

going to be fined again, and their probation is going to be extended.

This is closer supervision? What closer supervision can you provide, except, as I said, maybe to put some of these executives of these failing private firms in jail, you will get their attention. Maybe that would shape them up. But I think the cleaner way to deal with this is the way we deal with other Federal Government law enforcement functions, and, that is, to admit it is a law enforcement function and put qualified law enforcement personnel in all of the critical places, in all our airports to assure the safety of the flying public.

Two months is way too long to delay. And it will be extraordinary if because of the opposition to Federal law enforcement by a few Members of the majority that this Congress before the busiest travel weekend of the year, Thanksgiving, does not act in the long-term interests of security and the flying public. We have an opportunity this week. The bill must get done.

#### ATTORNEY GENERAL'S PATTERN OF DISTURBING ACTIONS IN MIDST OF BATTLE AGAINST TERRORISM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Massachusetts (Mr. FRANK) is recognized during morning hour debates for 5 minutes.

Mr. FRANK. Mr. Speaker, I am troubled by the pattern that appears to be emerging within the U.S. Justice Department under the leadership of the Attorney General of deviating from what ought to be the course of action appropriate right now. We were victimized on September 11 by a fiendish, unfortunately skillful group of mass murderers who wreaked terrible destruction on innocent people. And clearly a tough, effective law enforcement response is one of the things that is called for. We worked hard in the Congress to enhance the law enforcement powers of the Federal authorities. There was virtual unanimity that they should be given increased surveillance powers.

In the end, some of us were disappointed that some safeguards we had devised were not in the final bill and some of us opposed it, but we did not oppose it because we opposed the enhanced surveillance powers. We agreed on those. We should be going further. Congress is partly guilty of having insufficiently funded the Immigration Service and others who are our first line of defense. There is broad support in the Congress and in the country for this kind of increased law enforcement, but I fear that the Attorney General's actions may be jeopardizing that consensus and he is introducing into a subject that ought to be one of virtual unanimity a degree of conflict.

First, we have a couple of issues that ought not to have been pursued at this

time. In my judgment, they should not have been pursued at all. But recently the Attorney General, in the midst of telling us that he is going to reorient the FBI and reorient the Justice Department to focus on terrorism, at a time when we know we have done a poor job of keeping track of people admitted into this country for limited periods and limited purposes, we have done a poor job of enforcing those limits, the Attorney General is engaged in a couple of ideological crusades, in both cases ignoring referenda passed by two States. States' rights is sometimes respected by my conservative colleagues; but it is sometimes, I guess when it gets in the way of their ideology, ignored.

The people of Oregon twice voted in a referendum to allow doctors to help with suicides. People outside of Oregon may not like it, that is their right; but that was the vote of the people of Oregon. There was an effort by the Congress to overturn that. While the House passed the bill, the Senate rejected it so the law was not changed. The Attorney General has nonetheless found time in this fight to divert energies into trying to overrule, in effect, the vote of the people of Oregon.

Similarly, the people of California and many other States voted to allow the medical prescription of marijuana. The Attorney General simply again diverted law enforcement efforts to go after people who were guilty only of trying to use marijuana to alleviate their pain.

And even more troubling is what is going on in law enforcement itself. Yes, all the powers available to law enforcement should be used to protect us against terrorists. But a refusal by the Justice Department to tell us exactly what numbers of people are being detained, how many are being released, what are the conditions of the detention, those serve no law enforcement purpose.

□ 1245

What they do is raise questions in people's minds about whether or not powers are abused. If people fear powers are abused, we will resist granting those powers. In fact, there are powers that ought to be there.

The Attorney General disserves our effort by allowing controversy to exist where it should not. The most recent announcement that monitoring of conversations will now take place between people who have been confined and their lawyers is very disturbing. Remember, we are not talking here about terrorists having their conversations overheard. We are talking about people who have been detained; who have been convicted of no crime; who are guilty, as far as we know, maybe of something, maybe of nothing, but who have not had any adjudication; and we are talking about monitoring their lawyers' conversations.

Now, the Justice Department acknowledges that to do that in a way

that was relevant to a trial would not be permissible, so we are told that we will monitor those conversations, but information gained in that monitoring would not be admissible at trial.

Mr. Speaker, I am afraid that invites judicial intervention, so that if they do proceed in some cases with a trial and a conviction, that could be jeopardized.

We have past experience. We have the case of Wen Ho Lee, an American citizen who was accused of espionage, and the FBI abused his rights. A Federal judge criticized the FBI for that.

That is the point we want to make. We are not talking here about defending terrorists; we are not talking about defending people who are guilty. We are talking about the rights of people who have been accused of crimes to prepare their defense.

I hope the Attorney General reconsiders this pattern of disturbing actions.

#### RECESS

The SPEAKER pro tempore (Mr. WHITFIELD). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 46 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WHITFIELD) at 2 p.m.

#### PRAYER

The Reverend Vincent A. Cummings, Chaplain, Captain, United States Air Force Reserve, Nashville, Tennessee, offered the following prayer:

Father, we gather here today as public servants, assembled collectively inside this, the United States House of Representatives. Use us as instruments of Your will. We thank You for the life, health, wisdom and love You have bestowed upon our Nation.

First, we ask that You confer upon us, whether rich or poor in spirit, Your most holy traits of mercy and humility. Place a burden on the hearts of these legislators for those who have the least. Let them constantly remember their duties to their citizens, but most of all, those who are the meekest: the homeless, the poor, and the oppressed. Anoint these great men and women to also be protectors of the future, our children, and never allow them to forsake their well-being for the interests of the present.

Continue also to develop the tenets of selfless service and honorable character in all of us, as we serve this great country as its leaders. Teach us to do what is right for all time, not what is acceptable for the moment at hand. Let us also remember that freedom is not free. As witnessed through our Nation's recently shed blood, a price was