of California, Mr. YATES, Mr. TAUZIN, Mr. FRANK, Mr. SOLARZ, Mr. FISH, Mr. FORD of Michigan, Mr. HEFTEL of Hawaii, Mr. STALLINGS, Mr. ANTHONY, Mr. MCCAIN, Mr. BONKER, Mr. COLEMAN of Texas, Mrs. SCHROEDER, Mr. SHARP, Mr. MATSUI, Mr. FAZIO, Mr. BORSKI, Mr. RICHARDSON, Mr. GEJDENSON, Mr. BRYANT, Mr. ECKART of Ohio, Mr. OBERSTAR, Mr. ROE, Mr. DELLUMS, Mr. LEVINE of California, Mr. MARTINEZ, Mr. DASCHLE, Mr. CARPER, Mr. SAXTON, Mrs. BOXER, Mr. CLAY, Mr. WHEAT, Mr. YOUNG of Missouri, Mr. SYNAR, Ms. KAPTUR, Mr. LELAND, Mr. WISE, Mr. SKELTON, and Mr. SIKORSKI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 77: Mr. SILJANDER.

H.R. 800: Mr. BIAGGI.

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