

RESOLUTION OF INQUIRY TO THE ATTORNEY GENERAL

JULY 17, 2003.—Referred to the House Calendar and ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary,
submitted the following

ADVERSE REPORT

together with

DISSENTING VIEWS

[To accompany H. Res. 287]

[Including Committee Cost Estimate]

The Committee on the Judiciary, to whom was referred the resolution (H. Res. 287) directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States, having considered the same, reports unfavorably thereon with amendments and recommends that the resolution as amended not be agreed to.

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The amendments are as follows:

Strike all after the resolving clause and insert the following:

That the Attorney General is directed to transmit to the House of Representatives not later than 30 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of agency resources, the theft of any records, and the use of United States congressional staff in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States.

Amend the title so as to read:

Resolution directing the Attorney General to transmit to the House of Representatives not later than 30 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources, the theft of any records, and the use of United States congressional staff in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States.

PURPOSE AND SUMMARY

House Resolution 287, introduced by Rep. Green on June 19, 2003, directs the Attorney General to transmit to the House of Representatives not later than 14 days after the date of its adoption all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States.

BACKGROUND AND NEED FOR THE LEGISLATION

House Resolution 287 is a resolution of inquiry, which pursuant to clause 7 of Rule XIII of the Rules of the House of Representatives, directs the Committee to act on the resolution within 14 legislative days, or a privileged motion to discharge the Committee is in order. In calculating the days available for Committee consideration, the day of introduction and the day of discharge are not counted.¹ H. Res. 287 was introduced and referred to the Committee on the Judiciary on June 19, 2003.

Under the rules and precedents of the House, a resolution of inquiry is a means by which the House requests information from the President of the United States or the head of one of the executive departments. According to Deschler's Procedure it is a "simple resolution making a direct request or demand of the President or the head of an executive department to furnish the House of Representatives with specific factual information in the possession of the executive branch."²

¹"House Practice: A Guide to the Rules, Precedents, and Procedures of the House" Ch. 49 § 4, pg. 819 (2003).

²Deschler's Precedents, H. Doc. No. 94-661, 94th Cong., 2d Sess., vol. 7, ch. 24, § 8.

A Committee has a number of choices after a resolution of inquiry is referred to it. It may vote on the resolution up or down, or amend it. It can report favorably, adversely, or with no recommendation. The fact that a Committee reports a resolution of inquiry adversely does not necessarily mean that the Committee opposes looking into this matter. In the past, resolutions of inquiry have frequently been reported adversely for several reasons. The two most common reasons are substantial compliance and competing investigations.

In the first case, the Executive Branch may deliver documents which substantially comply with the resolution, thus making it unnecessary for the Committee to report the resolution favorably for floor action. In the second case, a Committee may decide to report a resolution of inquiry adversely because it may impede another investigation that is regarded as the more appropriate avenue for inquiry.

According to a May 12, 2003, press release issued by the Texas Department of Public Safety, the public was asked for assistance in locating 53 Texas legislators who had “disappeared.” According to the release, under the Texas Constitution, the majority of members present in session in the Texas State House can vote to compel the presence of enough members to make a quorum. Members of the House did so and directed the Sergeant-at-Arms of the House and the Department of Public Safety to locate the absent members and bring them back to the State capital.

On May 27, 2003, Sen. Joseph Lieberman of Connecticut sent a letter to the Office of the Inspector General of the U.S. Department of Justice asking for “a full investigation into this matter.” After receipt of the letter from the Senator, in a statement to the press, the Office of the Inspector General disclosed that on June 4, 2003, it began investigating what, if any, Department of Justice resources were expended in connection with this matter. As of the filing of this report, that investigation is still ongoing.

The Committee believes that an investigation by the Inspector General of the Department of Justice is the more appropriate avenue to determine whether or not any Federal agency resources were properly or improperly used in relation to the Members of the Texas legislature. Because this resolution of inquiry may impede that investigation, the resolution is reported adversely.

HEARINGS

No hearings were held on H. Res. 287 by the Committee on the Judiciary.

COMMITTEE CONSIDERATION

On July 9, 2003, the Committee met in open session and adversely reported the resolution H. Res. 287 as amended by a rollcall vote of 19 to 15, a quorum being present.

VOTE OF THE COMMITTEE

In compliance with clause 3(b) of Rule XIII of the House of Representatives, the Committee sets forth the following rollcall votes that occurred during the Committee’s consideration of H. Res. 287.

1. A motion was made by Mr. Watt to postpone consideration of the resolution H. Res. 287 for 1 day. The motion was defeated by a rollcall vote of 12 to 18.

ROLLCALL NO. 1

	Ayes	Nays	Present
Mr. Hyde			
Mr. Coble		X	
Mr. Smith		X	
Mr. Gallegly		X	
Mr. Goodlatte		X	
Mr. Chabot		X	
Mr. Jenkins		X	
Mr. Cannon		X	
Mr. Bachus		X	
Mr. Hostettler		X	
Mr. Green		X	
Mr. Keller		X	
Ms. Hart		X	
Mr. Flake		X	
Mr. Pence			
Mr. Forbes			
Mr. King		X	
Mr. Carter		X	
Mr. Feeney		X	
Mrs. Blackburn		X	
Mr. Conyers	X		
Mr. Berman	X		
Mr. Boucher			
Mr. Nadler			
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee	X		
Ms. Waters	X		
Mr. Meehan	X		
Mr. Delahunt	X		
Mr. Wexler			
Ms. Baldwin			
Mr. Weiner	X		
Mr. Schiff	X		
Ms. Sánchez	X		
Mr. Sensenbrenner, Chairman		X	
Total	12	18	

2. Final Passage. The motion to report the resolution, H. Res. 287 as amended, adversely was agreed to by a rollcall vote of 19 to 15.

ROLLCALL NO. 2

	Ayes	Nays	Present
Mr. Hyde			
Mr. Coble	X		
Mr. Smith	X		
Mr. Gallegly	X		
Mr. Goodlatte			
Mr. Chabot	X		
Mr. Jenkins	X		
Mr. Cannon	X		
Mr. Bachus	X		
Mr. Hostettler	X		
Mr. Green	X		

ROLLCALL NO. 2—Continued

	Ayes	Nays	Present
Mr. Keller	X		
Ms. Hart	X		
Mr. Flake	X		
Mr. Pence	X		
Mr. Forbes	X		
Mr. King	X		
Mr. Carter	X		
Mr. Feeney	X		
Mrs. Blackburn	X		
Mr. Conyers		X	
Mr. Berman		X	
Mr. Boucher			
Mr. Nadler		X	
Mr. Scott		X	
Mr. Watt		X	
Ms. Lofgren		X	
Ms. Jackson Lee		X	
Ms. Waters		X	
Mr. Meehan		X	
Mr. Delahunt		X	
Mr. Wexler		X	
Ms. Baldwin		X	
Mr. Weiner		X	
Mr. Schiff		X	
Ms. Sánchez		X	
Mr. Sensenbrenner, Chairman	X		
Total	19	15	

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of Rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

COMMITTEE COST ESTIMATE

In compliance with clause 3(d)(2) of the Rule XIII of the Rules of the House of Representatives, the Committee estimates the costs of implementing the resolution would be minimal. The Congressional Budget Office did not provide a cost estimate for the resolution.

PERFORMANCE GOALS AND OBJECTIVES

H. Res. 287 does not authorize funding. Therefore, clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives is inapplicable.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of Rule XIII of the Rules of the House of Representatives, the Committee finds that the rule does not apply because H.Res 287 is not a bill or joint resolution that may be enacted into law.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

H. Res. 287 as amended by the Committee is a simple resolution, that directs the Attorney General to transmit to the House of Representatives not later than 30 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of agency resources, the theft of any records, and the use of United States congressional staff in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States.

CHANGES IN EXISTING LAW MADE BY THE RESOLUTION,
AS REPORTED

In compliance with clause 3(e) of Rule XIII of the Rules of the House of Representatives, the Committee notes H. Res. 287 makes no changes to existing law.

MARKUP TRANSCRIPT

BUSINESS MEETING**WEDNESDAY, JULY 9, 2003**

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 10:00 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr., [Chairman of the Committee] presiding.

Chairman SENSENBRENNER. The Committee will be in order. A working quorum is present. Pursuant to notice, I now call up the resolution H. Res. 287, a resolution directing the Attorney General to transmit to the House of Representatives not later than 14 days after the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action invoking or relating to members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States, for purposes of markup and move its adverse recommendation to the House.

Without objection, the resolution will be considered as read and open for amendment at any point.

[The resolution, H. Res. 287, follows:]

108TH CONGRESS
1ST SESSION

H. RES. 287

Directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2003

Mr. GREEN of Texas (for himself, Mr. GONZALEZ, Mr. FROST, Mr. SANDLIN, Mr. DOGGETT, Mr. ORTIZ, Mr. HINOJOSA, Mr. LAMPSON, Mr. STENHOLM, Mr. BELL, Mr. REYES, Mr. EDWARDS, Mr. RODRIGUEZ, and Ms. JACKSON-LEE of Texas) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States.

1 *Resolved*, That the Attorney General is directed to
2 transmit to the House of Representatives not later than
3 14 days after the date of the adoption of this resolution
4 all physical and electronic records and documents in his
5 possession related to any use of agency resources in any
6 task or action involving or relating to Members of the
7 Texas Legislature in the period beginning May 11, 2003,
8 and ending May 16, 2003, except information the diselo-
9 sure of which would harm the national security interests
10 of the United States.

Chairman SENSENBRENNER. The Chair now recognizes himself for 5 minutes.

This resolution, which was introduced by Representative Green of Texas, directs the Attorney General to transmit to the House documents related to the use of—any use of Federal agency resources in any task or action involving or relating to members of the Texas Legislature for a 5-day period in May 2003.

Now, I notice that many of my colleagues from Texas have bumper stickers on their car that says “Don’t Mess With Texas.” Well, what this resolution does is bring Texas’ mess to Washington and ask us to work on it. And I don’t think that that’s something that we ought to be doing. Let Texas solve their own problems.

Under the rules and precedents of the House, a resolution of inquiry is one means by which the House requests information from the President or the head of an executive department. The Committee must act on the resolution within 14 legislative days or a privilege motion to discharge the Committee is in order.

The motion before the Committee is to report the resolution adversely. The fact that a Committee reports a resolution of inquiry adversely does not necessarily mean that the Committee opposes looking into the matter. In the past, resolutions of inquiry have frequently been reported adversely for several reasons. Two of the most common reasons are substantial compliance and competing investigations.

In the first case, the executive branch may deliver documents which substantially comply with the resolution, thus making it unnecessary for the Committee to report the resolution favorably for floor action.

In the second case, the Committee may decide to report a resolution of inquiry adversely because it competes with other investigations that are regarded as the most appropriate avenue of the inquiry.

The second case is the situation that we’re faced with today. According to a May 12 press release issued by the Texas Department of Public Safety, the public was asked for assistance in locating 53 Texas legislators who had disappeared. According to the release, under the Texas Constitution the majority of members present in session in the Texas State House can vote to compel the presence of enough members to make a quorum. Members of the House did so and directed the Sergeant-at-Arms of the House and the Department of Public Safety to locate the absent members and to bring them back to the State capital.

On May 27, Senator Lieberman of Connecticut sent a letter to the Office of Inspector General of the U.S. Department of Justice asking for a full investigation into this matter. After receipt of this letter from the Senator, in a statement to the press the IG’s office disclosed that on June 4, his office began investigating what, if any, Department of Justice resources were expended in connection with this matter. That investigation is still ongoing.

An investigation by the Inspector General of the Department of Justice is the more appropriate avenue to determine whether or not any Federal agency resources were properly or improperly used in relation to members of the Texas Legislature. Because this resolution of inquiry competes with that investigation, the resolution should be reported adversely, and I urge the Members to support

the motion to report adversely and yield back the balance of my time.

The gentleman from Michigan, Mr. Conyers, is not present. Does anybody wish to give the opening statement for the minority? The gentleman from the Commonwealth of Virginia, far removed from Texas, is recognized for 5 minutes.

Mr. SCOTT. I thank the gentleman for yielding. Not quite as far—well, it might be as far further than Wisconsin, but I'd have to see.

Mr. Chairman, I have an article from the *Fort Worth Star-Telegram* that says that a spokesman for the Department of Justice says it's not an investigation that they're doing. I would hope that we would—that we would report the resolution favorably. All it does is ask for documents. I think it is a very serious allegation when you have Federal resources being allegedly used for partisan political purposes. I think that's something this Judiciary Committee ought to look into. We're not asking anybody to do an investigation, just to give us documents so that we can review what happened.

So I would hope, Mr. Chairman, that the recommendation would be that the resolution be reported favorably, and I yield back the balance of my time.

Chairman SENSENBRENNER. Without objection, all Members may insert opening statements in the record at this point.

The question is on report—

Mr. SCOTT. I'm sorry.

Chairman SENSENBRENNER. The question is on reporting the resolution adversely. Those in favor will—

Mr. SCOTT. Mr. Chairman? I move that the substitute motion that the amendment be reported favorably.

Chairman SENSENBRENNER. The parliamentarian advises me that that is not in order. The motion to report adversely must be voted down first. The question is—the gentleman from California, Mr. Schiff. The gentleman's recognized for 5 minutes. How far away is California from Texas?

The gentleman is recognized. The gentleman from California's microphone is not working. Oh, no. Maybe it's because you blew a fuse in there the last markup.

Would the gentleman from California like to get to the top row? Because I know the microphones are working there.

Mr. SCHIFF. Mr. Chairman, I'm dying to get to the top row. [Laughter.]

Chairman SENSENBRENNER. The Chair has reset the clock, and the gentleman's recognized for 5 minutes.

Mr. SCHIFF. I thank the Chairman. Much better.

Mr. Chairman, I wanted to speak this morning in support of the resolution and in opposition to the motion to report it unfavorably. It is true that California is a long distance from Texas, but the capital is not far from the Department of Justice. Having come from the Department of Justice, I recognize the value of congressional oversight of what the Department does, and I think there is tremendous value in having these documents transmitted to the House of Representatives so that we can do our oversight job thoroughly and that we not leave purely to the discretion of the Department of Justice how diligent an inquiry to undertake of the actions

of that Department and its agents and what appears to be a misuse or potential misuse of Federal resources on a political matter.

We have the opportunity through this resolution to review—to review the actual records and documents in the possession of the relevant agencies, to make our own determination about whether the Federal Government was called upon improperly to conduct an investigation into political opposition in Texas, something that I don't think anyone has claimed, at least not recently, that they have proper authority to be investigating or is a proper utilization of Federal resources.

So rather than merely delegate to the Justice Department to conduct an inquiry into possible misuse of Federal resources, I think that issue should be addressed in this Congress. And for that reason, I oppose the motion to report unfavorably and urge my colleagues to do the same. And I yield back the balance of my time.

Chairman SENSENBRENNER. At last we hear from the gentleman from Texas, Mr. Smith, who is recognized for 5 minutes.

Mr. SMITH. Thank you, Mr. Chairman.

Mr. Chairman, this resolution should be adversely reported by the Committee. Multiple inquiries either are underway or have been completed. The Department of Homeland Security's Inspector General recently cleared the Department of any improper involvement in the Texas Legislature redistricting session. The Federal Aviation Administration also has been cleared of any improper activities.

The Inspector General of the U.S. Department of Justice has already begun an investigation into this issue. This investigation is well underway but has not yet been completed. These investigations, not a partisan resolution of inquiry, are the proper way to obtain information on Government activities. Unless we have some reason to believe that this process is not working, we have no legitimate reason to make broad demands on the Department of Justice.

We need to give the Office of the Inspector General time to complete its investigation rather than second-guess the Inspector General before the process is completed. Until the Inspector General at the U.S. Department of Justice has provided Congress with a report, it is entirely unnecessary for us to demand the release of any records. In fact, it's a waste of this Committee's time and efforts. We should adversely report this resolution, Mr. Chairman, and I will yield back the balance of my time.

Chairman SENSENBRENNER. The other Representative from Texas, Ms. Jackson Lee—

Ms. JACKSON LEE. I thank the Chairman—

Chairman SENSENBRENNER.—is recognized for 5 minutes.

Ms. JACKSON LEE. I thank the Chairman very much. I ask to strike the last word.

Chairman SENSENBRENNER. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE. I'm glad to be the other Member from Texas, and I'm glad to be able to ask this Committee to consider the distinguished gentleman from Texas Mr. Green's resolution as a resolution of truth and a resolution of duty. It is interesting, having sat in this Committee I think almost 10 years as a Member of the United States House of Representatives, and to my knowledge, this

Committee has never turned its face away from any opportunity to investigate and to in some instances instigate and to create, if you will, a pattern of responsibility and oversight.

In many instances, some of us disagreed with the direction of this Committee. Having served this Congress under the administration of William Jefferson Clinton, I can assure you that there was not one moment that this Judiciary Committee did not attempt to investigate that Administration. Vigorously disagreeing with the Articles of Impeachment and the basis upon which those articles were represented, many of us still participated in the process of investigation of the Presidency of the United States of America.

This resolution is a simple resolution. It is not a resolution that is loaded with politics. It's loaded with facts. And it simply asks the Attorney General to transmit to the House of Representatives not later than 14 days of the date of this adoption all documents, electronic records and other documents in their possession, with respect to the use of any agency resources, benign, nonpartisan, non-instigating, only a resolution of truth.

I disagree with my distinguished colleague from Texas. There is not an investigation going on at the Department of Justice. It is simply a review. It is the job of the House Judiciary Committee to oversee the Justice Department for this Congress. It is the job of the Inspector General to oversee the Justice Department for the executive branch. And there are numerous allegations regarding the use of Federal resources.

The Rudman Report recently came out and said that we are not prepared with respect to our first responders in the local communities for, God forbid, another tragic incident similar to 9/11. We might as well just lay it on the table. We are not prepared. And, frankly, it saddens me, but it frightens me. And that's a job that we have to continue to work on as Members of Congress.

But how ridiculous it is when first responders are not receiving the dollars that they need and there are questions as to whether or not the homeland is truly secure that we are failing to ask the questions whether or not Federal resources that should be used constructively to protect the homeland are being frivolously used to track down, intimidate, and frighten individuals who've used their constitutional right, their political right, to make a position known not only to the State but to the Nation.

We owe it to the American people to pass this resolution out favorably. It is ridiculous that there were Federal resources—in this instance, Homeland Security resources—potentially used to track down an individual elected by his constituency to represent his constituency and to act upon his conscience. It is well known and documented that those resources out of Homeland Security was used under false pretenses to track someone in an airplane under the allegations or suggestions that that plane might have been lost.

It is well known that there had been calls to suggest by the Majority Leader that we should call out the FBI and call out others who might be able to assist, and the U.S. Attorney in Texas was researching this question. Those are Federal resources.

It also from my perspective brings back the fear of 1984, Big Brother is watching you. How dare the Federal Government engage in domestic surveillance to the extent that had nothing to do with securing the homeland or preventing a crime.

This Judiciary Committee will be less than its status, will be, if you will, un-representative of this room and the responsibilities that we have if we do not allow, I think, this very plainly worded resolution that simply asks for documentation, Mr. Chairman, and asks—

Chairman SENSENBRENNER. The gentlewoman's time—

Ms. JACKSON LEE.—for us to be able to—

Chairman SENSENBRENNER.—has expired.

Ms. JACKSON LEE.—do our job. I would ask this to be favorably reported out.

Chairman SENSENBRENNER. For what purpose does the gentlewoman from California seek recognition?

Ms. WATERS. Strike the last word.

Chairman SENSENBRENNER. The gentlewoman's recognized for 5 minutes.

Ms. WATERS. Mr. Chairman, I strongly support the resolution of inquiry and urge all my colleagues to support it. It's essential that the House promptly gain access to all of the facts that bear upon this sorry episode. My colleagues have ably detailed the facts, and so I won't repeat them. Suffice it to say that both press reports and the words of Majority Leader DeLay himself strongly suggest that resources of the Department of Homeland Security were used, not to fight terrorism but for partisan political purposes.

We need to get to the bottom of this immediately. If the facts are as they now appear, we also need to take decisive action to ensure that resources of the Department of Homeland Security are never again used for partisan political purposes. The Homeland Security Department exists to protect all Americans from terrorists, not to assist Mr. DeLay in his unfair, unprecedented efforts to redraw Texas congressional district lines in an attempt to add Republican House seats. The Homeland Security Department is a resource of and for the American people, not the Republican Party leadership.

Mr. Chairman, once we act on the resolution of inquiry, it is essential that the Republican House leadership bring this resolution to the House floor for a vote. I've seen the same press reports that all of us have read suggesting that the only reason that this issue is before us today is because the resolution would become a privileged resolution that could be brought to the House floor by any Member of Congress if the Committee of jurisdiction, our Committee, does not act on it.

This resolution presents a test for the Republican House leadership. Will they allow the House to work its will on this issue by bringing this resolution to the floor for a vote? Or will they bury this resolution and make themselves party to a coverup?

Mr. Chairman, it is vital that it be the House itself that requests and receives the information sought by the resolution of inquiry, not some subgroup of individual Members of Congress acting in their personal capacity. All Members of the body should have the same rights to examine the evidence. Under clause 7, rule XIII of the House Rules, the House has a right to request this information from the executive branch, and it surely has ample reason to do so. The fact that Inspector Generals at the Department of Homeland Security or the Justice Department may be investigating this incident or that certain Members of Congress may be seeking information in their individual capacity under the Freedom of Information

Act is no reason for the House itself not to exercise its oversight powers.

I believe that we will set a terrible precedent that will substantially diminish the House rights and hamstring future exercises of our oversight authority if we refuse to request information from the executive branch simply because a Department's Inspector General is investigating.

The correspondence generated by the Administration in connection with this controversy clearly demonstrates that the executive branch is stonewalling and slow-walking those Members of Congress who are seeking information from the Inspector General or through the Freedom of Information Act. I believe and certainly hope that the executive branch would not refuse to supply this information to the House if the House were to request it collectively by adopting this resolution of inquiry.

It is my belief that the Administration would comply with an official request from the House when this is certainly something that is important to know.

Mr. Chairman, I strongly believe that congressional redistricting should be a decennial event, not a perennial one. And so in May of this year, I introduced H.R. 2090, a bill to limit the redistricting that the States may do after an apportionment of representatives. My bill, which now has 20 cosponsors, limits congressional redistricting in each State to one redistricting plan every decade in response to the decennial census unless a Federal court orders additional redistricting to address constitutional or Voting Rights Act problems. The bill forbids State courts from entering orders that require additional congressional redistricting. I hope that my bill will receive a fair hearing from my Subcommittee on the Constitution.

Now, given the tremendous disruption to the constituent relationships that occur when any constituent's Representative changes as a result of redistricting, our goal should be to avoid more frequent redistricting than absolutely necessary. Yet Mr. DeLay's partisan antics make it abundantly clear that we can no longer rely upon the longstanding tradition of limiting congressional redistricting to one plan per decade. And so I believe—

Chairman SENSENBRENNER. The gentlewoman's time—

Ms. WATERS.—that we need to codify this practice—

Chairman SENSENBRENNER.—has expired.

Ms. WATERS.—and make it law. I will ask unanimous consent to put the balance of my statement in the record.

Chairman SENSENBRENNER. Without objection.

[The prepared statement of Ms. Waters follows:]

**Statement on H. Res. 287, the
Resolution of Inquiry on the Texas
Redistricting Scheme**

Mr. Chairman, I strongly support the Resolution of Inquiry and urge all my Colleagues to support it. It's essential that the House promptly gain access to all of the facts that bear upon this sorry episode. My colleagues have ably detailed the facts and so I won't repeat them. Suffice it to say that both press reports and the words of Majority Leader DeLay himself strongly suggest that resources of the Department of Homeland Security were used, not to fight terrorism, but for partisan political purposes.

We need to get to the bottom of this immediately. If the facts are as they now appear, we also need to take decisive action to ensure that resources of the Department of Homeland Security are never again used for

partisan political purposes. The Homeland Security Department exists to protect all Americans from terrorists, not to assist Mr. DeLay in his unfair, unprecedented efforts to redraw Texas Congressional district lines in an attempt to add Republican House seats. The Homeland Security Department is a resource of, and for the American people, not the Republican Party leadership.

Mr. Chairman, once we act on the Resolution of Inquiry, it is essential that the Republican House Leadership bring this resolution to the House floor for a vote. I have seen the same press reports that all of us have read suggesting that the only reason that this issue is before us today is because the Resolution would become a privileged resolution that could be brought to the House floor by any Member of Congress if the Committee of jurisdiction, our Committee, does not act on it.

This resolution presents a test for the Republican House leadership: Will they allow

the House to work its will on this issue by bringing this resolution to the floor for a vote, or will they bury this resolution and make themselves parties to a coverup.

Mr. Chairman, it is vital that it be the House itself that requests and receives the information sought by the Resolution of Inquiry, not some subgroup of individual Members of Congress acting in their personal capacity. All Members of the body should have the same rights to examine the evidence.

Under Clause 7 of Rule XIII of the House Rules, the House has the right to request this information from the Executive Branch, and it surely has ample reason to do so. The fact that Inspector Generals at the Department of Homeland Security or the Justice Department may be investigating this incident, or that certain Members of Congress may be seeking information in their individual capacity under the Freedom of Information Act is no reason for the House itself not to exercise its oversight powers.

I believe that we will set a terrible precedent that will substantially diminish the House's rights and hamstring future exercises of our oversight authority if we refuse to request information from the Executive Branch simply because a Department's Inspector General is investigating.

The correspondence generated by the Administration in connection with this controversy clearly demonstrates that the Executive Branch is stonewalling and "slow-walking" those Members of Congress who are seeking information from the Inspector General or through the Freedom of Information Act.

I believe and certainly hope that the Executive Branch would not refuse to supply this information to the House if the House were to request it collectively by adopting this Resolution of Inquiry. If my belief that the Administration would comply with an official request from the House is mistaken, then this is certainly something that is important to

know.

Mr. Chairman, I strongly believe that Congressional redistricting should be a decennial event, not a perennial one, and so, in May of this year, I introduced H.R. 2090, a bill to limit the redistricting that the States may do after an apportionment of Representatives.

My bill, which now has twenty cosponsors, limits congressional redistricting in each State to one redistricting plan every decade in response to the decennial Census unless a Federal Court orders additional redistricting to address constitutional or Voting Rights Act problems. (The bill forbids state courts from entering orders that require additional congressional redistricting.) I hope that my bill will receive a hearing from our Subcommittee on the Constitution, and encourage my colleagues to cosponsor it.

Given the tremendous disruption to constituent relationships that occurs when

any constituent's Representative changes as a result of redistricting, our goal should be to avoid more frequent redistricting than absolutely necessary.

Yet Mr. DeLay's partisan antics make it abundantly clear that we can no longer rely upon the longstanding tradition of limiting congressional redistricting to one plan per decade, and so I believe that we need to codify this practice and make it the law.

It takes tremendous time and effort after redistricting for Members of Congress to meet their new constituents and learn about their needs, and for those constituents to meet and learn about their new Representative. Limiting the frequency of congressional redistricting is the best way to protect the quality of the relationships between Members of Congress and their constituents.

Why should we allow state legislatures to propose additional congressional redistricting for partisan purposes like the Republican

plans in Texas and Colorado, or potentially have Democratic legislatures respond in kind where they have the power to do so? If we fail to control this practice now, we will continue down the road to making congressional redistricting a perpetual process. Additional congressional redistricting for partisan purposes is not in the interest of our constituents. We should put our constituents first and end this unseemly practice.

Yet, whatever our views on redistricting, surely none of us should be supporting the diversion of government resources, particularly Homeland Security resources, to assist the Majority Leader's pursuit of partisan political objectives.

Mr. Chairman, as important as today's vote on this Resolution will be, whatever the outcome, what happens next will be even more important. I urge the House Republican leadership to stand up for the prerogatives of the House by bringing this Resolution of Inquiry to the floor for a vote. I urge my colleagues to support the resolution and yield back the balance of my time.

Chairman SENSENBRENNER. For what purpose does the gentleman from Virginia seek recognition?

Mr. GOODLATTE. Move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. GOODLATTE. Thank you, Mr. Chairman. I yield to the gentleman from Texas.

Mr. SMITH. I thank my friend from Virginia for yielding.

Mr. Chairman, I'd like to direct a couple of questions to the gentlewoman from Texas, Ms. Jackson Lee, although I see she may have left the room. Oh, there she is. I'm sorry. I didn't see you.

Ms. Jackson Lee, I'd like to ask you a couple of questions. As you may well know, this privilege resolution is amendable, and I'm thinking of offering a couple of amendments which I want to know if you would support. It was widely reported in local newspapers during the redistricting process of a couple of weeks ago—a couple of months ago that one Member of Congress might have been implicated in the theft of a redistricting map which was State property and in conveying that map across State lines and transferring it back to Washington, DC, which admittedly and allegedly could be a Federal offense. And I'm wondering if the gentlewoman from Texas would agree to expand the resolution to include an investigation of that alleged crime.

My second question is that, according to reports, also, there were two Members of Congress who had their Washington staff down in Austin trying to thwart the redistricting process, and those staff were being paid for, of course, by Federal monies, and thereby that might have been both a violation of the ethics rules under which we live in the House as well as Federal law. And I'm wondering if the gentlewoman from Texas would agree to support an amendment to broaden the investigation called for in the resolution to include that incident as well.

Ms. JACKSON LEE. As the distinguished gentleman from Texas knows, on the first account, the staff issue, the State investigation of that found that there was no culpability. But if the distinguished gentleman will support reporting this resolution out favorably, I would suggest to him that all records regarding matters dealing with this question of redistricting and the use of Federal resources as well as any other attending issues certainly would be eligible for documentation being received from the Department of Justice. And I would encourage the gentleman—

Mr. CONYERS. Would the gentlewoman yield?

Ms. JACKSON LEE.—to help in supporting this to be reported out favorably.

I yield to the distinguished gentleman. Would he be willing to do so?

Chairman SENSENBRENNER. The time belongs to the gentleman from Virginia.

Mr. CONYERS. Would the gentleman yield? Would the gentleman from Virginia yield to me?

Mr. GOODLATTE. I yield to the gentleman.

Mr. CONYERS. Thank you very much, Mr. Goodlatte.

I would like to inquire if I were to go along with the proposal, would the gentleman support the proposition that is before—

Mr. SMITH. I'll be happy to draw the amendments up specifically as I've just outlined and see if the gentleman would support them.

I should say to the gentleman that he needs to realize that all the individuals implicated in the investigations that I've suggested are from his side of the aisle. And if he would—

Mr. CONYERS. Well, that's a terrifying proposing.

Mr. SMITH. Okay. Well, if you're willing to support that amendment, then I don't mind drafting it.

Mr. CONYERS. This is frightening and it's getting very dangerous, but you haven't drawn them up yet so this is just theoretical.

Mr. SMITH. That is correct. I don't have them in writing yet.

Mr. CONYERS. Well, would you get—would you—if they were drawn up and if our side drew them up for you, what would you do then? [Laughter.]

Mr. SMITH. As I said, I was referring to amendments that I was draft, and I'll be happy to proceed if the gentleman will support them.

Mr. BERMAN. Would the gentleman yield? Would the gentleman from Virginia yield?

Chairman SENSENBRENNER. The time belongs to the gentleman from—

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

Mr. BERMAN. I thank the gentleman for yielding. If I might ask my friend from Texas, was he suggesting that this investigation's scope should not be broadened to investigate whether any congressional staff from either party's Members of Congress in the Texas delegation—

Mr. SMITH. If the gentleman would yield—

Mr. BERMAN.—used Federal funds to go down to—to go down to Austin, just Democratic Members' staffs?

Mr. SMITH. No, no. If the gentleman would yield, I wasn't suggesting that. What I was suggesting was that based upon reports in newspapers, these specific incidents occurred, and they occurred involving certain individuals and they incurred a certain theft of a map and so forth. It is those incidents that have been reported that I thought perhaps should be investigated.

Now, if the gentleman will support that amendment, as Mr. Conyers might, then I can proceed to draft them. But they were very incident-specific because those were the incidents reported in the local newspapers.

Ms. JACKSON LEE. Would the gentleman from—

Mr. WATT. Would the gentleman yield?

Mr. BERMAN. If I may just on the yield just ask one other question. I was stunned to hear about this issue of alleged thefts of reapportionment maps. The Texas Legislature doesn't immediately post all reapportionment maps on the websites so the people of Texas can see what plans are—

Mr. SMITH. As the gentleman knows—

Mr. BERMAN. I'm shocked.

Mr. SMITH. As the gentleman knows from his California experience, a lot of maps are written. They are not immediately posted. And if a map is taken prior to posting, it is still State property. And it is still theft, and it is still possibly a Federal offense if it crosses State lines, as was the case here.

Mr. BERMAN. It's secret from—

Mr. SMITH. Mr. Berman, the issue is not secret/not secret. The issue is theft.

Mr. BERMAN. Oh, okay.

Mr. SMITH. And whether or not you would join me in investigating that theft.

Chairman SENSENBRENNER. The time of the gentleman from Virginia has expired.

The gentleman from North Carolina.

Mr. WATT. Mr. Chairman, I ask unanimous consent that consideration of this matter be delayed until Mr. Smith from Texas has the opportunity to draft his amendments so that we could consider them. I think he has an excellent idea, and he obviously hadn't drafted the amendments. I think there's a growing element of—

Chairman SENSENBRENNER. Is there objection to the unanimous consent request of the gentleman from North Carolina?

Mr. COBLE. Objection.

Chairman SENSENBRENNER. Objection is heard.

Mr. CONYERS. I didn't hear it.

Chairman SENSENBRENNER. I did. [Laughter.]

Chairman SENSENBRENNER. The other gentleman from North Carolina is very soft-spoken. You should heed his advice more often.

For what purpose does the gentlewoman from California seek recognition?

Ms. SÁNCHEZ. Mr. Chairman, I move to strike the last word.

Chairman SENSENBRENNER. The gentlewoman's recognized for 5 minutes.

Ms. SÁNCHEZ. Today we're considering a bill that is important because of what it represents to us as Americans. It allows Congress to live up to its responsibility to oversee Federal agencies, such as the Department of Justice and the Department of Homeland Security. And it allows the American people to have peace of mind that their Government is not in the business of hiding evidence, of covering up, or of secrecy.

Unfortunately, without a bill like House Resolution 287, the American people will have plenty of reason to fear their own Government.

Despite repeated requests from Members of the Homeland Security Committee, the Department of Homeland Security has refused to reveal information relating to the Department's discussions with or activities on behalf of the Texas Department of Public Safety and various elected officials relating to the tracking of Texas State legislators.

The Department of Justice has been investigating this affair since June 4, 2003, but it, too, has released absolutely no information despite repeated requests by various Members of Congress.

These Departments are refusing to release written documents, audiotapes and/or full transcripts relating to its involvement with the incident, and I find this very troubling. The Department of Homeland Security is charged with a very important and sensitive mission: to guard the homeland against terrorist attack. And with great power comes great responsibility. I'm deeply concerned that elected officials working with the Texas Department of Public Safety would seek to employ the resources of the Department of Homeland Security for partisan political purposes. Likewise, I'm equally

concerned about DHS and DOJ's unwillingness to release the records pertaining to this incident.

There is no question that the Department of Homeland Security was asked to intervene by someone. There is no question that the Department of Homeland Security did, in fact, intervene. There is no question that the DHS has records pertaining to these requests and the subsequent action taken by the Department. And there is no question that the people of the United States have a right to know why they intervened and who requested that Department's involvement.

In fact, the only question on the table is why won't the Department of Homeland Security and the Department of Justice tell us what happened. If there is nothing to hide, then why not release the information?

The bottom line is this: This is a very serious issue. The use of Federal law enforcement resources in a political matter was wholly inappropriate and a gross abuse of power. If there is one thing we learned from Watergate, it's that Americans will not tolerate the use of law enforcement to pursue a political agenda. Americans expect more from their elected leaders. We as elected officials have a responsibility to work within the law, and when power is abused, the public has a right to know. The American people deserve to have these questions answered. It is time that we take this next step. Congress must not sit back and allow a Federal agency to completely disregard its request for information. If we allow that to happen, then we have completely shirked our responsibilities to the American people.

This bill provides a good opportunity for Congress to investigate this situation, to help show that no Administration at any time should permit such actions, and to show that any Administration at any time must be willing to take a careful look into the actions of its agencies.

I urge my colleagues to support this bill——

Ms. JACKSON LEE. Would the gentlelady yield——

Ms. SÁNCHEZ.—and I yield back the balance——

Ms. JACKSON LEE. Would the gentlelady yield? Would the gentlelady yield?

Ms. SÁNCHEZ. I will.

Ms. JACKSON LEE. I thank the distinguished gentlelady, and I would appreciate it if I could ask the gentleman from Texas a question, Mr. Smith. If the gentlelady would yield to him, I think I'm not controlling the time.

Ms. SÁNCHEZ. I will.

Ms. JACKSON LEE. Thank you.

Mr. Smith, the unanimous consent was objected to, but I'm still trying to understand. You'd be prepared to support this resolution to be reported out favorably?

Mr. SMITH. If the gentlewoman would yield, no, I didn't say that. What I asked was: Would you be willing to support an amendment that would call for the investigation of the two incidences that I described?

Ms. JACKSON LEE. I made my point very clear that I believe the culpability of the individuals have already been proven to not be such. But certainly I would support any effort——

Mr. SMITH. If the gentlewoman——

Ms. JACKSON LEE.—to get at the truth. So, yes, would you now support this resolution being reported out favorably?

Mr. SMITH. Did I understand you to say you would support the amendments that I might offer?

Ms. JACKSON LEE. I indicated that I would be interested in supporting getting at the truth.

Mr. SMITH. Well, that didn't answer my question.

Ms. JACKSON LEE. Well, you haven't answered mine. Would you—

Mr. SMITH. Yes, I did. I was very explicit in answering your question.

Ms. JACKSON LEE. And that is what, that you would support the resolution?

Mr. SMITH. That I would not support the resolution, but I would try to improve it to see if you would support my amendment.

Ms. JACKSON LEE. If she would reclaim your time, I'd like to continue to have your time, Ms. Sánchez.

Ms. SÁNCHEZ. I will, and I will yield to the gentlewoman from Texas.

Ms. JACKSON LEE. I thank you so very much. I see—

Chairman SENSENBRENNER. The time of the gentlewoman from California has expired. [Laughter.]

Mr. WATT. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from North Carolina, Mr. Watt.

Mr. WATT. Mr. Chairman, I move that consideration of this resolution be delayed until a time certain to be set by the Chairman of the Committee no later than tomorrow afternoon at 2:00 p.m. to enable Mr. Smith of Texas to draft and—

Chairman SENSENBRENNER. The question is on the motion to postpone to a day certain. Those in favor will say aye. Opposed, no.

The noes appear to have it—

Mr. CONYERS. I ask for a record vote.

Chairman SENSENBRENNER. A rollcall is ordered. The question is on the motion to postpone to a day certain to be chosen by the Chair not later than 2:00 p.m. tomorrow. Those in favor of the motion will as your names are called answer aye, those opposed no, and the clerk will call the roll.

The CLERK. Mr. Hyde?

[No response.]

The CLERK. Mr. Coble?

Mr. COBLE. No.

The CLERK. Mr. Coble, no. Mr. Smith?

Mr. SMITH. No.

The CLERK. Mr. Smith, no. Mr. Gallegly?

Mr. GALLEGLY. No.

The CLERK. Mr. Gallegly, no. Mr. Goodlatte?

Mr. GOODLATTE. No.

The CLERK. Mr. Goodlatte, no. Mr. Chabot?

Mr. CHABOT. No.

The CLERK. Mr. Chabot, no. Mr. Jenkins?

Mr. JENKINS. No.

The CLERK. Mr. Jenkins, no. Mr. Cannon?

Mr. CANNON. No.

The CLERK. Mr. Cannon, no. Mr. Bachus?

[No response.]
The CLERK. Mr. Hostettler?
Mr. HOSTETTLER. No.
The CLERK. Mr. Hostettler, no. Mr. Green?
Mr. GREEN. No.
The CLERK. Mr. Green, no. Mr. Keller?
[No response.]
The CLERK. Ms. Hart?
[No response.]
The CLERK. Mr. Flake?
Mr. FLAKE. No.
The CLERK. Mr. Flake, no. Mr. Pence?
[No response.]
The CLERK. Mr. Forbes?
[No response.]
The CLERK. Mr. King?
Mr. KING. No.
The CLERK. Mr. King, no. Mr. Carter?
Mr. CARTER. No.
The CLERK. Mr. Carter, no. Mr. Feeney?
Mr. FEENEY. No.
The CLERK. Mr. Feeney, no. Mrs. Blackburn?
Mrs. BLACKBURN. No.
The CLERK. Mrs. Blackburn, no. Mr. Conyers?
Mr. CONYERS. Aye.
The CLERK. Mr. Conyers, aye. Mr. Berman?
[No response.]
The CLERK. Mr. Boucher?
[No response.]
The CLERK. Mr. Nadler?
[No response.]
The CLERK. Mr. Scott?
Mr. SCOTT. Aye.
The CLERK. Mr. Scott, aye. Mr. Watt?
Mr. WATT. Aye.
The CLERK. Mr. Watt, aye. Ms. Lofgren?
Ms. LOFGREN. Aye.
The CLERK. Ms. Lofgren, aye. Ms. Jackson Lee?
Ms. JACKSON LEE. Aye.
The CLERK. Ms. Jackson
The CLERK. Ms. Jackson Lee, aye. Ms. Waters?
Ms. WATERS. Aye.
The CLERK. Ms. Waters, aye. Mr. Meehan?
[No response.]
The CLERK. Mr. Delahunt?
Mr. DELAHUNT. Aye.
The CLERK. Mr. Delahunt, aye. Mr. Wexler?
[No response.]
The CLERK. Ms. Baldwin?
[No response.]
The CLERK. Mr. Weiner?
[No response.]
The CLERK. Mr. Schiff?
Mr. SCHIFF. Aye.
The CLERK. Mr. Schiff, aye. Ms. Sanchez?

Ms. SÁNCHEZ. Aye.
 The CLERK. Ms. Sánchez, aye. Mr. Chairman?
 Chairman SENSENBRENNER. No.
 The CLERK. Mr. Chairman, no.
 Chairman SENSENBRENNER. Members who wish to cast or change their vote?
 The gentleman from Alabama, Mr. Bachus?
 Mr. BACHUS. No.
 The CLERK. Mr. Bachus, no.
 Chairman SENSENBRENNER. The gentleman from Florida, Mr. Keller?
 Mr. KELLER. No.
 The CLERK. Mr. Keller, no.
 Chairman SENSENBRENNER. The gentlewoman from Pennsylvania, Ms. Hart?
 Ms. HART. No.
 The CLERK. Ms. Hart, no.
 Chairman SENSENBRENNER. Further Members who wish to cast—the gentleman from California, Mr. Berman?
 Mr. BERMAN. Aye.
 The CLERK. Mr. Berman, aye.
 Chairman SENSENBRENNER. Further Members who wish to cast? The gentleman from New York, Mr. Weiner?
 The CLERK. Mr. Chairman, Mr. Nadler is not recorded.
 Chairman SENSENBRENNER. No, this is Mr. Weiner.
 The CLERK. Oh, I am sorry, Mr. Weiner, excuse me.
 Mr. WEINER. Aye.
 The CLERK. Mr. Weiner, aye.
 Chairman SENSENBRENNER. Further Members who wish to cast or change their vote?
 [No response.]
 Chairman SENSENBRENNER. If not, the clerk will report.
 The gentleman from Massachusetts, Mr. Meehan?
 Mr. MEEHAN. Aye.
 The CLERK. Mr. Meehan, aye.
 Chairman SENSENBRENNER. The clerk will try again.
 The CLERK. Mr. Chairman, there are 12 ayes and 18 noes.
 Chairman SENSENBRENNER. And the motion to postpone to a day certain is not agreed to.
 Mr. CONYERS. Mr. Chairman?
 Chairman SENSENBRENNER. The gentleman from Michigan, Mr. Conyers?
 Mr. CONYERS. Mr. Chairman, I have an amendment at the desk.
 Chairman SENSENBRENNER. The clerk will report the amendment.
 The CLERK. Amendment to H. Res. 287, offered by Mr. Conyers. At Page 2, line 5, after resources, add the following: “, the theft of any records and the use of U.S. congressional staff.”
 [The amendment of Mr. Conyers follows:]

AMENDMENT TO H. RES. 287
OFFERED BY MR. CONYERS

At page 2, line 5, after “resources” add the following:

“, the theft of any records, and the use of U.S. congressional staff”

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. CONYERS. Thank you, Mr. Chairman.

This amendment was inspired by the distinguished gentleman from Texas who I think is concerned about us making this a bipartisan event, and it is in that spirit that I offer it because the theft of records and the use of congressional staff potentially improperly is a matter of concern to everyone on this Committee.

Chairman SENSENBRENNER. Will the gentleman yield?

Mr. CONYERS. Of course.

Chairman SENSENBRENNER. The resolution of inquiry is directed to the Attorney General. What records would the Attorney General have relative to the theft of records and the use of U.S. congressional staff?

Mr. CONYERS. Thank you, Mr. Chairman.

The Department of Justice, I hope, is already investigating this and have records already.

Chairman SENSENBRENNER. Will the gentleman yield further?

Mr. CONYERS. Of course.

Chairman SENSENBRENNER. Has there been any allegation in the press that the Justice Department has any of these records? Because this resolution is restricted only to the Justice Department and no other department, including the Homeland Security Department or the U.S. House of Representatives.

Mr. CONYERS. Yes, sir, that is true. Well, I know the Attorney General of the United States has been doing something about this. Well, I don't know it; I sus—

Ms. LOFGREN. Would the gentleman yield?

Mr. CONYERS. I suspect that the Attorney General has been doing something about this because the distinguished leader of the House of Representatives has been asking him to do something about it. But, worst-case scenario, maybe the Department doesn't have any records, and if they don't, let them tell us that they haven't done a blooming thing about this.

Ms. LOFGREN. Would the gentleman yield?

Mr. CONYERS. Of course.

Ms. LOFGREN. I think this is an excellent amendment and, as I am sure the Chairman realizes, this would require the Department to transmit this material, but if they don't have the material, obviously it would not mandate them to transmit something they don't have. So there is really no harm or downside in approving the

amendment, and I commend the gentleman for offering it and yield back and thank him for allowing me to comment.

Mr. CONYERS. Let us be candid about this, my fellow Committee Members. We have got two of the most powerful people in the Texas delegation in the Judiciary Committee halls this morning. Well, I haven't seen Martin Foss, but Gene Green has been patrolling the aisles. I mean, we are under a lot of pressure over on this side here, and we have got to produce something here today, folks. This is pretty serious potatoes in Texas, and when you have people like our colleague, Gene Green, and Martin Foss—look, Gene has just come in again. Here he is. He has got two Committees that he should be in attendance.

Chairman SENSENBRENNER. The gentleman from Michigan knows that it is against the rules to refer to persons present in the audience.

Mr. CONYERS. But he is behind here, up here with us. He is not in the audience.

Chairman SENSENBRENNER. Well, he doesn't belong here. [Laughter.]

Mr. CONYERS. He has been walking up and down here. Okay. All right. Let's ask ourselves this question: What is the problem here with the proposal at hand? The answer to it is that minority voters, particularly Hispanic voters, Hispanic-American and African-American voters will be severely disenfranchised if the pending Republican plan in the Texas legislature is approved. That is why we are here.

Now, all we are asking, it is not that we can stop the plan or that we can exert a Federal jurisdiction superior to that of the State legislature, we just want it to be fair, and we want to know how much anybody else, besides alleged Democratic congressional staffers, has been doing this, besides the majority leader himself.

Chairman SENSENBRENNER. The gentleman's time has expired.

Ms. JACKSON LEE. Mr. Chairman?

Chairman SENSENBRENNER. The chair recognizes himself for 5 minutes.

First of all, the gentleman from Michigan and everybody else knows that the Voting Rights Act applies to any redistricting plan, past, present or future. And any redistricting plan which disenfranchises minority voters will end up being struck down either by the courts or by the Justice Department because Texas is a preclearance State.

Now, I would urge the Members to accept the gentleman's amendment. If my friend's on the minority side want to amend their own resolution, I think they should be given the opportunity to do so, and I would hope that we can speedily approve the amendment of the gentleman from Michigan and go ahead to the vote.

I yield back the balance of my time.

Mr. CONYERS. I call for the vote.

Chairman SENSENBRENNER. The question is on the amendment offered by the gentleman from Michigan, Mr. Conyers.

Those in favor will say aye.

Opposed, no.

The ayes appear to have it, the ayes have it, and the amendment is agreed to.

The question now is on reporting—

Mr. WATT. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from North Carolina, Mr. Watt?

Mr. WATT. I move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. WATT. Thank you, Mr. Chairman. I really am surprised by the rhetorical level of this debate and by the fact that we are engaged in a debate at this level because when I read the resolution, the original resolution, it seemed so patently clear and straightforward that it seemed to me that this would be something that we handle in this Committee quickly, pass and everybody would recognize that it is within this Committee's jurisdiction.

As many of you know, I have very strong feelings and have had very strong involvement in the redistricting process, in redistricting litigation, in the representation of redistricted districts throughout my career here, but this resolution really is not about redistricting. If you read the resolution, it simply says that the Attorney General is directed to transmit to the House of Representatives, not later than 14 days after the date of the adoption of this resolution, all physical and electronic records and documents in his possession related to any use of agency resources in any task or action involving or relating to members of the Texas legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information, the disclosure of which would harm the national security interests of the United States.

If we were focusing on the content of the resolution itself, which I think is our Committee's jurisdiction and responsibility, rather than focusing on all of the rhetorical trappings that go with it, I would expect us, as a Committee, to maybe question whether 14 days would be a sufficient amount of time for the Attorney General to transmit to us the information that the Attorney General or the Attorney General's staff has on this issue.

I would expect to focus on the fact that the Attorney General is and the Attorney General's Office is an office over which the Judiciary Committee of the House has oversight jurisdiction and that we would be entitled, as a Committee, to at least receive the information that the Attorney General has on this issue for our review. The resolution doesn't obligate us to undertake an inquiry. So I am not persuaded by the fact that there are other inquiries going on.

I hope there are other inquiries going on, but simply exercising our responsibility as a Judiciary Committee to get information from the Attorney General, over whom we have oversight jurisdiction, doesn't strike me as being anything all that controversial and to elevate this to the rhetorical level that all of us have elevated it to just seems to me to be beyond what we ought to be doing.

It seems to me that this is in our oversight jurisdiction. It is our responsibility. If the Members of this Committee wish to review this information to obtain the information and then decide what to do with it—

Chairman SENSENBRENNER. The gentleman's time has expired.

Mr. BERMAN. Mr. Chairman?

Chairman SENSENBRENNER. Who seeks recognition? The gentleman from California, Mr. Berman.

Mr. BERMAN. Mr. Chairman, as I understand it, there is one argument against this resolution which simply seeks to get information delivered to the Congress about a matter which has received a great deal of publicity, and that argument is that there is currently an investigation going on.

In a little time we are going to come to a vote, and the majority party is going to vote, my guess is, en bloc, to—well, there is a difference of opinion on our side about whether or not the majority party will vote to defeat this resolution, and it will go down.

And then I remember the Whitewater investigation, when the Resolution Trust Corporation was investigating it, when an Independent Council was investigating it, and none of those arguments had any weight in the Committee on Government Reform's decision to subpoena all kinds of information about a matter then under investigation by the Federal Government and by an Independent Counsel.

I remember the Vince Foster death, the suicide, where, notwithstanding investigations by Federal agencies and the FBI into that matter, the majority party, in its Government Reform Committee, sought information and subpoenaed information from the Federal Government while that investigation was going on.

And so I expect that the one thing we will have here, when the majority party defeats this resolution, which makes no prejudgment about the incident, which simply asks for the information to be delivered to the Congress, is that we will have another victory for relativist ethics and for double standards when, depending on whose ox is getting gored, the majority party will decide when it will and when it won't use its authority to get information for investigation purposes.

I yield back.

Ms. LOFGREN. Would the gentleman yield?

Mr. BERMAN. I would be happy to. I will yield.

Ms. LOFGREN. Obviously, we cannot be unmindful of the partisan overlay of this discussion, but yesterday we had the awarding of medals to retired Members of Congress. It was actually a very impressive and important session because it reminded me of a time when, although we are of different parties, the Congress did actually work together on behalf of the American people, and in particular we had the former minority leader, Mr. Michael, and a former Member of this Committee, Don Edwards, who were both present and involved in the impeachment proceedings relative to President Nixon.

And at that time, the Congress showed itself to be up to the task of putting partisanship aside and seeking the truth. And I think if the majority declines to take this action today, whether you feel it is true or not, it will look like you are involved in a cover-up, and I think that will reflect poorly on this Committee and poorly on this Congress. And so I would urge the Members of the majority to ponder that public perception that might be created and to step back from that activity.

I thank the gentleman for yielding.

Mr. BERMAN. I yield back, Mr. Chairman.

Mr. CARTER. Mr. Chairman?

Chairman SENSENBRENNER. The gentlewoman from Texas and the gentlewoman from California have been recognized on this question, previously.

The gentleman from Texas, Mr. Carter.

Mr. CARTER. I move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. CARTER. Mr. Chairman, in all due respect to my colleague, Mr. Smith from Texas, there is an inquiry being made in Texas about this issue.

I wrote a letter to the Prosecutor's Office in Austin and asked them that because of the partisan nature of this fight, we have a—there is a famous picture by Remington of a roper with his horse all tangled up in the rope and about to be thrown off in a ditch, and it is called "A Wreck." Well, this whole process has become a wreck down there in Texas. And I asked him to submit these issues, because of its partisan nature, to a jury, either a grand jury or a petit jury, and let them hash it out to see if there was actually a crime committed and if someone, in fact, they should go through the criminal justice process.

I have received no answer to that inquiry or they have given me no courtesy of a response, and I am sure it has to do with the partisan nature of the whole proceeding. But my point is that there are proper procedures in Texas to go through.

I also feel that there are proper procedures, and they are being gone through, here in Washington. We have the Justice Department and others who are making inquiries. The first thing you do in any investigation is make an inquiry to find out if there is actually anything to investigate. If you have a reason to believe there is something to investigate, then you do an investigation, which is the same thing that the D.A. or the county attorney would be required to do in Texas on allegations of criminal acts in Texas.

I believe in the process. I believe in the process. I believe that we ought to let the people who are doing their job do their job. Oversight comes if it looks like they are not doing their job. I see no indication in either theater that the job is not being done, even though I cannot seem to get any reply to my request from the prosecutor in Texas, I still think that we should vote against this because it is an ongoing process, and it does not call for oversight at this time.

Ms. JACKSON LEE. Would the gentleman yield?

Mr. CARTER. I yield back my time.

Ms. JACKSON LEE. Would the gentleman yield?

Mr. NADLER. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from New York, Mr. Nadler?

Mr. NADLER. Thank you, Mr. Chairman. I was listening to the comments of the gentleman who just spoke, and he makes a number of interesting points, but they all ignore one point. The investigation going on in Texas by whoever is doing it is a State investigation. We are talking in this resolution of inquiry about the misuse or alleged misuse or possible misuse of Federal resources of the Federal United States Department of Justice, the United States Department of Homeland Security.

The State of Texas has neither the jurisdiction nor the business, frankly, to investigate that. Insofar as it impacts on what they are doing locally they can tangentially look at that. But if there is going to be a proper and jurisdictionally relevant inquiry, it has to be at a Federal level because we are talking about Federal resources that may or may not have been used improperly in a State political dispute.

We are not urging an investigation of the State political dispute. That is none of our business.

Mr. CARTER. Would the gentleman yield?

Mr. NADLER. Just a moment.

We are urging an investigation by the Federal Government of the possible misuse of Federal resources and the possible subversion for political purposes of an agency or agencies of the Federal Government, and that demands a Federal inquiry, and that is all we are asking here, is a Federal inquiry as to the possible misuse of Federal Government or the possible subversion of the Federal Government institutions for nongovernmental and improper partisan purposes.

Now, whether that occurred is for the resolution to determine, whose fault, if any, is for the inquiry to determine, but to say that Texas is investigating this is wholly beside the point. Texas can investigate any possible misconduct by Texas officials or by Texas agencies, but can it investigate the Federal Government?

Mr. CARTER. Would the gentleman yield?

Mr. NADLER. Yes, I will yield.

Mr. CARTER. I think that my colleague may have missed a little bit, having been out of the room temporarily, I am sure, but we added to the resolution an investigation of the incidents in Texas that I was referring to. It was added to this and was approved and made a part of Mr. Green's resolution.

Also——

Mr. NADLER. Reclaiming back my time.

In other words, you are objecting only to that part of the resolution?

Mr. CARTER. No, sir. What I am saying is——

Mr. NADLER. Having been amended, it refers to Texas? I will yield back.

Mr. CARTER. I am saying let Texas investigate the crime, let our investigatory agencies investigate the incidents here, and this is a premature thing. We are not finished with——

Mr. NADLER. Reclaiming my time.

In other words, as I understand the gentleman, you are objecting only to that part of the amended resolution, referring to investigating Texas agencies?

Mr. CARTER. No, sir, I am saying let both the State and the Federal Government finish their inquiry because they have not had an opportunity to——

Mr. NADLER. Reclaiming my time.

Texas can do whatever it wants with its inquiry on Texas matters, but we are asking for an inquiry on the Federal matters, and it has to be a Federal inquiry. Insofar as we are relating to the misuse of Federal resources and Federal agencies for the possible or alleged misuse for improper purposes, then we need this resolution now.

I yield back.

Ms. JACKSON LEE. Would the gentleman yield?

Chairman SENSENBRENNER. The gentleman has yielded back his time.

Mr. NADLER. I have, yes.

Mr. WATT. Mr. Chairman?

Chairman SENSENBRENNER. For what purpose does the gentleman from North Carolina seek recognition?

Mr. WATT. I have an amendment at the desk.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to H. Res. 287 offered by Mr. Watt. At Page 2, line 3, strike 14 and insert instead 30.

[The amendment of Mr. Watt follows:]

AMENDMENT TO H. RES. 287

Offered by Mr. Watt

At page 2, line 3, strike "14" and insert instead "30".

Chairman SENSENBRENNER. Would the gentleman yield?

This is you amending your own resolution. I am happy to accept this amendment.

Ms. JACKSON LEE. I would like to strike the last word after Mr. Watt to support his amendment.

Mr. WATT. I move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. WATT. Just briefly. I addressed this in my comments that I thought the 14-day time limitation was too stringent on the Attorney General. I think we ought to give them the time. They have got other things that they are doing over there that require their attention, too, and I don't think we ought to be asking them to take resources from other important homeland security and other things to do this. So this would simply expand the time from 14 days to 30 days for their response.

Mr. DELAHUNT. Would the gentleman yield?

Mr. WATT. Yes, I yield.

Mr. DELAHUNT. I think we should note that with the acceptance of the Watt amendment, what we have accomplished is to remove this issue that is before us from the political issue in Texas of re-districting. I presume that whatever is going to happen in Texas will occur within the next 30 days. And by adopting or by accepting the amendment put forth by the gentleman from North Carolina, it is important I think for all of us to understand that it depoliticizes, as much as we can, this particular issue because I think the real issue is, as others have indicated, it is not about re-districting, it is not about what the State may or may not do, it

is about an inquiry into the conduct of Federal agencies over which this Committee has jurisdiction, and that is our responsibility.

There has been much written in the news in the course of the past several years about allegations of incompetence and misconduct by various Federal investigative agencies. And I think we all can agree that any effort to abuse or misuse the power of investigative agencies, for whatever purposes, be they political or otherwise, is very, very dangerous, and really, at some level, puts at risk democratic institutions.

We have had our own history in terms of the misuse of Federal agencies over the course of the past several decades. I am particularly thinking of what occurred during the Watergate era. I think that simply focusing on the issue at hand requires passage of the resolution, as amended. I think that the gentleman's amendment, and since it will be accepted, reassures the majority that when the information is made available to the Committee whatever is going to occur in Texas will have occurred, but it is our responsibility to ensure and to insist that Federal agencies within the purview and the oversight responsibility of this Committee act appropriately. And that is what this issue is about, and if we do not do it, we abrogate our responsibility to ensure that our democratic institutions are healthy, and viable, and acting appropriately.

Mr. WATT. I thank the gentleman, and I will reclaim my time, just to say, from my perspective, this is, I mean, we have made a lot of rhetorical smoke about this resolution, but this is about the responsibility of this Committee to oversee what the Justice Department and the Attorney General are doing, and this gives us time, it gets us out of the political context. It gives us the opportunity to evaluate the information we get, and that is what this should be about. This should not be about redistricting, it should not be about politics, it should be solely about responsibility as a Committee to oversee an agency of Government that we have oversight jurisdiction over, and I will yield back the balance.

Ms. JACKSON LEE. Mr. Chairman?

Chairman SENSENBRENNER. Vote—

Ms. JACKSON LEE. Mr. Chairman?

Chairman SENSENBRENNER. For what purpose does the gentleman from Texas seek recognition?

Ms. JACKSON LEE. I would like to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Ms. JACKSON LEE. I thank the distinguished Chairman very much, and I rise to support the distinguished gentleman from North Carolina's amendment. Based upon the words of my colleagues, previously, in terms of the broader view that we should look at as we look to pass this resolution out favorably.

I think the point that the distinguished gentlelady from California made was extremely potent and moving, and that is what is the litmus for this Committee? What is the mantra? What is the defining, if you will, standard for this Committee? What is this Committee perceived to be in the United States Congress, and that is the Committee that has as its mission the resolve to find out the truth, the resolve for justice, and in some instances equality.

One of the acts that we did collaboratively as a Congress is we allowed the Independent Counsel statute to expire. One of the criti-

cisms of that statute was that we couldn't look to the left or to the right or the front or the back without a series of investigations going on that might have been somewhat out of control. Certainly, under the Clinton administration, there were a number of different strains of Independent Counsel investigation that I myself would question as whether they were credible.

But one of the bases upon which we could allow that statute to expire was the fact that the House Judiciary Committee and the Judiciary Committee in the other body would take up the responsibility of being the oversight of this Government as it relates to finding out the facts and delving into facts that were unpleasant that had to do with the abuse of power.

This resolution singularly defines a question of the abuse of power. This is not a resolution based upon fallacy or lack of fact. In fact, we do have witnesses, representatives who will be able to testify or provide information to the Justice Department only if they would probe it in a probative fashion, not in an inquiry, but an investigation of which this resolution requires.

I would like to read into the record a comment noted in two newspapers. "State Representative Juan Manuel Escobar, [D] Kingsville, said that he got a cellular phone call from Corpus Christi-based FBI Special Agent David Troutman asking whether State Representative Gabi Canales, [D] Alice, was with the lawmakers. He said, 'Is Gabi there with you so we can call our surveillance off?' said Mr. Escobar, who said he knew Agent Troutman from their days of working together before Mr. Escobar retired as a Federal law enforcement and immigration officer in March."

Obviously, there is a denial of such comments, but we have the actual individuals who say that they received a cellular phone call. I believe that you can secure cellular records as to whether a call was made.

This is the basis upon which this resolution should be passed—nothing more and nothing less. It should be passed on the basis of our mandate to be the truth-finders and to have the oversight responsibility of which we allow to expire with the Independent Counsel.

I cannot imagine that we would resolve today to oppose the favorable passage of this resolution and, of course, in support of this amendment for 30 days to take it beyond the question of politics to give the Justice Department the adequate time to fully investigate. How can we call ourselves the House Judiciary Committee and split ourselves in a partisan manner over a simple, plain truth, plain-talking resolution? It has no editorial comment. It does not mention redistricting. It simply asks the question, nonpartisan, for the responsibility of the Justice Department to investigate as to what Federal resources were utilized.

It will possibly ask the questions of the majority leader of this Congress, but no one, as we have said in this particular Committee, is above the law. I inquired of my good friend from Texas who suggested that he would offer amendments asking to investigate other aspects of this question, Mr. Smith. I asked him in a very plain-talking manner whether or not if his amendments were supported, he would support the favorable reporting of this resolution. I am frankly disappointed in my good friend for his response because it seems that we are debating this in a lop-sided, one-sided

manner—my way or the highway. And, frankly, I believe that is beneath us, as I said earlier.

I totally agree with the distinguished gentlelady about cover-up, but I believe even more so this is a litmus test, an absolute litmus test. I saw, those of us who believed that impeachment was not the appropriate way to go in 1998, as it related to William Jefferson Clinton, that there were no impeachable offenses to be investigated. I saw us being rolled over like a Mack truck because we disagreed and pursued. Fortunately, the American people agreed with us.

But I saw us being rolled over in a truly partisan way. We did not have our voices heard during that process, and it proved that this Committee happened to have been wrong in its moving forward, but neither here nor there, the majority thought that was the appropriate approach to take, that they wanted to investigate on behalf of the American people, they wanted to indict on behalf of the American people.

Can you now say in 2003, when the whole Government is controlled by the Republicans, Republican President, Republican House, Republican Senate, that you can believe that by not applying or approving this resolution—

Chairman SENSENBRENNER. Would the gentlewoman yield?

Ms. JACKSON LEE.—that you, in any way, can carry the dignity of this particular Committee—

Chairman SENSENBRENNER. Would the gentlewoman yield?

Ms. JACKSON LEE.—and do our job?

Mr. Chairman, I would be happy to yield.

Chairman SENSENBRENNER. The Inspector General of the Justice Department, Mr. Fine, was appointed by President Clinton. He is responding to a letter requesting an investigation by Senator Lieberman, who was your party's vice presidential candidate.

One of the reasons why resolutions of inquiry are reported adversely is because they conflict with investigations that are ongoing. It doesn't close the matter out completely. It merely says that there will not be parallel investigations going on. The reason that I moved that this be reported adversely was simply due to the fact that the Inspector General is looking into the same question, and I am anxiously awaiting the report of Mr. fine on this issue.

Ms. JACKSON LEE. Could I ask the gentleman, the distinguished Chairman, for an additional 2 minutes, unanimous consent?

Chairman SENSENBRENNER. Without objection.

Ms. JACKSON LEE. I didn't know if you had finished, Mr. Chairman. Had you finished, Mr. Chairman?

Mr. Chairman, thank you very much, and I respect that response. What I would suggest to you, that the procedures in the Justice Department at this time may simply meet the level of an inquiry. It is not an investigation of which this resolution would insist on and direct.

I think these issues are so important, of such high importance to the question of the integrity of this Government, the integrity of a Government that is at this time controlled by a single party, is above partisan politics, is, if nothing else, to show the Democrats up, and when I say that, meaning by the investigation, nothing is proven, but more importantly, clear the air for the fact that whether or not you are in power or not, whether or not you have the ma-

majority leadership of the United States Congress, that you feel that it is imperative that the officials and resources of this Government be used for nothing more than the benefit of the American people.

Tracking down State representatives who were acting on their own, individual prerogative and their rights is not, one, a threat to national security or of any business of the Federal Government. Asking or utilizing, by way of your power, position, majority leader, Speaker of the House, Member of Congress, to call and ask for State officials to be tracked using Federal resources is not, from my perspective, within the integrity and the rights of this Federal Government. It is an abuse of power, and I respect what the Chairman has said, but we do not have an investigation, Mr. Chairman—

Chairman SENSENBRENNER. The gentlewoman's time has—

Ms. JACKSON LEE.—and I would ask for the amendment to be supported and the resolution.

Chairman SENSENBRENNER.—once again expired.

The question is on the Watt amendment.

Ms. JACKSON LEE. I thank the Chairman.

Ms. WATERS. Mr. Chairman?

Chairman SENSENBRENNER. For what purpose?

Ms. WATERS. I move to strike the last word.

Chairman SENSENBRENNER. The gentlewoman is recognized for 5 minutes.

Ms. WATERS. Mr. Chairman, let me just recognize that this may be taking longer than you would like, that you may even be irritated by the fact that Members on this side of the aisle are drawing this out, but it is absolutely amazing that the Republicans on the opposite side of the aisle are oblivious to the perception that stonewalling is taking place here, that there appears to be a cover-up.

I am very, very concerned about this issue because I believe that the majority leader, Mr. DeLay, is out of control, and he is abusing his power.

First of all, to reach into the Texas legislature and cause it to take the unprecedented action of redistricting, despite the fact all over this country it is done once every 10 years, is an act that should help everyone to understand that Mr. DeLay intends to use his power in the most abusive way. Now, people joke around here about Mr. DeLay, and they call him the "enforcer," the "exterminator," but I think it is about time we take this seriously.

Those on the opposite side of the aisle who may be afraid to cross Mr. DeLay or feel that you have to do whatever he tells you to do, that may be your politics, but that is not my politics, and that is not why I am in this Congress, to allow the abuse of power in the way that we are seeing it exercised by Mr. DeLay.

I would simply say to you that it was Mr. DeLay who said that, yes, Federal resources were used. It was Mr. DeLay who said that bringing in either the U.S. Marshals or the FBI agents is justified because redistricting is a Federal issue involving congressional seats. If that is true, then certainly congressional oversight is indicated, and we should be doing that.

We have, in this Committee, a subcommittee of the Constitution, and our Constitution has some guarantees that we will not be placed under surveillance, that we will not be tracked, that we will

not allow our Government to use the power to violate the rights and the privacy of citizens, whether they are elected officials or not.

And so while there have been a few jokes around here this morning and some feel that this is something to laugh about, I don't think so. I take this very seriously. I do believe that power has been abused, and it is the most unlikely kind of abuse of power because we have just created this Homeland Security Department. I mean, we just had 9/11 that really happened. We are still struggling to try and get the dollars that are needed in order to defend against terrorist attacks and to have that department belittled and used in such a fashion should not be acceptable to any Member of this Committee.

So we can laugh, and we can kind of joke about this, and we can continue to kind of wink and nod at the way Mr. DeLay used his power, but I want to tell you that on the record today in this Committee it will be recorded that there were Members who were not willing to exercise their oversight responsibility and make sure that we never allow this kind of thing to happen again.

Mr. Chairman and Members, I would ask you to reconsider the direction that you are going in and support this resolution of inquiry because this issue is not going to go away. Some of us are going to stay on the issue as long as we believe that the kind of investigations that should be going on or not going on, as long as we believe that this issue will be swept under the rug by the same people who have exercised the kind of power and abused their power—

Chairman SENSENBRENNER. The gentlewoman's time has expired.

The question is on the Watt amendment. Those in favor will say aye.

Opposed, no.

The ayes appear to have it. The ayes have it. The Watt amendment is agreed to.

The question now is on the motion to report the resolution adversely. Those in favor will say aye.

Opposed, no.

The ayes appear to have it.

Mr. CONYERS. Mr. Chairman, a rollcall is desired.

Chairman SENSENBRENNER. A rollcall will be ordered. The question is on reporting House Resolution 287 adversely as amended. Those in favor—a reporting quorum is present. Those in favor will, as your names are called, answer aye. Those opposed, no. The clerk will call the roll.

The CLERK. Mr. Hyde?

[No response.]

The CLERK. Mr. Coble?

Mr. COBLE. Aye.

The CLERK. Mr. Coble, aye. Mr. Smith?

Mr. SMITH. Aye.

The CLERK. Mr. Smith, aye. Mr. Gallegly?

Mr. GALLEGLY. Aye.

The CLERK. Mr. Gallegly, aye. Mr. Goodlatte?

[No response.]

The CLERK. Mr. Chabot?

Mr. CHABOT. Aye.

The CLERK. Mr. Chabot, aye. Mr. Jenkins?
 Mr. JENKINS. Aye.
 The CLERK. Mr. Jenkins, aye. Mr. Cannon?
 Mr. CANNON. Aye.
 The CLERK. Mr. Cannon, aye. Mr. Bachus?
 Mr. BACHUS. Aye.
 The CLERK. Mr. Bachus, aye. Mr. Hostettler?
 Mr. HOSTETTLER. Aye.
 The CLERK. Mr. Hostettler, aye. Mr. Green?
 Mr. GREEN. Aye.
 The CLERK. Mr. Green, aye. Mr. Keller?
 Mr. KELLER. Aye.
 The CLERK. Mr. Keller, aye. Ms. Hart?
 [No response.]
 The CLERK. Mr. Flake?
 Mr. FLAKE. Aye.
 The CLERK. Mr. Flake, aye. Mr. Pence?
 Mr. PENCE. Aye.
 The CLERK. Mr. Pence, aye. Mr. Forbes.
 [No response.]
 The CLERK. Mr. King?
 Mr. KING. Aye.
 The CLERK. Mr. King, aye. Mr. Carter?
 Mr. CARTER. Aye.
 The CLERK. Mr. Carter, aye. Mr. Feeney?
 Mr. FEENEY. Aye.
 The CLERK. Mr. Feeney, aye. Mrs. Blackburn?
 Mrs. BLACKBURN. Aye.
 The CLERK. Mrs. Blackburn, aye. Mr. Conyers?
 Mr. CONYERS. No.
 The CLERK. Mr. Conyers, no. Mr. Berman?
 [No response.]
 The CLERK. Mr. Boucher?
 [No response.]
 The CLERK. Mr. Nadler?
 Mr. NADLER. No.
 The CLERK. Mr. Nadler, no. Mr. Scott?
 Mr. SCOTT. No.
 The CLERK. Mr. Scott, no. Mr. Watt?
 Mr. WATT. No.
 The CLERK. Mr. Watt, no. Ms. Lofgren?
 Ms. LOFGREN. No.
 The CLERK. Ms. Lofgren, no. Ms. Jackson Lee?
 Ms. JACKSON LEE. No.
 The CLERK. Ms. Jackson Lee, no. Ms. Waters?
 Ms. WATERS. No.
 The CLERK. Ms. Waters, no. Mr. Meehan?
 Mr. MEEHAN. No.
 The CLERK. Mr. Meehan, no. Mr. Delahunt?
 Mr. DELAHUNT. No.
 The CLERK. Mr. Delahunt, no. Mr. Wexler?
 Mr. WEXLER. No.
 The CLERK. Mr. Wexler, no. Ms. Baldwin?
 Ms. BALDWIN. No.
 The CLERK. Ms. Baldwin, no. Mr. Weiner?

Mr. WEINER. No.

The CLERK. Mr. Weiner, no. Mr. Schiff?

Mr. SCHIFF. No.

The CLERK. Mr. Schiff, no. Ms. Sánchez?

Ms. SÁNCHEZ. No.

The CLERK. Ms. Sánchez, no. Mr. Chairman?

Chairman SENSENBRENNER. Aye.

The CLERK. Mr. Chairman, aye.

Chairman SENSENBRENNER. Members who wish to cast or change their votes? Gentleman from Virginia, Mr. Forbes.

Mr. FORBES. Aye.

The CLERK. Mr. Forbes, aye.

Chairman SENSENBRENNER. Gentleman from California, Mr. Berman?

Mr. BERMAN. No.

The CLERK. Mr. Berman, no.

Chairman SENSENBRENNER. Further Members who wish to cast or change their vote? How is the gentlewoman from Pennsylvania recorded?

The CLERK. Mr. Chairman, Ms. Hart is not recorded.

Chairman SENSENBRENNER. Gentlewoman from Pennsylvania?

Ms. HART. Aye.

The CLERK. Ms. Hart, aye.

Chairman SENSENBRENNER. Further Members who wish to cast or change their vote? If not, the clerk will report.

The CLERK. Mr. Chairman, there are 19 ayes and 15 noes.

Chairman SENSENBRENNER. And the motion to report adversely the resolution as amended is agreed to. Without objection, the resolution will be reported adversely to the House in the form of a single amendment in the nature of a substitute, incorporating the amendments adopted here today. Without objection, the staff is directed to make any technical and conforming changes and all Members will be given 2 days as provided by House rules in which to submit additional dissenting, supplemental or minority views.

Pursuant to notice, I now call up the bill—

Ms. JACKSON LEE. Mr. Chairman, I'd like to submit some letters into the record, please, and ask unanimous consent if I could submit these letters into the record.

Chairman SENSENBRENNER. Without objection.

Ms. JACKSON LEE. Can I call the dates so you'll know? A June 5 letter, 2003, to Director Mueller of the FBI; June 26, 2003 letter to Inspector General Glenn Fine; and a May 14, 2003, letter to Attorney General Ashcroft, Secretary Tom Ridge and Director Robert Mueller, signed by members of the Texas delegation. I thank you, Mr. Chairman.

Chairman SENSENBRENNER. Without objection, the letters will appear in the record following the vote.

[The letters follow:]

Congress of the United States

Washington, DC 20515

June 5, 2003

Director Robert Mueller
Federal Bureau of Investigation
935 Pennsylvania Ave, NW
Washington DC 20535-0001
Via US Mail and Fax (202-324-6490)

Re: Attempts to Divert Federal Law Enforcement Resources Against Texas Legislators

Dear Director Mueller,

On May 14, 2003 my House colleagues and I asked for your assistance in determining if any law enforcement resources "have been employed in any way with regard to any aspect of this matter." To date, you have not responded to this question or the further questions raised in the related, subsequent letter of May 20.

Today, with growing concern, we read in two papers of allegations that the Federal Bureau of Investigation was, in fact, involved:

"State Rep. Juan Manuel Escobar, D-Kingsville, said that he got a cellular phone call from *Corpus-Christi-based FBI Special Agent David Troutman*, asking whether state Rep. Gabi Canales, D-Alice was with the lawmakers.

"He said, 'Is Gabi there with you?' *so we can call our surveillance off*," said Mr. Escobar, who said he knew Agent Troutman from their days working together before Mr. Escobar retired as a federal law enforcement and immigration officer in March.

Agent Troutman referred questions about the call to a Houston-based FBI spokesman.

"The FBI was conducting no surveillance at all," said Special Agent Bob Doguim. "I'm not saying no call took place."

Dallas Morning News, June 5, 2003 (Todd Gillman) (emphasis added).

"There were a lot of things being told to us that were happening behind the scenes that we had no idea," Crais testified. Crais said he concluded that private investigators were ferreting out information for Craddick and other politicians.

The depositions also allude to an FBI agent who called one of the missing representatives in Ardmore, apparently as part of the hunt."

Austin American-Statesman, June 5, 2003 (David Pasztor)

We hope you share our concern with these alarming reports.

We renew our earlier requests, including for all phone-logs, documents, and tapes concerning conversations or transmissions pertaining to any aspect of the alleged attempts to use any federal resources of any type with regard to any member of the Texas Legislature. This request includes all communications of any type to and from employees and consultants wherever they may be located. It should of course, include the allegations reported in today's press.

Furthermore, given these reports, we request your explanation of the protections the FBI has in place to ensure it is not involved in purely political disputes.

We trust the seriousness of these allegations warrant a prompt and complete reply.

Sincerely,

John Doyne
Cris Rodriguez
Charles Taylor
Nick Cannon
Eddie Bernice Johnson
Allyson
Michelle
Cliff Edwards
Steve Jacob

Chris Bell
Charlie Stentzen
M. Fann
Rubin Hinojosa
Jim Jim

Congress of the United States
Washington, DC 20515

June 26, 2003

Glenn A. Fine
Office of the Inspector General
U.S. Department of Justice
950 Pennsylvania Ave., NW, Suite 4322
Washington, D.C. 20530-0009

Re: Attempts to divert U.S. Marshal Service, U.S. Attorney's Office, the Federal Bureau of Investigation and other Department of Justice Resources to a Political Dispute

Dear Mr. Fine:

As you are aware, attempts were made to divert federal resources against the Texas legislators who broke a quorum by taking a firm stand in Oklahoma against an ill-conceived redistricting plan devised by House Majority Leader Tom DeLay. To cite only two such reports:

- House Majority Leader, Tom DeLay, told reporters that "bringing in either *U.S. Marshals* or *FBI agents* is justified because redistricting is a federal issue, involving congressional seats." *Houston Chronicle*, May 13, 2003 (emphasis added).
- "Mr. DeLay said the issue [of whether help could be sought from the FBI or U.S. Marshals on the grounds that the lawmakers crossed state lines and that redistricting is a federal matter] was being researched by a *U.S. attorney* in Texas whom he did not name." Hugh Aynesworth, *Washington Times*, May 14, 2003 (emphasis added).

On May 14, we asked Attorney General Ashcroft and others if any law enforcement resources "have been employed in any way with regard to any aspect of this matter." *Exhibit A*. A May 16 letter from an Assistant Attorney General did not address our questions. *Exhibit B*. On May 20, a request for an answer to our May 14 letter was submitted as well as the following clarification:

[P]lease consider this a formal request for any phone-logs, documents, and tapes concerning conversations or transmissions pertaining to any aspect of the alleged attempts to use any federal resources of any type with regard to any member of the Texas Legislature. This request includes all communications of any type to and from employees and consultants wherever they may be located.

Exhibit C. DOJ never responded nor even acknowledged this letter.

On June 25, an attorney acting on behalf of U.S. Rep. Charlie Gonzalez filed requests under the Freedom of Information Act for documents related to any DOJ involvement in this incident. One U.S. Marshal responded the same day, stating that he received no "official" request(s) for assistance. *Exhibit D.* The U.S. Marshal for the Western District of Texas indicated he no longer has files on the matter. *Id.*

Given that these and other attempts to obtain documents relating to this incident have only met with Administration stonewalling, we recently called to inquire regarding the status of a DOJ response to our repeated inquiries.

Paul K. Martin, Counselor to the Inspector General, United States Department of Justice, orally stated today to a member of Rep. Lloyd Doggett's staff that the Office of Oversight and Review in the DOJ's Office of Inspector General began an investigation on June 4 into the issue of the use of any Department of Justice resources in this matter.

Because this new investigation, without prior public announcement, has apparently been opened by the DOJ, we address the following questions to your office:

1. Does any federal statute deny you the discretion to release immediately the documents we have requested from the DOJ?
2. If you refuse to release immediately all documents, please explain why.
3. If you refuse to release immediately all documents, when will you release them?
4. What is the specific scope of your investigation and what do you consider your specific mandate to be?
5. Will the scope of the investigation include all requests for federal assistance, whether formal or informal?
6. Will the scope of the investigation include requests for documents whether they currently exist or were discarded?
7. Given that the Texas Department of Public Safety (DPS) admitted it destroyed records relating to the search for the Texas legislators, thus further hampering efforts to determine the link to federal involvement, will you use all available tools to recreate and obtain copies of those documents?
8. With regard to document destruction (a) what steps have you taken to ensure no destruction of documents by federal employees, (b) will you determine when any destruction of any type of documents by any federal employee has occurred, and (c) by whom and (d) under what circumstances and, (e) in the event such destruction occurred, what steps are you taking to recreate and obtain copies of those documents?

9. Will you attempt to determine if any Member of Congress or any other federal employee or any person acting in any way on their behalf or at their request contacted any Justice Department entity or other federal entity (including those under contract) directly or indirectly concerning these Texas legislators or any aspect of this incident? If so, will you report who is involved, when the act occurred, what occurred, and provide all related documents?
10. For the week beginning May 11, was any communication of any type whatsoever ever made to any federal employee in any way under the jurisdiction of the Department of Justice concerning these Texas legislators or any aspect of this incident? If so, will you report who is involved, when the act occurred, what occurred, and provide all related documents?
11. Given that the U.S. Marshal of the Western District of Texas in answering the Freedom of Information Act request stated that he has "previously indicated" that the Western District "has neither files on the referenced subject nor received any official request(s) for assistance pertaining to this state matter," *Exhibit D*, does your investigation include: (a) determining who made the prior request(s), what was requested, when this was done, why it was done, and obtain the prior response? (b) determining whether or not described as "official request(s)," any type of communication regarding these Texas legislators or any aspect of this incident was forwarded to him or any other U.S. Marshal or federal employee in any form by any means?
12. When interviewing the DPS officer who called a division of the Department of Homeland Security (DHS), the Office of Inspector General for Homeland Security was told by the DPS officer that "several individuals requested him to look for the airplane" of former Speaker of the Texas House of Representatives Pete Laney. *Exhibit E*. The DHS inspector conducting the interview volunteered to the DPS officer that the DHS Office of Inspector General "could not compel him to answer." *Id.* The DPS officer then declined to answer. *Id.*

Is the DOJ Office of Inspector General (OIG) also instructing witnesses that they cannot be compelled to answer? Is the DOJ OIG willing to use its subpoena power to conduct the investigation?
13. When will the DOJ-OIG review be complete? In one week? One month? One year?
14. Who on your staff will assist you in this investigation?

Confident that you share our view that the Office of Inspector General was created to keep Congress fully informed, I trust you will work with dispatch to find the truth, not bury it. I look forward to your reply.

Sincerely,

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Hal Doyne Shirl Peterson Lee
 Eddie Benice Johnson
 Cui D. Polyzos
 Max Fox
 The Star
 Fred Larson
 Cius Bell
 Rubin Hingjone
 Dale D. D...
~~John R...~~
 W. J. ...
 Cliff Edwards
 Jim ...
 Frank C. Doyne
 Charlie Blunt

Congress of the United States
Washington, DC 20515

May 14, 2003

Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001
Via US Mail and Fax (202-514-4482)

Exhibit A

Secretary Tom Ridge
U.S. Department of Homeland Security
Washington, D.C. 20528
Via US Mail and Fax (202-772-9647)

Director Robert Mueller
Federal Bureau of Investigation
935 Pennsylvania Ave, NW
Washington DC 20535-0001
Via US Mail and Fax (202-324-6490)

Re: Attempts to Divert Federal Law Enforcement Resources for Private Political Gain

Dear Attorney General Ashcroft, Secretary Ridge, and Director Mueller,

With great concern, we have read multiple published reports regarding attempts to divert federal law enforcement resources for private political gain. Apparently, diversions are already underway against the Texas State legislators making a firm stand in Ardmore, Oklahoma:

- DeLay told reporters that "bringing in either U.S. Marshals or FBI agents is justified because reistricting is a federal issue, involving congressional seats." Houston Chronicle, May 13, 2003
- DeLay said he consulted an attorney in his office who formerly worked with the Justice Department to determine for Texas House Speaker Craddick whether FBI agents and U.S. marshals could be used to arrest the Democrats out of state. AP, Suzanne Gamboa, May 13, 2003
- DeLay reportedly already has a United States Attorney in Texas researching how he can employ federal resources. Hugh Aynesworth, Washington Times, May 14, 2003
- "A spokeswoman for the U.S. Attorney's office in San Antonio had no official comment, but a source confirmed that an unidentified person had called to inquire about federalizing the arrest warrant." Fort Worth Star-Telegram, May 14, 2003

"One federal agency that became involved early on was the Air and Marine Interdiction and Coordination Center, based in Riverside, California - which now falls under the auspices of the Homeland Security Department. The agency received a call to locate a specific Piper turboprop aircraft. It was determined that the plane belonged to former House Speaker Pete Laney, D-Hale Center. The location of Laney's plane proved to be a key piece of information because, Craddick said, it's how he determined that the Democrats were in Ardmore." Fort Worth Star-Telegram, May 14, 2003

We write with three requests:

1. Please confirm whether the Air and Marine Interdiction and Coordination Center indeed participated and tell us all who approved its use.
2. Please let us know immediately if any other federal law enforcement resources have been employed in any way with regard to any aspect of this matter.
3. We call on you to unequivocally declare that no federal law enforcement resources will henceforth be diverted against the Texas Representatives working today in Ardmore, Oklahoma.

Especially with the on-going war on terrorism, any diversion of federal law enforcement resources for private political gain is an outrage reminiscent of Watergate. We hope you share our strong concern over this apparent abuse of power.

Sincerely,

<i>Handwritten signatures:</i> Harold Doyne [unclear] [unclear] Chris Bell [unclear] [unclear] Chris D. Rodriguez [unclear]	<i>Handwritten signatures:</i> Charles A. [unclear] Rubin [unclear] [unclear] [unclear] [unclear] Eddie Bernice Johnson [unclear]
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DISSENTING VIEWS

We strongly disagree with the Majority's determination to report H. Res. 287 adversely. This matter desperately calls out for this Committee to exercise its oversight over the Department of Justice. The facts we have uncovered to date make out a prima facie case that the Department's law enforcement resources were used for partisan political purposes and that the Department has obstructed our efforts to find out the truth.

BACKGROUND ON H. RES. 287

H. Res. 287 was introduced by Rep. Gene Green (D-TX) on June 19, 2003 with fourteen co-sponsors.¹ The resolution directs the Attorney General to transmit to the House of Representatives all physical and electronic records and documents in his possession related to the use of Federal agency resources in any task or action involving the Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003. The resolution makes exceptions for information which if disclosed would harm the security interests of the United States. These records are required to be transmitted no later than 30 days after final adoption of the resolution. On May 12, an official with the Texas Department of Public Safety (DPS) asked Federal agents at the Air-Marine Interdiction Coordination Center based at the March Air Reserve Base to find what he described as a missing plane. In fact, the DPS official was looking for a plane belonging to Rep. Pete Laney, former Democratic speaker of the Texas House. Texas Republicans believed that finding Rep. Laney's plane would help them locate the 51 Texas Democrats who, in protest of a proposed Republican redistricting plan, fled the state capital to Ardmore, OK, in order to deny Republican legislators a quorum.² Reports suggest that a DPS official made a call to the March facility after Texas Republicans had sought the assistance of DPS officers in finding the missing Democratic legislators. The DPS should have been aware that the March center was under the jurisdiction of the Department of Homeland Security (DHS) and normally used to seek out terrorists.³

In response to the DPS officer's call, Federal agents at the March center treated the request as urgent and used their radar technology to try to track the plane. In addition, March agents made several phone calls to the Federal Aviation Administration's Fort Worth Center. After the FAA search failed to turn up the plane, the March officer gave the DPS officer the phone number of the FAA in order to initiate lost-aircraft procedures. The reports of

¹Rep. Jackson Lee (D-TX) was an original co-sponsor.

²*The Press-Enterprise (Riverside, CA), May 16, 2003.*

³*Id.*

misuse of the Department of Homeland Security resources for a political dispute led Members of Congress to request that the Office of Inspector General (OIG) investigate the matter.⁴ Letters were also drafted to Attorney General Ashcroft asking whether any law enforcement resources, “have been employed in any regard to this matter.” Finally, these letters asked whether the use of these resources compromised in any way our national security.⁵ The Justice Department replied that it was not aware of any information pertinent to the Texas case that would warrant action by Federal law enforcement authorities and accordingly it had no plans to deploy law enforcement resources in connection with the matter.⁶ It was recently disclosed that the Justice Department’s Office of the Inspector General is investigating this matter.⁷ We also learned as part of this OIG report that even House Republicans were dismayed at the abuse of Federal Government law enforcement resources, with Rep. Ken Calvert (R-CA) calling the AMMIC facility in Riverside to express his “shock that the AMMIC was involved in looking for the aircraft.”⁸ During this time period, House Majority Leader Tom DeLay (R-TX) who had devised the redistricting plan, made many troubling comments to the press. On May 13, he told reporters that, “bringing in either U.S. Marshals or FBI agents is justified because redistricting is a Federal issue, involving congressional seats.”⁹ Moreover, Mr. DeLay said the issue (of whether help could be sought from the FBI or U.S. Marshals on the grounds that the lawmakers crossed state lines and that redistricting is a Federal matter) was being researched by a U.S. attorney in Texas whom he did not name.¹⁰ He also acknowledged having sought assistance from the Department of Justice.¹¹ Even more troubling, documents produced from a DHS-OIG investigation into the matter suggests that members of the Texas DPS might be involved in covering up the names of individuals that prompted the DPS to mislead the Federal agents into using terrorism fighting resources for partisan purposes. This conduct may constitute violation of Federal criminal laws pertaining to obstruction of justice. Indeed, the DHS-OIG report describes that DPS officers deliberately withheld names from Federal investigators and may have shredded important relevant documents.¹² As a result, Democratic members of the Judiciary sent a letter to Attorney General Ashcroft on June 18, formally requesting to open an immediate investigation into this conduct.¹³

⁴ Office of Inspector General: Report of Investigation (INO3-LA-0662-S).

⁵ Letter from Honorable Lloyd Doggett (D-TX) *et al.*, to the Honorable John Ashcroft, Attorney General of the United States, the Honorable Tom Ridge, Secretary of Homeland Security, and the Honorable Robert Mueller, FBI Director (May 14, 2003).

⁶ Letter from Assistant Attorney General, Office of Legislative Affairs, dated May 16, 2003.

⁷ *Fort Worth Star-Telgram*, June 27, 2003

⁸ OIG Report, Exhibit 13, second paragraph from bottom.

⁹ *Houston Chronicle*, May 13, 2003.

¹⁰ *Washington Times*, May 14, 2003.

¹¹ *Dallas Morning News*, June 27, 2003

¹² Office of Inspector General: Report of Investigation (INO3-LA-0662-S).

¹³ Letter from Honorable John Conyers, JR. (D-MI) *et al.*, to the Honorable John Ashcroft, Attorney General of the United States, (June 18 2003).

CONCERNS WITH COMMITTEE'S DECISION TO REPORT
H. RES. 287 ADVERSELY

It is clear to us that there are numerous issues to which the Justice Department has not adequately responded to by the Justice Department which warrant an affirmative vote on H. Res. 287.

For example, FBI agent David Troutman called one of the State Representatives, asking if another representative was present so he could "call our surveillance off." How did the FBI come to be involved in a search for Texas Democrats trying to stop a partisan manipulation of redistricting orchestrated by Tom DeLay?

The answer may have come from DeLay himself. He said that "bringing in . . . FBI agents was justified" and that a "U.S. Attorney in Texas" was researching it. But the Justice Department won't tell us whether this is true or whether other resources were utilized.

In addition, The United States Marshals service was reportedly involved. While one marshal has denied there was any *official* request for help in what he acknowledges was a "state matter," he—and the Justice Department—have refused to say whether any informal request was made. It would be quite valuable if the Committee was able to learn how the U.S. Marshals service came to be involved in this partisan exercise.

The answer again may have been provided by Tom DeLay, who said bringing in the U.S. Marshals "was justified." This conduct is troubling by itself. Even more troubling, however, is the stonewalling by the Justice Department.

The Assistant Attorney General has asserted a new and unprecedented privilege to evade Congressional inquiries. He says that he can't tell us who asked the Department to become involved because it would discourage individuals from contacting Federal law enforcement agencies about potential violations of Federal law.

In other words, if he told us who asked the Justice Department to become involved in partisan politics, that person might be afraid to ask the Justice Department to become involved in partisan politics again. Voting this resolution adversely, dangerously reaffirms the use of inappropriate new privileges by the Department.

The Texas Department of Public Safety destroyed documents possibly in violation of Federal criminal laws. The Department of Homeland Security asked the FBI to investigate it. The FBI replied that it was "not interested" in investigating it. Since when is the FBI not interested in obstruction of justice? Again, the Committee is entitled to learn about such matters.

According to another report, Tom DeLay bragged to Republican state officials that he killed a voting rights complaint filed with the Civil Rights Division of the Department of Justice. It is because of statements like this that the Committee's oversight role is so critical, and this is why we are so disappointed that H. Res. 287 was adversely reported by the Committee.

Our concerns about a coverup of improper behavior have only expanded since the Committee markup. The Transportation Department of Inspector General reported late last week that the FAA was heavily involved in the search for the plane used by the Texas Democrats and that Tom DeLay was deeply involved in inducing

the Federal Government to become involved in a partisan squabble. Moreover, late last week a court ruled that the Texas Department of Public Safety lacked the legal authority to track down and arrest the Texas Democrats.

As a result of all of the foregoing, the conclusion could not be more clear. It is this Committee's and the Congress' job, not the job of the Justice Department inspector general or anyone else, to oversee the Federal Government and the Justice Department. We should do that whether wrongdoers are Republicans or Democrats. This resolution asks for information. The American people have a right to that information. Neither the Justice Department nor any other agency should be allowed to hide it anymore. For these reasons, we dissent.

JOHN CONYERS, JR.
HOWARD L. BERMAN.
JERROLD NADLER.
ROBERT C. SCOTT.
MELVIN L. WATT.
ZOE LOFGREN.
SHEILA JACKSON LEE.
MAXINE WATERS.
MARTIN T. MEEHAN.
ROBERT WEXLER.
TAMMY BALDWIN.
ANTHONY D. WEINER.
ADAM B. SCHIFF.
LINDA T. SÁNCHEZ.

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