

I have to say that it personally hits home in what I have been reading lately about the threats of judicial activism. I have been teaching my 9-year-old about democracy. We have been going through the history of the Greeks and the Romans and also the British Empire and America, and I have been trying to explain to him about the concept of democracy.

It is always interesting to have a 9-year-old asking basic questions like, "Daddy, what is democracy?" I struggled with it, but in the end, I told him it is where the people decide how they are going to be governed; where the people make the decisions instead of the kings. I tried to break it down that way, as simply as possible; that it is not the kings, it is not the monarchs, it is not the elitist rulers that rule America, but that the people rule America.

I read and was comforted greatly by a decision that came down in California a couple of days ago that addressed judicial activism, where the people were actually allowed to decide how the government was going to be run instead of one elitist judge. I will give my colleagues a little background.

The California people decided that they did not want Americans to be judged on the color of their skin or whether they were a man or a woman but, instead, wanted people to be judged and hired based on the content of their character. So they passed a civil rights initiative. Five million Californians went out and voted on this measure and decided that they wanted to get rid of race-based hiring preferences.

Well, despite the fact that five million people voted in California on this issue, a single judge, with a stroke of the pen, was able to nullify the will of five million voters. Five million Californians. Five million Americans.

Now, that would be hard to explain to my son how we have a single judge making decisions for five million people instead of having the people make the decisions themselves. So I was very pleased yesterday when I saw that a three-judge panel actually overturned that single judicial activist judge and talked about how it was inherently undemocratic that the will of five million people could be erased with a single stroke of one judge's pen.

I certainly support the three-judge panel, and I just want to say to my fellow Members here, and others, Mr. Speaker, that it is important for us to start asking some very tough questions about these activist judges that believe they can thwart the will of Americans and democracy and just be a judicial activist.

What we have to do is measure their rights as judges with the rights of us to be run by the will of the people, and also look at the separation of powers to see how judicial activism is threatening democracy.

The whip said he had been attacked for discussing judicial activism, and I

have read a lot of things that were said about him. They were saying that, and we heard it, that it was undemocratic for somebody to talk about judicial activism this way; that it was a threat to democracy and that it was radical.

I would just ask the question: Who is the real radical? Who is the real radical? Do we call somebody a radical for questioning why judges are running America in some areas instead of the people; or is the real radical the single judge that with a stroke of his pen eliminates the will of five million registered voters?

I would say the real radical, the person who is the real threat to democracy, is that Federal judge who does not examine what the original intent of our Framers was when talking about the separation of power; the real radical is that single judge who decides that he or she is going to ignore the overwhelming will of the American people and, instead, legislate from the bench.

It is very dangerous. It has been dangerous for 30 years. It has led us to some very disturbing decisions across the land, and it is time that we just start asking basic simple questions about what do we do to once again take a measured approach in figuring out how to protect Americans from judicial activism and how to make sure that the genius of America and the genius of democracy and the genius of the separation of powers is preserved for the next century.

#### PROTECT AMERICA'S PATENT SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ROHRBACHER] is recognized for 5 minutes.

Mr. ROHRBACHER. Mr. Speaker, the last spokesman, one of our colleagues, the gentleman from Florida, [Mr. SCARBOROUGH] just mentioned protecting the genius of the United States of America. Well, next week the House, this House, the body of the House of Representatives, will vote on a bill that will determine America's basic law on technology for the 21st century.

In a quiet, almost stealth maneuver, major multinational corporations are trying to slide through this Congress legislation which will gut America's patent system. My colleagues heard me correctly. It will gut America's patent system.

America has had the strongest patent system in the world. That is why we have the strongest economy of the world and our people have enjoyed opportunities and freedom like no other people in the world. And it is now under attack. America has had this strong patent protection in place since the founding of our country. It is in our Constitution.

If this dismantling of America's patent protection proceeds, it will lead to an historic rip-off of America's tech-

nology. I say historic because it will lead to an end of America's preeminence in the arena of technology. And it has been this arena, as I say, that has secured us from foreign threats and permitted us the economic advancements that have given our people the strongest standard of living and the highest standard of living of any country of the world because our people, not just the elite, enjoy opportunity and freedom in America.

If they gut our patent system, it will destroy our ability to compete with those countries that have cheap labor because we now will be stripped of our technological advantage. It will also strip our defenders of their technological advantage.

This bill, H.R. 400, which I call the Steal American Technology Act, will be voted on in this body next week, but probably half of our Members do not even know it is coming up or know anything about it, yet they are being contacted by lobbyists. And unless the American people step forward and contact their Member of Congress and say vote against the H.R. 400, the Steal American Technologies Act, lobbyists from multinational corporations will have the say on the passage of this bill which will gut our patent system.

What does H.R. 400 do? It mandates, and hold on to your seat here, it mandates that every patent application, every inventor who applies for a patent, will have his patent published for the entire world to see even before the patent is issued. This means that every enemy of the United States, every competitor of our country, every Japanese and Chinese copycat will have every one of our technological secrets and be able to use it against us before our patents are issued to our own industries and our own inventors.

It also mandates a reexamination. It opens up the book to many different avenues that foreign corporations can challenge existing patents. Even those who own existing patents will be challenged.

Finally, it eliminates the Patent Office as part of our Government and resurrects it as a corporate entity. We have had a Patent Office as part of our Government since the founding of our country. Now they want to corporatize it, turn it into a corporation that will be able to receive gifts from other countries and other foreign and multinational corporations.

□ 1245

Our patent examiners have worked so hard. So hard. There has never been a scandal among our patent examiners. Now by corporatizing the Patent Office, we are opening them up to all kinds of who knows what influences. These are people who make decisions that are worth billions and billions of dollars. They now will be opened up to outside influences.

This bill, H.R. 400, is a catastrophe. It will have a dramatic impact on our standard of living. I call it a Pearl Harbor in slow motion. This bill will be

voted on next week unless people contact their representative. Many people will come here and vote and the only contact they will have had is with the lobbyists that are paid for by multinational corporations. Luckily, the leadership has provided us an alternative. I have two pieces of legislation, H.R. 811 and 812, which will be offered on the floor as a substitute, and I would ask my colleagues to vote for my substitute which will be presented, my substitute, the Rohrabacher substitute, to H.R. 400, the Steal American Technologies Act.

If this bill passes, H.R. 400, we can imagine that American inventors will be left open to the greatest theft of our technology in the history of our country. It will impact our standard of living. I am sounding the alarm bell and I hope my colleagues and the people of the United States are listening. We can defeat it but only if Americans act together.

#### GETTING TOUGH ON IMMIGRATION

The SPEAKER pro tempore (Mr. STEARNS). Under a previous order of the House, the gentleman from Florida [Mr. FOLEY] is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I rise today to step up the heat, if you will, and the pressure on this administration to work with our Immigration Department and ferret out some of the significant problems that exist in that agency. I also call upon them to increase staffing for our Border Patrol agents in the State of Florida. I am reading today in Insight magazine, "Customs Officials Eat Crow at the Border," which details a number of allegations that have been brought forward against border officials in our administration. Serious allegations.

One includes a 3-week period where one of our agents called a known convicted drug trafficker, 207 calls from an agent's home. We also have some claims made by some of our employees that a customs dog handler when attempting to search an 18-wheel tanker was prevented from doing his job. Later that tanker was found to contain nearly 4 tons of cocaine. Meanwhile at the California port of Calexico, immigration investigators, who already have arrested one customs inspector recently on corruption charges, are closing in on a customs secretary who is accused of selling intelligence to Tijuana's drug lords.

Mr. Speaker, if this country is going to be secure from both illegal immigration and the rapid importation increase of illegal drugs, we have got to be able to depend on people who enforce the law as passed by this Congress. It concerns me greatly when we read these reports and we hear allegations of corruption and bribery and people being allowed to bring numerous people into this country illegally.

So I ask this administration, the attorney general, to fully investigate

these allegations, not to sweep them under the rug as alleged by several officers of the Immigration Service. In fact one says, "They're pulling punches." Inspectors at San Ysidro argue punches are being pulled and that several more serious corruption allegations against senior personnel are being buried. You read about what happens to people when they are discovered to have violated the laws of this country. They are moved to a desk assignment, they are transferred, they are offered early retirement. These are serious violations of our laws. These people should not be offered retirement. They should be shown the way to jail.

We have also got to look carefully at what NAFTA has brought us. Recently allegations of tainted strawberries in our school system originating in Mexico. Under Federal law they are not allowed to sell to the school lunch program but somehow once again they have slipped into the process and now our children are being shot for potential hepatitis virus. Tainted strawberries.

Last year we had a scare for raspberries from Guatemala. All along we have said about NAFTA that we are concerned about pesticide application, we are concerned about the quality of water that is used to irrigate the fields, we are concerned about the child labor standards. Obviously they do not have any. They would be serious violations here in this country if the same standards applied. Wage and hourly pay in Mexico. And at the same time our produce growers are going out of business in America because we have gleefully embraced NAFTA and said everything is perfect, give it a chance. At the same time, people are getting sick. If that is good progress on NAFTA, then I must have read the wrong book on protecting public safety and health.

Drug enforcement not taking place on our border, I must have read the wrong chapter about getting tough on the laws of this Nation. Clearly the unbridled attempt by others to seek entrance into this country illegally has got to stop. But it will not stop if the people charged with enforcing our laws in this country look the other way, turn a deaf ear, or line their pockets with bribes in order to turn back the problems that we face in America.

Again I urge the administration to act on my request as we have submitted with members of the Florida delegation asking for increased Border Patrol, increased immigration assistance, quicker deportation of illegals from our prison system, quicker deportation of those that have falsely claimed asylum as a reason to come to this country. Because if we again are not able and capable of protecting our Nation from invasion from those who seek to break our laws, then our Nation shall perish.

#### CHINA AND MFN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, we will be addressing for the next couple of months in this body whether or not to grant the most-favored-nation trading status to China. I just had a series of town meetings. This issue came up in every town meeting. Clearly the American people are opposed to the Congress granting continuation of the most favored trading status to China.

Some of the issues and why. It is important for Members of this body to know that in China, there are Catholic priests who are in jail. There are Catholic bishops who are in jail. In China there are Protestant pastors who are in jail. In China almost on a weekly basis, evangelical and house churches are raided whereby people are arrested and they are taken away.

We have seen the Chinese Government plunder Tibet and expel the Dalai Lama where the Dalai Lama can no longer return to Tibet. We have seen the persecution of many who are Buddhist, both nuns and priests. We see persecution of Moslems in the northwest part of China. There are more gulags in China than there were in the Soviet Union. We all recall Solzhenitsyn's book, *Gulag Archipelago*.

It is important that the American people know and that the Members of this body know that there are more gulags, slave labor camps, in China than any other country of the world and certainly many more than there were in the Soviet Union. We have seen China sell military weapons, equipment, to Iran, which is not in the best interests of this country. We have seen technology transferred to other countries with regard to nuclear technology, which again is not in the best interests of this country. As many Americans know, China sold weapons to Saddam Hussein in the Desert Storm fighting that were used against American forces during that time.

We know what took place in Tiananmen Square, whereby we watched the activity. The government called out military forces to crush the Tiananmen Square demonstration, which was totally peaceful. I had the opportunity to visit Beijing prison No. 1 shortly thereafter, whereby we saw 40 Tiananmen Square demonstrators who were working on socks for export to the West. Again, how can Americans companies and textile companies compete with something like that?

Mr. Speaker, there have been reports that in China they arrest people and those who are sentenced to death, some who have committed crimes, others who have not, whereby there was an organ donor program whereby after they shoot them, they take out their kidneys for sale, for transplantation. And there is even one report of an individual who was still alive and had both