

sent a letter to the President urging him to expand Federal funding for stem cell research. On June 4, 58 Members of the Senate sent a similar letter urging that the President relax his restrictions on Federal funds and repeal his antiquated policy. We approached the President with the purpose of honest and healthy debate. The President has refused to hear our arguments. This is an issue that could bring Americans together to save lives. Instead, we are wasting time and taxpayer dollars, playing politics—debating divisive issues that are going nowhere.

Now is the time to reverse the negative effects of the administration's policy. It is time to implement a policy that encourages science, creates jobs, expands health care, and saves lives. It is time for an expansion of Federal funding for stem cell research in America.

AMERICANS NEED THE RIGHT TO VOTE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Illinois (Mr. JACKSON) is recognized for 60 minutes as the designee of the minority leader.

Mr. JACKSON of Illinois. Mr. Speaker, the Congressional Black Caucus today will be hosting here on the floor a special order regarding the protection of the fundamental right to vote for all Americans. Given the crucial nature of the up and coming election, the caucus' chairman, the gentleman from Maryland (Mr. CUMMINGS) and other members of the CBC have requested this time to talk with all Americans about some fundamental flaws that exist in our system.

Mr. Speaker, the Bible tells us, in the story of Matthew, of a wise man who built his house on a rock, and when the rain fell and the floods came and the winds blew and beat upon his house, it did not fall because he built it on a rock. But there was a foolish man who built his house on sand, and when the rain fell and the floods came and the winds blew and beat against his house, it fell.

Mr. Speaker, elections in the United States are like the foolish man who built his house on sand. Our election system is built on the sand of States' rights. We need to build it on a rock, the rock of a new amendment to the Constitution, affirmatively guaranteeing every American an individual right to vote and granting Congress the authority to create a unitary voting system.

The United States sees itself as the center of world democracy, so most Americans will be surprised, even shocked, to discover that we do not have the right to vote. Unlike the Constitution's First Amendment guarantee of an individual right to freedom of religion, to freedom of press, to freedom of assembly, the individual right to vote is not in the Constitution.

Most Americans are also unaware that, according to a joint study by Caltech and MIT, somewhere between 4 and 6 million votes nationally were not

counted in 2000. Many States had similar problems to what occurred in Florida. My State of Illinois was the worst. Florida got the attention only because of the closeness of their vote.

Voting in America is overseen by 13,000 different election administrations, all separate and unequal, which is reminiscent of the legal theory that established Jim Crow segregation for 58 years as a result of the 1896 Plessy v. Ferguson decision.

□ 1430

The 15th, 19th and 26th amendments prohibit discrimination in voting on the basis of race, sex and age respectively, but they do not affirmatively guarantee the right to vote. Voting in America is essentially a 10th amendment issue, States rights, and therefore we end up with 50 different State systems, 3,067 different county systems and 20,000 different municipal systems in the United States.

The Supreme Court ruled in Bush v. Gore that the individual citizen has no fundamental constitutional right to vote for electors for President of the United States. In other words, Florida's State right to oversee the election took precedence over counting every individual vote; or legally, States rights triumphed over individual rights. In essence the Court said since there is no affirmative right to vote in the Constitution, what does the Florida State statute say? It says that the former Secretary of State is in charge of the election, and according to Florida law, all of the votes must be counted by midnight, December 12.

Since the Court decision came down at 10 p.m. on December 12, the Secretary of State said, in essence, if you cannot count all of the votes in the next 2 hours, President Bush is the President. But just in case the Court had ordered all of the votes counted and it turned out that Vice President Gore had won the most popular votes in Florida, the Republican controlled, or it could be a Democratic controlled, legislature had a backup plan: Based on the fact there is no right to vote in the Constitution of the United States for the individual citizen, that the Constitution says the right to elect electors resides in the State legislature. The Florida State legislature was prepared to ignore the 6 million popular votes, elect their own electors and send them to Congress for certification. That would have been both legally and constitutionally permissible.

The Help America Vote Act, or HAVA, is not the answer. It is built on sand, States' rights. I am convinced if Congress had the will, under our current Constitution it could do much more than HAVA to strengthen the administration of a unitary voting system and protect and fully count all votes.

But I am unconvinced, absent a voting rights amendment, that any solution to these and any of our other most pressing voting rights problems will be

universal or sustainable. How do we change the current system and prevent another Florida, another Illinois, or some Ohio or some other State from undermining our election system? How can we achieve equal protection under the law in 13,000 separate and unequally administered voting jurisdictions? Some voting jurisdictions use computers. Others use punch card voting. Some allow Internet voting, others do not. Some allow lever voting systems. Some voters simply write an "X" next to the candidate of their choice; all separate and all unequal.

If we as Americans can guarantee for the people of Afghanistan the fundamental right to vote, and we can guarantee the fundamental right to vote for the people of Iraq, then of course we should be able to guarantee for every single American the fundamental right to vote.

Look at the issue of felons. In the State of Illinois if one commits a felony, after one has served their time, the State of Illinois under State law re-enfranchises felons. In Florida once one commits a felony, one will never be re-enfranchised because the State prohibits felons who have served their time from ever regaining the franchise. But in Vermont, even if you are in jail you are still allowed to vote in presidential and local elections, in some local elections.

Mr. Speaker, we need to guarantee the fundamental right to vote for every single American in our Constitution and only by adding an affirmative right to vote amendment to the Constitution, such an amendment would give Congress the power to establish a unitary voting system, ensure that every vote is counted, and grant equal protection under the law for all voters.

House Joint Resolution 28 is such an amendment, and I urge Members to sign on as cosponsors.

Mr. Speaker, no one has been traveling across the country as much, analyzing the Nation's voting system and trying to raise the consciousness of the Congress to guarantee and secure democracy for all Americans quite like the chairman of the Congressional Black Caucus, the gentleman from Maryland (Mr. CUMMINGS).

FIGHTING FOR A RIGHT TO VOTE CONSTITUTIONAL AMENDMENT

(By Congressman Jesse L. Jackson, Jr.)

Most Americans believe that the "legal right to vote" in our democracy is explicit (not just implicit) in our Constitution and laws. However, our Constitution only provides for non-discrimination in voting on the basis of race, sex, and age in the 15th, 19th and 26th Amendments respectively.

The U.S. Constitution contains no explicit affirmative individual right to vote!

Even though the "vote of the people" is perceived as supreme in our democracy—because voting rights are protective of all other rights—the Supreme Court in Bush v. Gore constantly reminded lawyers that there is no explicit or fundamental right to suffrage in the Constitution—"the individual citizen has no federal constitutional right to vote for electors for the President of the United States." (Bush v. Gore, 531 U.S. 98, 104 (2000)).

Chief Justice William Rehnquist and Associate Justice Antonin Scalia besieged Gore's lawyer with inquiries premised on the assumption that there is no constitutional right of suffrage in the election of a president, and state legislatures have the legal power to choose presidential electors without recourse to a popular vote. "In the eyes of the [Supreme] Court, democracy is rooted not in the right of the American people to vote and govern but in a set of state-based institutional arrangements for selecting leaders." (Overruling Democracy—The Supreme Court v. The American People, by James B. Raskin, p. 7)

While a voting rights constitutional amendment would be strictly non-partisan, nevertheless, the 2000 election is a splendid example of the undemocratic nature of our currently administered election systems—and there are literally thousands of them. Each state and the District of Columbia (51), counties (3,067), and thousands of municipalities administer their own election system under state law, with great flexibility on many issues in the variously administered voting jurisdictions. That's the chaotic dynamic that was in play in Florida's 67 counties.

In 2000, if every American had had an individual constitutional right to vote, every vote would have had to be counted. However, under our current "states' rights" arrangement the state legislature and state law took legal precedence over the individual vote and the individual voter.

It is also important to point out that if candidate George Bush had lost in the Supreme Court in 2000, Florida's Republican-controlled legislature was prepared to ignore the six million popular votes cast in Florida. Under state law, they were determined to elect, select, choose, and hand pick, if necessary, their own "Bush presidential electors" and send them to Congress for certification—even if it had turned out that Al Gore won the most popular votes in Florida.

Thus, in terms of the political consequences of our present arrangement, if all of the votes legally cast in 2000 had been counted, Al Gore and not George Bush would be President of the United States today.

The principled commitment ought to be honest, fair and efficient elections for everyone, for all time. However, after 2000, any Democrat who cannot support adding a voting rights amendment to the Constitution ought to be asked to explain why!

Thus, even if all votes had been counted and Al Gore had won Florida's popular vote, and his electors had been sent to Congress, under our current Constitution the Florida legislature could have sent their slate of Bush electors to Congress and it would have been perfectly legal—and a "strict constructionist" or necessary constitutional interpretation—for Congress to have recognized the Bush electors.

Only a Voting Rights Amendment can fix these flaws in our Constitution and administration of elections.

The 10th Amendment to the Constitution states: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Since the word "vote" appears in the Constitution only with respect to non-discrimination, the so-called right to vote is a "state right." Only a constitutional amendment would give every American an individual affirmative citizenship right to vote.

Without the constitutional right to vote, Congress can pass voter legislation—and I support progressive electoral reform legislation—but it leaves the "states' rights" system in place. Currently, Congress mostly uses financial and other incentives to entice

the states to cooperate and comply with the law. It's one reason there have been so many problems with the recently passed Help America Vote Act, and why many states still have not fully complied with the law.

Our "states' rights" voting system is structured to be "separate and unequal." As we saw in the 2000 election, there are 50 states, 3,067 counties, tens of thousands of cities, and many different machines and methods of voting—all "separate and unequal."

There's only one way to legally guarantee "an equal right to vote" to every individual American and that is to add a Voting Rights Amendment to the Constitution!

The lack of basic political rights for all Americans was made even clearer in *Alexander v. Mineta*, a case to gain political representation for the disenfranchised citizens in our nation's capital, the District of Columbia. Ignoring the democratic ideal of voting, the court said, "The Equal Protection Clause does not protect the right of all citizens to vote, but rather the right of all qualified citizens to vote" (*Alexander v. Daley*, 90 F. Supp. 2d, 35, 66, emphasis added) "To be qualified, you must belong to a 'state' within the meaning of Article I and the Seventeenth Amendment and must be granted the right to vote by the state." (Overruling Democracy—The Supreme Court vs. The American People, By Jamin B. Raskin, p. 36)

I believe that voting is not only a democratic right, it's a human right. That human right is not in our Constitution! That's why I have proposed legislation to add a voting rights amendment to the U.S. Constitution based on the individual right of all Americans to vote. It was introduced in the U.S. House of Representatives as House Joint Resolution 28. It reads as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

'Section 1. All citizens of the United States, who are eighteen years or age or older, shall have the right to vote in any public election held in the jurisdiction in which the citizen resides. The right to vote shall not be denied or abridged by the United States, any State, or any other public or private person or entity, except that the United States or any State may establish regulations narrowly tailored to produce efficient and honest elections.

'Section 2. Each State shall administer public elections in the State in accordance with election performance standards established by the Congress. The Congress shall reconsider such election performance standards at least once every four years to determine if higher standards should be established to reflect improvements in methods and practices regarding the administration of elections.

'Section 3. Each State shall provide any eligible voter the opportunity to register and vote on the day of any public election.

'Section 4. Each State and the District constituting the seat of Government of the United States shall establish and abide by rules for appointing its respective number of Electors. Such rules shall provide for the appointment of Electors on the day designated by the Congress for holding an election for President and Vice President and shall ensure that each Elector votes for the candidate for President and Vice President who received a majority of the popular vote in the State or District.

'Section 5. The Congress shall have power to enforce this article by appropriate legislation.'

With this amendment in the Constitution, all of the votes in 2000—to the best of our human ability and using credible and uniform criteria—would have had to have been counted. No unnecessary or arbitrary timeline cutoff would have been allowed with regard to counting votes. And the Florida legislature could not have even thought about ignoring the six million popular Florida votes in order to select presidential electors independent of the popular vote. Under this amendment, the popular vote could never be ignored and an independent legislative selection of electors could never happen.

In light of the presidential fiasco in Florida in 2000, and during the South Carolina Democratic presidential candidate's debate on May 3, 2003, Rev. Al Sharpton asked Florida Senator Bob Graham if he would support adding a voting rights amendment to the Constitution. In essence he said the following: "I haven't seen the legislation, but probably not. I believe states should remain in control of election procedures. And I'm against federalizing the election process."

Let's analyze his statement.

1. It means Senator Graham essentially supports the status quo when it comes to voting rights because, under current law, 2000 could happen again in Florida or elsewhere. The winner of the popular vote losing has happened three previous times in our history—1824, 1876 and 1888. Most Americans are totally unaware that, nationally, according to a joint study by the California Institute of Technology and Massachusetts Institute of Technology, somewhere between four and six million votes were not counted in 2000 because many states had similar problems to what occurred in Florida. Other states' election systems didn't get the same exposure as Florida's because the winner in other states was not in doubt. For example, Illinois was worse than Florida—it didn't count nearly 200,000 votes with similar problems to Florida's—but because Gore won Illinois by over 300,000 votes, the winner of the state's electoral votes was not in doubt. In Illinois and other states too, most of the problems—with voting and machines—were concentrated in the poor and minority communities.

"Amazingly, the government of the United States conducts and provides no official count of the vote for president." (Overruling Democracy—The Supreme Court vs. The American People, by Jamin B. Raskin, p. 66) Can you imagine the United States recognizing a close and hotly contested third world "democratic" election where the citizens had no right to vote, as much as six percent of the total vote was not counted; where there were no official results provided by the government; and where that country's Supreme Court declared its personal and ideological friend the winner, even though the declared winner did not get the most popular votes?

2. It means Senator Graham supports "states' rights" when it comes to voting rights. But I would remind Senator Graham and others, slavery was not supported directly in the Constitution. The word "slavery" never appeared in the Constitution. Slavery was supported constitutionally because states had a right—"states' rights"—to provide legal cover allowing private citizens to own other human beings. That same states' rights system was at work in the 2000 election with respect to voting and it continues today.

3. H.J. Res. 28 does not federalize voting any more than the First Amendment federalizes free speech or freedom of religion. The First Amendment's right to free speech and

religion is an individual citizenship right applicable to every American—not a “federal” right—protected by the federal government and its courts. It’s an individual right that can be upheld in a federal court of law. Likewise, a voting rights amendment would grant every American an individual citizenship right to vote that, because it would be a right for every American, would ultimately be validated by Congress through legislation, and the Supreme Court through interpretation.

4. In essence, then, in the South Carolina debate, Senator Graham chose “states’ rights” over an “individual right.”

5. Attorney General John Ashcroft sent a letter to the National Rifle Association asserting that every American has an individual constitutional right to a gun. In it he wrote; “Let me state unequivocally my view that the text and the original intent of the Second Amendment clearly protect the right of individuals to keep and bear firearms.” Some agree and others disagree with that interpretation.

However, there can be no debate or disagreement about the right to vote. The Supreme Court made it absolutely clear in *Bush v. Gore*—there is no individual citizenship right to vote in the Constitution!

If Americans had a choice between the right to a gun and the right to vote, it would be nearly unanimous. Americans would choose the right to vote! If that is the priority of the American people, then we should have the wisdom and political will to codify it in the form of a constitutional amendment.

What are the advantages of fighting for human rights and constitutional amendments? Human rights and constitutional amendments are non-partisan (they’re neither Democratic nor Republican), they’re non-ideological (they’re not liberal, moderate, or conservative), they’re non-programmatic (they don’t require a particular means, approach or program to realize them), and they’re non-special interest (they’re for all Americans). We can experiment to find the best means of fulfilling such a constitutional right!

August 6th was the 38th anniversary of the signing of the 1965 Voting Rights Act. But the Voting Rights Act is really misnamed and, to some extent, misleading. It’s not actually a voting rights act. In fulfillment of the 15th Amendment to the Constitution, added in 1870, the 1965 Voting Rights Act was actually a non-discrimination in voting act.

To fulfill the democratic ideal, an affirmative voting rights constitutional amendment still lies in the future. According to Harvard’s constitutional law professor Alexander Keyssar one-hundred-and-eight (108) of the one-hundred-and-nineteen (119) nations in the world that elect their representatives to all levels of government in some democratic fashion explicitly guarantee their citizens the right to vote in their constitution. Both Afghanistan’s constitution and Iraq’ interim legal document contains a right to vote. The United States is one of the eleven nations in the world that doesn’t provide an explicit right to vote in its Constitution.

If we pass a new voting rights amendment, the next civil rights movement will emerge fighting for congressional legislation that can advance even further the central democratic idea of universal voting—only partially enabled through the 1965 Voting Rights Act, Motor Voter and the Help America Vote Act. With a voting rights amendment, a new civil rights movement would emerge to fight to fully implement the amendment, while also using the federal courts to interpret voting rights more fully.

What can I do? If you would like to help me put this voting rights amendment in the Constitution, call your congressperson at 202-225-3121 (or call their local office) and urge them to become a co-sponsor of H.J.

Res. 28. If you need more information about this legislation call my office at 202-225-0773.

Mr. Speaker, I yield the balance of my time to the gentleman from Maryland (Mr. CUMMINGS), chairman of the Congressional Black Caucus.

The SPEAKER pro tempore (Mr. COLE). The Chair will reallocate control of the balance of the leadership time to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman from Illinois (Mr. JACKSON) for all of his hard work. I thank the gentleman for constantly standing up for what is right, so often finding himself standing alone.

But as I have often said with regard to the Congressional Black Caucus when the question is asked why is it that you stand up over and over again when it appears you cannot win this battle or that battle, what we do is we consistently stand up, not necessarily to win but to set the trend for justice and for righteousness.

Mr. Speaker, I rise this afternoon with my fellow members of the Congressional Black Caucus to highlight the importance of protecting the right to vote in our Nation. I have often said this is not a black, yellow, brown, reddish. It is not about race, it is not about culture. It is not about religion. This is a red, white and blue issue.

When we talk about the right to vote and have your vote counted, it is clear when we look at our democracy that the very building blocks of the great thing that we call democracy and that so many other countries emulate or try to emulate is built on the individual’s right to go to his or her polling place and pull a lever to select someone who will represent him or her in local or State or Federal Government, and that person will hopefully reflect that citizen’s viewpoints when it comes to making policy. That is what it is all about. That is what our democracy is all about. That is why voting is so important.

When we take away that right to the vote or when you deny a person after they have voted the right to have their vote counted, then we are literally taking away the building blocks of what we call this great democracy.

Mr. Speaker, we are now 48 days from what will be one of the most decisive elections of our lifetime. I have said on many occasions that it is not only a decisive election, but that it is probably the most important election. This is that election where we will select the President who will decide who will be the next two or three new members of the Supreme Court, and who will decide exactly where we go with this Iraq war. This is the election which will probably decide the course of America’s history for the next 50 years. Therefore, it is critical that within the next 48 days we educate people on registration deadlines, early voting, and the rights each American is entitled to when they go to the polls.

As an African American elected official, I am particularly sensitive to the issue of voting rights because when the

Declaration of Independence was penned, it did not have my independence in mind. It did not have my independence in mind, nor did it have my great grandfather’s, my grandfather’s, nor my mother or father.

Mr. Speaker, our recent national history record records a time when the right to elect one’s own representatives in Congress, in State houses and in the White House was a conditional right. It was dependent upon which State a person resided in, whether a person was born male or female, the color of one’s skin or the ability to pass a literacy test. Indeed, our voting rights were limited by a vision of our national future that was clouded by prejudice and by dogged political ambition.

Mr. Speaker, I am sure you can remember a time just over 40 years ago when the country was in the grips of a national revolution. Freedom fighters took to the streets in protest of an America that did not recognize that its strength was indeed in its diversity. The Voting Rights Act of 1965, one of the products of that revolution, did not come about because Congress had finally come to its senses. Instead it was the manifestation of a slave’s dream deferred.

As Dr. Walter Scott Thomas of the New Psalmist Baptist Church said this weekend at the Congressional Black Caucus prayer breakfast, when a people fail to dream, when they fail to dream of a better day, then they have indeed doomed their future.

So the Voting Rights Act of 1965 grew out of the sweat, blood and tears shed by brave men and women marching hopefully across the Edmund Pettis Bridge in Selma, Alabama, only to be met by police batons and tear gas on the other side. And it grew out of the work of so many other patriots whose names will never be recorded in our history books who may have never been recorded on the front pages of the Washington Post or the Boston Globe, but the fact of the matter is they made significant contributions.

It is because of the Voting Rights Act which outlawed the racist policies which shut blacks out of the voting booths that the dean of the Congressional Black Caucus, the gentleman from Michigan (Mr. CONYERS), was elected to serve in the United States Congress.

Mr. Speaker, our Nation was founded upon the basic belief in a people’s government elected by and for the people. Yet for so many years in our history, African Americans were denied the fundamental right to elect their representatives. In this very Chamber, African-American members who were elected by voters in their district were denied seats in the people’s House of Representatives and sent back home simply because of their race, simply because they were born black in America.

In fact, Mr. Speaker, before there ever was a Congressional Black Caucus,

five of the first 20 African Americans elected to serve in the House were not allowed to be seated in this Chamber which in essence invalidated the will and the intent of voters which elected them to office. As a Nation, we have been fortunate to overcome these and other trying times in our history. For the most part we have learned the important lessons of our past.

Yet as evidenced by the contested 2000 presidential election, there are still remnants of that ugly past which seeks to remerge with a new name yet created the same result. We may not call it Jim Crow anymore, but voter suppression by any other name is voter suppression just the same.

Mr. Speaker, some estimates suggest that there were between 4 and 6 million Americans whose votes were thrown out in the last presidential election. According to a report submitted to the Committee on Government Reform on which I sit, the General Accounting Office stated that counties with higher percentages of minority residents tended to have higher percentages of uncounted Presidential votes.

Some would have us believe it is mere coincidence that the African American votes were more unlikely to go uncounted and be invalidated in the 2000 election, but we in the Congressional Black Caucus know better. If Members remember, we came to the well of this very Chamber on January 6, 2001, to express our outrage at the systemic disenfranchisement of so many voters in our own communities.

□ 1445

Mr. Speaker, as it was clearly shown in Fahrenheit 9/11, it was the Congressional Black Caucus that stood up to protest the Florida vote so that we could merely speak for an hour and a half. But back then, January 2, 2001, we could not get one Senator to join in with us so that we could at least have a dialogue, because it was our position that whenever one American is denied their right to vote, whenever one American's vote is not counted, then that is one too many. And we were determined to make sure that history would not be recorded, when our great grandchildren and great-great grandchildren would read the history many, many years from now, we did not want it said that we did not stand up and at least protest what had happened in the great State of Florida. We each lined up one by one at this very podium, not because President Bush won or because Al Gore lost, but because the issue was bigger than any one individual. We came to the House floor because the fundamental right to vote had been tampered with solely for political gain and we were not going to stand for it. Unfortunately, in that effort, again now made famous by Michael Moore's documentary, Fahrenheit 9/11, we were silenced and our voices were not heard.

Mr. Speaker, we come to the well of the House this afternoon to declare that this will not happen again, not on

our watch. Recent news reports from the New York Times and other reputable papers across the country document an organized campaign taking hold of minority communities aimed at discouraging people from fulfilling their civic duty and voting this November. In my very district at the last election, notices were put out all across the City of Baltimore telling people that if they were behind in their rent or if they were behind in their gas and electric payments or if they had any kind of problems with the Motor Vehicle Administration, they would be subject to arrest if they were to go to the polls. But not only did the notice do that, it also told them that they should appear at the polls to vote the day after the election was to take place. Again, this was another effort on the part of some to stand in the way of people voting and having their votes counted.

The Help America Vote Act, a wonderful act which was enacted by this great Congress, has provisions with regard to provisional voting. When we look back at the past election and look at what happened to a lot of those provisional votes, a lot of them, the vast majority in many States were thrown out for simple things, as if on one side of the room was precinct one and one side of the room was precinct two, if the person actually was supposed to vote in precinct one and mistakenly voted in precinct two, a provisional ballot, the ballot was thrown out.

While we want to make sure that we protect the integrity of every ballot, I do believe that the founders of this great country when they crafted the Constitution of the United States wanted to make sure that every citizen had the right to vote.

Let me just give you a few examples, Mr. Speaker. Recently the New York Times reported that police officers visited the homes of elderly African Americans in Orlando, Florida, flaunting their guns and questioning them about their voter registration activities. Just this week in an editorial, the Times quotes a State legislator in Michigan saying, and I quote, if we do not suppress the Detroit vote, we're going to have a tough time in this election. The Houston Chronicle tells of students at a historically black college, Prairie View A&M University, being told that if they dared to vote in local elections using their college address, they would be prosecuted.

Now, Mr. Speaker, there is no question in anyone's mind that these types of activities are geared toward intimidating voters, particularly minority voters, into staying home on November 2. After all, 81 percent of Detroit's population is African American. By suggesting suppression of the Detroit vote, the Michigan State legislator was publicly suggesting suppression of the black vote. The Supreme Court case which established the right of students to vote on campus was actually initiated by a case involving Prairie View

University some 26 years ago. Here it is 26 years later and the same forces that sought to disenfranchise students in the seventies and eighties have been reincarnated in 2004.

It was just recently that Bishop Vashti McKenzie of the AME Church said, and I quote, that while we may have new battles, and she was referring to African Americans today, we are basically fighting our fathers' and our grandfathers' same battles. We are only dealing with a different person but they are the same battles. Indeed, she was correct.

Mr. Speaker, I am sure some people may be listening to this across the country and think that the Congressional Black Caucus is somehow paranoid. But I ask that they simply read the headlines in their local papers. Just 2 weeks ago, voters in Florida's primary were turned away from the polls because they did not have proper identification. The poll workers conveniently neglected to tell people that all they had to do was sign an affidavit attesting to their identity. A spokeswoman for the Florida Secretary of State is quoted as saying, "The affidavit option in the law is merely a courtesy to the voter." I have news for the Florida Secretary of State and anyone else in the country who is thinking about threatening, miseducating or otherwise dissuading people from voting on November 2. The ability to vote is not a courtesy. It is the law. I along with my colleagues in the Congressional Black Caucus will defend that law by any means necessary.

Mr. Speaker, it is time that our country get about the serious business of defending this democracy that we champion so proudly abroad. One first step would be to fully fund the Election Assistance Commission. As you know, the Election Assistance Commission was created as part of the Help America Vote Act of 2002 to fix our country's broken electoral system. There are some that have argued that the system is not broken. It does not take a rocket scientist to understand that it is. All one has to do is do a replay of the 2000 election. But what you and people across this country probably do not know is the fact that the Election Assistance Commission was so severely underfunded that it could not even afford to pay the rent on its office space this year. That is simply incredible.

Congress and this President has got to stop giving lip service to the idea of protecting the right to vote. We must act and we must act now. Unless the Election Assistance Commission gets an additional appropriation, they will be forced to pay their rent, salaries and, by the way, oversee an entire Federal election with only \$2 million. Not even the greatest magician in the world could pull off that trick. The four election assistance commissioners and their staffs are working around the clock with State election officials to ensure a seamless election process in November. However, by refusing to provide adequate funding for their work,

Congress and the President is setting the commission up for failure.

Mr. Speaker, as we have been throughout the last 2 years, the Congressional Black Caucus will travel to communities across this great Nation again this weekend to inform voters of their rights. We do not want people to get discouraged by the challenges that some seek to mount against them in November. Instead, we want to awaken a spirit of rebellion against these voter suppression tactics. We want mothers, fathers, teachers and community leaders to feel a sense of urgency this November. If there are forces working against us, we as a community must work harder against them. We must work together, Democrats and Republicans alike, to reinvigorate the civil rights battle cry that famously proclaimed one man, one vote.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman for his kind introduction and I appreciate very much the leadership that he has shown on these issues. I join with him in standing with the Congressional Black Caucus on these very vital issues, but I believe it is enormously important that we pronounce not only to the Nation but even to the world that the question of the Constitution and the importance of one person, one vote in America has no color.

I am reminded of the early signs before the civil rights movement and the opening of accommodations in America, we would see the signs colored here, colored restroom, colored drinking fountain, colored entrance. It seems as if whenever we begin to talk about civil rights, for some reason there are those who wish to put a color sign, one that establishes civil rights as belonging only to one community. The idea of voting in America should clearly be that of every single citizen. I hope that as America focuses attention on the November 2 election, listening to polls go up and down, splintering by the finest of point the remarks of each presidential candidate, I hope they will understand that the only analysis that ever counts will be their vote on November 2, 2004.

And so we are standing today, and I am standing today because I believe that we will need to have an ignited electorate, a voting public that is both incensed about the depredation of their votes or the depriving of the right to vote but as well an incensed electorate to be energized about protecting their right to vote.

Might I just cite for those who are listening the numbers of issues that are so very important in our community around voter rights. After the 2000 election that saw a great disappointment across America, 500,000 individuals voted in the majority for a candidate that did not ultimately become President of the United States. When I visited Florida, I did not speak only to Florida A&M students who were denied

their right to vote or individuals who happened to be African-American males who were told that they were convicted felons and denied their right to vote but I spoke to senior citizens in West Palm Beach who happened to be white Floridians who indicated their frustration with the voting ballot and the inability to ask questions at the voting booth and their frustration with having been forced inappropriately because of the faulty ballot in voting for someone they did not desire to vote for. Or how about talking to the disabled persons that I met who were shedding tears because they could not access the particular polling place because it was closed off to them.

Voting has no color. There is in fact no sign at the voting booth that should say colored here or white here. But yet in Florida in 2000 and in Illinois and in other places, there were many, many people who were denied the right to vote. Of course the Voting Rights Act of 1965 clearly enunciated principles that dealt with African Americans. It was a result of the civil rights movement, a movement of Dr. King and A. Phillip Randolph, Hosea Williams and Julian Bond and John Lewis and many others who fought and came together around the empowerment of voting for African Americans who had heretofore been denied, who could not even pay poll tax and get to vote. So many of us have parents who were intimidated away from the voting booth.

So we came to 2001, and some of us took advantage on January 6, 2001, to be able to stand up and reject the tally in the State of Florida. But even that could not turn back what had happened in November of 2000 and that is why we stand here today arguing for what we believe is the most crucial aspect of your empowerment, and that is the right to vote. We want every senior citizen to be able to vote. We want every student to be able to vote. We want every legal status citizen to have the right to vote. Every military personnel to have the right to vote. Every overseas American to have the right to vote and their vote to be counted.

But, Mr. Speaker, in doing that, let me make it perfectly clear, I want their rights to be counted and their right to vote to be filled with legalities as opposed to illegalities.

Let me raise for my colleagues some of the concerns we have as it relates to voter intimidation.

□ 1500

It has been noted by People for the American Way a number of a series of intimidation. We know how we were intimidated in years passed. I worked for the Southern Christian Leadership Conference, and I worked in registering individuals to vote in North Carolina and South Carolina, Georgia, Mississippi, Alabama. It was interesting to go on those plantations where sharecroppers still lived and to see the voting place where they had to go. Some of my colleagues may be reminded of

this. It was a tattered building with a tattered sheet covering where one would vote, and the overseer stood by while sharecroppers voted.

That was intimidation. And, in fact, in places where I went, an overseer stood by with a rifle on his lap as those who wanted to vote tried to walk past him. That is intimidation. And we must come away from that, come through the life that Fannie Lou Hamer led on her plantation in Mississippi where she was intimidated for even trying to participate in the Mississippi Democratic Party and in the Democratic National Convention.

So intimidation we know, and we stand today to argue against that. And some of that intimidation still continues: challenges and threats against individual voters at the polls by armed private guards; off-duty law enforcement officers; local creditors; fake poll monitors and poll workers and monitors; signs posted at polling places warning of penalties for voter fraud and noncitizen voting or illegally urging support for a candidate; poll workers assisting voters in filling out their ballots and instructing them how to vote; criminal tampering with voter registration rolls and records; fliers and radio ads containing false information about where, when, and how to vote; voter eligibility and false threat of penalty; setting up roadblocks near polling areas to intimidate voters; internal memos from party officials in which the explicit goal of expressing African American voter turnout is outlined; in 1982 in the State of Texas, having individuals in all polls in the African American community, standing and intimidating voters, intimidating the precinct judges, asking them whether they were allowing voters to come in without their identification.

This is voter intimidation, and this is what we have to cease and desist; and I would argue vigorously that, in doing so, we need to use existing laws of the land. We need to also make note that many of our cities, counties, and voting jurisdictions have utilized the electronic voting.

And so I will be offering a resolution to offer to this House that we demand that wherever it is possible that individual jurisdiction be required, be encouraged, be asked to include a paper trail. In the Federal legislation that we passed in this Congress in the last session, we were not able to get into that legislation a system of paper balloting. And so we are finding out in a very frightening way that electronic voting systems can be tampered with. We in Harris County requested our county clerk to include a paper trail. That county clerk refused, and we are contemplating a lawsuit. And I would encourage jurisdictions around the country, it is not too late to go in and seek injunctive relief even to require their jurisdiction, some of them wealthy enough to be able to implement it at this time, to put in the paper trail necessary to protect the vote.

Might I bring to the attention of my colleagues that, even though I started out by saying that I hope that we will ensure that the votes are taken and counted of all Americans, those overseas, those in the United States military, that none of their rights be denied, that no Secretary of State like the Secretary of State in the State of Florida in 2000 be able to close off the lights and close the door and the curtains on the various counties that were counting votes on that fateful Sunday when we heard from the Secretary of State of Florida who said, We will not take any more of the recounted votes; your time is up, and those votes will not be counted. We hope we will hear none of that anymore.

But let me remind my colleagues that we still have to perform oversight. My understanding is that the Pentagon is asking that the votes of the United States military not be sent to the various election polling places or the places where they belong, but they are being asked to be sent to the Pentagon. I do not know, Mr. Speaker, whether the Pentagon has ever cited itself as a duly counted electoral system where they have the oversight and the checks and balances to be able to open the thousands upon thousands of ballots coming in from enlisted personnel, National Guard and Reservists, sergeants, and others that might be intimidated by having to send their ballots to the Pentagon.

If the chairman would please stand just for a moment. And I see the distinguished gentleman from North Carolina (Mr. WATT) on the floor, and I know that he will be joining us, but I just want to be able to conclude on a final point. But with our great respect for the United States military, I know that we honor Shoshana Johnson and we have military now in respective communities, our respect for them on the front lines of Afghanistan and Iraq; but I would ask the chairman that we come together around a resolution, one, but also a letter inquiring about the process on behalf of our constituents who will be voting and sending their ballots, will they give us a precise process of how these ballots will be going to the Pentagon and ask for a re-ordering of that order such that those ballots can go somewhere else.

Mr. CUMMINGS. Mr. Speaker, reclaiming my time, one of the things that, as she was speaking, I could not help but think about is how in my district when we go to vote, the voter, and I am sure this is the case throughout the United States, is entitled to a certain level of privacy to cast their ballot. And certainly when the gentlewoman raised the question of what happens to ballots when perhaps they will be sent to the Pentagon, the privacy question comes up, the integrity of the system comes up. So I agree with the gentlewoman totally that we should write a letter. We will do that, and we will look into further action so that we can guarantee the integrity of

those ballots coming from our military.

They are citizens of the United States of America. They are entitled to the same rights as all others. So it just seems logical to me that on their behalf and certainly on behalf of all citizens of our country, we will want to ensure the integrity and perhaps have that order reversed so that they could go directly, as they would normally, to whatever the various precincts are in their local voting offices throughout the country. So we will take a look at that and write that letter.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentleman will continue to yield, I thank the chairman very much for his response.

Just in closing, it is interesting. This is the most powerful country in the world and the country that has the greatest technology. Would one not think that we would have the kind of precise technology, because these are absentee ballots, that could ZIP code these military personnel and send them back to their jurisdictions without tampering with and not going by way of the Pentagon? I think that would be certainly an appropriate manner of handling those particular ballots.

Mr. CUMMINGS. Mr. Speaker, reclaiming my time, one of the things that I think we have to keep in mind is a lot of people listen to this discussion and say it seems like these Members of Congress are not trusting the military. It is not about trusting. It is a thing of integrity of a system. One of the things that I think people want to know is that their ballot and the ballot of their sons and daughters and friends and neighbors are, in fact, being counted properly and being sent to the appropriate places so that we can maintain that integrity. And we do not even want the appearance of any kind of improper procedures.

One thing is for sure. When we talk about a democracy, we also talk about people's confidence in that democracy. As I am sure the gentlewoman has seen and heard, there were some people who were so discouraged by the 2000 election, they began to question why they should vote. And, of course, we have a ready answer to that. But the fact is we want everybody to know that their vote will be properly counted and that they will have the opportunity to vote. So I think people need to take all of that into consideration because I think it is very important.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentleman will continue to yield, I agree with the gentleman, and I think the idea of this Special Order is to put forward one term, and that is "preparedness." We want not only the people of America to be prepared to vote, but we want the governmental entities and those of us who have responsibility and have respect for the Voting Rights Act of 1965 and the integrity of the voting process to be prepared.

So my final words are these: One, I think that we should collaborate

around this issue of dealing with the paper trail. I know that we will be studying the issue in Texas, and it may warrant litigation in terms of insisting that our particular county look into and pursue establishing a paper trail. My understanding is that constituents around the Nation are particularly frightened by the fact that their votes can be tampered with.

The second thing is for every poll where someone else has a poll watcher, we need to make sure that we have one. I say to all of the voters who may be going to vote to be prepared with every documentation that they need and be aware of the fact that they have a right to attest their authority, they are called many different names, but an affidavit that they can do so. Be prepared that they can attest the fact that they have the right to vote.

And, lastly, I would say do not leave a voting place. I am not asking people to get arrested en masse. But let me say this: Voting is important. If one feels civil disobedience warrants persisting in staying at the poll, they have the right to be able to get all the information that they need before they are taken away or shunned away from the poll. I say to them to wait on someone to come to them. There will be legal teams all over this country who will be assisting them, but to wait before being turned away so that they can get the right information or call back or come back.

This will not be a repeat of 2000. And it will not be that because we are going to be prepared and we are going to utilize every aspect of the Constitution, the Voting Rights Act of 1965, and local jurisdictional law, including the elections legislation that we passed, to make sure that every vote is counted. And I hope, as we move toward November, we will find ourselves prepared.

Mr. CUMMINGS. Mr. Speaker, reclaiming my time, I was thinking as she talked about the Voting Rights Act of 1965, in a way it is a kind of sad thing that we are even standing here talking about this, talking about guaranteeing the right to vote and to have a vote counted here in 2004. But we do and we have to stand up. Every second January, come January, we put up our right hand and we swear to uphold the Constitution of the United States, and part of that Constitution is our right to vote.

So I am very pleased that the gentleman from North Carolina has joined us. The next chairman of our Congressional Black Caucus, who is, without a doubt, one who has consistently looked at our Constitution very carefully, as the gentlewoman from Texas (Ms. JACKSON-LEE) has. And whenever there was what might appear as a violation of that Constitution, they have consistently raised that on the floor of this great House. And I think history will go down and it will be written, and maybe hundreds of years from now somebody may just be flipping through some pages and hear about members of

the Congressional Black Caucus, particularly those in the Committee on the Judiciary, standing up for what they believe in.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. CUMMINGS. I yield to the gentleman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to add my appreciation. I appreciate the gentleman from Maryland (Mr. CUMMINGS) mentioning our service on the Committee on the Judiciary. Just to add that we spent some time in the Committee on the Judiciary this morning with, again, legislation that did eliminate opportunity to enter into the courthouse on questions of grievance regarding in this instance the Pledge of Allegiance.

But I think the important point is that we stand here today talking about voter rights when we have legislative initiatives by this body, and I think our colleagues need to hear this, that are slamming the door shut. So for all we know, Mr. Speaker, we may talk about going into the courthouse on the Voting Rights Act or going into the courthouse on electronic voting, and before we know it, we may have legislation saying no one is allowed to pursue Federal court jurisdiction or appellate court jurisdiction on issues dealing with the Voting Rights Act of 1965. I just thought I would share that, as the gentleman from North Carolina (Mr. WATT) was coming to the microphone, to let everyone know how serious we are today. I thank the gentleman for his leadership.

I rise today to address an issue that I and members of the Congressional Black Caucus have worked tirelessly for, the issue of voters rights. The issue of voters rights is one that is central to our democratic government based on the Constitution and it is an issue that will be fundamental in this year's Presidential election.

The importance of each American's vote can not be understated; it was former President Lyndon Johnson who said: "The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men." Voters rights are guaranteed to every American, but clearly voters rights have been more dubious for minority voters, especially those in the African American community.

The Fourteenth Amendment states that all persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. The citizens of Florida were denied equal protection from faulty voting equipment, mis-

informed or unschooled Election Day poll workers and confusing ballots. They were denied equal protection from unreliable vote tabulation methods that were not able to discern voter intent. They were denied an opportunity, tested and approved by time to use manual hand counts to determine the intent of a voter to vote and for which, if any, candidate they desired to vote for.

Disparate treatment of voters in our Nation is inherent in the arcane and disjointed method of local, State, and national elections. The condition of the Florida election was the fruit of this disparity in that the variations in the methods of voting lead to different methods of tallying votes and different success or failure rates in the accuracy of those tallies. The more modern pencil mark to fill an oval on a paper ballot that is fed into a computer to tally votes was found to only hold a 3 percent error rate while the punch card method of tallying votes had a 15 percent error rate.

Congress passed the voting Rights Act of 1965 in response to widespread evidence of disenfranchisement of black citizens in several southern States, of which Florida is numbered. This act was designed to protect citizens' right to vote primarily by forbidding these States from using tests of any kind to determine eligibility to vote, by requiring these States to obtain Federal approval before enacting any election laws, and by assigning Federal officials to monitor the registration process in certain localities.

It is clear that the injured party in the 2000 elections was the voters of Florida who had to suffer through the biased actions of a Secretary of State who acted as the Co-State Chair for the Bush for President effort in the State of Florida. The voters struggled to be heard in the face of repeated challenges and disruptions designed to end an order process of discerning voter intent when the machine failed in that determination. A constitution is the property of a nation, and not of those who exercise the government.

The United States Declaration of Independence states, "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its Foundation on such Principles, and organizing its Powers in such Form, as to them shall seem most likely to effect their Safety and Happiness." The Declaration of Independence continues with, "... when a long Train of Abuses and Usurpations, pursuing invariably the same Objective, evinces a Design to reduce them under absolute Despotism, it is their Right, it is their Duty, to throw off such Government, and to provide new Guards for their future Security.

This passage of the Declaration of Independence adequately describes the plight of minority and poor Americans in their struggle

for an equal voice in the governance of our Nation's democracy.

African American voters were there on Election Day, but soon after the election was over we knew that something had happened to stop our vote from being counted with its full effect.

In the 19th Century following the Civil War, the Congress passed 2 amendments to the Constitution; the Fourteenth and Fifteenth Amendments in order to guarantee the equal rights of African Americans and grant voting rights to black men. Following the enactment of these two amendments 22 African Americans served in the Congress and over 700 served in Southern State legislatures, with some States being nominally under black control. Unfortunately by 1902 whites found enough ways to prevent the intent of the Fourteenth and Fifteenth Amendments from being followed that the number of African American elected officials dwindled to zero. It took over 70 years for the voting rights of African Americans to be restored to a level where the election of African Americans to Federal offices was to some degree assured from disruption due to the institutional blockade of African American citizens voting rights.

The battle over at-large elections which effectively diluted black votes was not overcome until 1973, when the Supreme Court ruled in *White v. Register* that at-large elections schemes were unconstitutional, if such schemes diluted minority voting strength which they did in most cases. While we were victorious in that battle, the challenges to obtaining true voting rights have been evident till this day and we must fix what is a flawed and prejudicial system.

The 2000 presidential election revealed a plethora of barriers to voting. In NAACP hearings on voting irregularities we heard testimony from law enforcement, poll workers, educators, civil rights organizations, state and federal legislators, and disenfranchised voters recounting the following:

1. That citizens who were properly registered were denied the right to vote because election officials could not find their names on the precinct rolls;
2. That registered voters were denied the right to vote because of minor discrepancies and clerical errors;
3. That first-time voters who sent in voter registration forms prior to the state's deadline for registration were denied the right to vote because their registration forms were not processed;
4. That African American voters were singled out for criminal background checks at some precincts and that one voter who had never been arrested was denied the right to vote after being told that he had a prior felony conviction;
5. That African American voters were required to show photo identification while white voters at the same precincts were not subjected to the same requirement;
6. That voters who requested absentee ballots did not receive them but were denied the right to vote when they went to the precinct in person on Election Day;

7. That hundreds of absentee ballots of registered voters in various counties throughout the nation were improperly rejected by the Supervisor of Elections and not counted;

8. That African American voters who requested assistance at the polls were denied assistance;

9. That African American voters who requested the assistance of a volunteer to translate the ballot for limited proficient voters were denied such assistance.

There allegations raise potential violations of Sections 2 and 5 of the Voter Rights Act of 1965, 42 U.S.C. sec. 1973, as well as several provisions of the National Voter Registration Act of 1993, 42 U.S.C. sec. 1973gg-5(a) which affirms the right of every U.S. citizen to case a ballot and have that ballot be counted must be protected without compromise and without regard to the voter's race. This was truly a time in which justice delayed was justice denied. In addition to the number of allegations of voting irregularities that occurred in the State of Florida, it was revealed that a total of 180,000 ballots were not counted in Florida's presidential vote. The Gore Campaign, members of the Congressional Black Caucus, civil rights attorney's and the disenfranchised voters themselves sought for every Floridian's vote to be counted by requesting a hand count in the 4 counties that demonstrated voting irregularities. In these 4 counties in which the hand count was sought—all heavily Democratic areas—over 73,000 ballots were not counted in the presidential tally.

Beyond these egregious voting irregularities, millions of Americans were denied their fundamental right to vote simply because they were unable to vote due to prior work commitments. In fact, the great untold story in the last election and in most elections in America is the voting disparity that exists between those who can afford to take time off work to vote and those who cannot. Moreover, this perpetual disparity has caused a voting gap that threatens the very fabric of our representational democracy and has challenged our nation to find a solution that addresses this great disparity.

In the words of "Freedom," a poem by Langston Hughes we hear the threat to our national existence, "freedom will not come today, this year nor ever, through compromise and fear. I have as much right as the other fellow has to stand on my two feet and own the land. I tire so of hearing people say, let things take their course. Tomorrow is another day. I do not need my freedom when I'm dead. I cannot live on tomorrow's bread. Freedom is a strong seed planted in the soil. I live here too. I want freedom just as you."

The question before us now is how do we make sure that this type of disenfranchisement never again rears its ugly head, especially in a year when we again face a Presidential election bound to be decided by a few thousand or even hundred votes. We know that in 2001 here in the State of Florida they passed a \$32 million election reform package. The measure is supposed to eliminate punch card and hand-counted paper ballots and all mechanical-lever voting. Because of this reform, never again in the State of Florida will an election be decided based on hanging, dangling or pregnant chads. However, just because we

may have eliminated antiquated voting systems in this State, it does not mean that voters can not be disenfranchised. More modern electronic voting systems have shown to have a multitude of questions surrounding them. First, is the question of fraud, these new electronic systems must be proven to be tamper proof from outside sources. More so, we must insure that the companies who supply these machines do not have any partisan stake in the election they are helping to determine. These questions were raised earlier this year about Diebold Inc, which will supply many of the electronic voting machines throughout the country and whose President has very close links to President Bush and the Republican Party. While I do not make accusations that have not been fully proven, my point is that even with newer and more advanced equipment there are questions and issues that need to be addressed. Many of these electronic voting machines do not even leave a paper trail record to review in case questions of fraud or tampering were ever raised in an election. As our society has grown more technological we have come to depend more and more on computers, but I think we all still recognize that while computers are free from bias, they are not completely free from error or misuse. Which is why I was truly disappointed to learn that the Governor of this State, Jeb Bush recently denied a request to conduct a state-wide, independent audit of voting systems. This despite the fact that electronic voting computers crashed in May and November of 2003, erasing information from the September 2002 gubernatorial primaries and other elections. I am disappointed that officials in this State or any other State in this Nation for that matter would not take every step possible to ensure a proper election this year. The truth unfortunately, is that proper voting rights is not as much of an issue for some people whose rights have always been protected and recognized, as it is for people in our community who after more than two hundred years are still longing for true equality.

While there is much reform to be done on the local, State and national level to make sure that every vote is counted, the real reform begins and ends with each of us. We must continue to go to the polls and we must be vigilant. In this year's election if we see a brother or sister being told that they are not registered even though they are or we see a fellow neighbor being harassed while others are allowed to vote freely; we must stand up for them. Together as a community there is no hurdle we can not overcome, we will not allow our rights to be frittered away. It is equality we have strived for since before we were even born and it is equality we will achieve because our struggle is righteous and our means are just.

Mr. CUMMINGS. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Speaker, I thank the gentleman for yielding to me. And were the subject of this Special Order not so immeasurably important, I could spend many minutes talking about the issue that the gentlewoman from Texas just identified that was dealt with in the Committee on the Judiciary.

□ 1515

But if she will be kind enough to allow me, I think I will wait until next week to make that debate. That bill will be on the floor, and hopefully, we will have ample opportunity to point that out.

I am honored today to join my colleagues from the Congressional Black Caucus, the chairman of the Congressional Black Caucus, the gentleman from Maryland (Mr. CUMMINGS) and the gentlewoman from Texas (Ms. JACKSON-LEE) to be a part of this Special Order which focuses on voter intimidation and efforts that are being made by some in our society to deter people who wish to exercise their democratic rights, the right to vote.

I would be less than honest if I said I was delighted to be here debating this, because I concur with the chairman of our caucus that these many years after the passage of the Voting Rights Act, we would like to be in a position not to have to be here to engage in these kinds of discussions on the floor of the House concerning voter intimidation, deterrence of voters from exercising their right to vote. And I would add to that that I do not think there would be any people who would be more delighted on November 3 of this year than the Congressional Black Caucus if we could stand up and say on November 3 that we overreacted and did not need to be here today talking about this. But if that eventuality occurs, I am going to get up; I am coming to the floor to say, I am delighted to say that we overreacted, because I will be happy about it.

I do not think we can talk about voter intimidation without putting it in a larger context, and that is the context of democracy. All around the world, the United States was recognized by country after country after country as the gold standard for democracy for years and years and years, and I wish I could say that the United States still holds that distinction. Unfortunately, we do not have that distinction anymore.

While we were encouraging the government, the forming government, of South Africa to assure representation of all factions in their new government, we were at the same time in the United States Supreme Court discouraging minority representation in the United States. While we were encouraging the residents of South Africa to make their ballots understandable by putting pictures on the ballots if necessary to identify the candidates, we were at the same time making it impossible for folks to cast ballots that did not have hanging chads and other

problems in the United States. While we were encouraging the folks of South Africa to make it easier for people to vote by allowing voters to cast their votes on Saturdays and Sundays, in the United States, that is anathema to us. Although, it seems to me and other members of the Congressional Black Caucus that that would be the ideal to maximize voter participation. So we do not have the honor of holding the gold standard of democracy anymore.

Those of us who believe that, somehow, Florida was the exception rather than the rule are deluding ourselves because not only in Florida were we having problems in 2000, but in every single State where votes were being cast, there were problems with the voting process. And unfortunately, those problems were disproportionately disqualifying minority voters from voting and poor people because they had the worst machines in every jurisdiction.

So if one checks all around America, this is not a Florida problem that we are talking about. This is a national problem that deprives America from being able to hold out its chest and say, we are the gold standard for a democracy. If we ignore that larger context when we talk about voter intimidation and discouraging people from voting, then we miss a major point.

Now, there is intimidation going on, and there is discouragement going on, and I want to make sure that America knows and that everybody knows that we are preparing to be ready for that kind of intimidation, discouragement, roadblocks by police, every kind of negative discouragement of our voters from voting on November 2. We are preparing to combat that.

It is a shame that somebody could show up at our meeting today and hand out a flyer saying, we are recruiting 10,000 lawyers to be available on Election Day in the United States of America. Who could imagine that we would need 10,000 lawyers to assure that people in the United States, in our democracy, get to do what our Constitution says they are entitled to do. There is something wrong with that picture, and I just wanted to be here today to add my voice to the chairman's voice and to our caucus' voice that, on November 2, this simply will not be tolerated.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman for his statement.

So it is, Mr. Speaker, that, again, the Congressional Black Caucus stands up for Americans' right to vote and to have their vote counted.

COMMUNICATION FROM THE ATTENDING PHYSICIAN OF THE HOUSE

THE SPEAKER pro tempore (Mr. KLINE) laid before the House the following communication from the Attending Physician of the House of Representatives:

THE ATTENDING PHYSICIAN,
CONGRESS OF THE UNITED STATES,
September 13, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that a member of my staff has received a subpoena for documents issued by the Office of Compliance.

After consulting with the Office of General Counsel, I determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

JOHN F. EISOLD, M.D., F.A.C.P.

COMMUNICATION FROM MILITARY LIAISON OF HON. DAVE WELDON OF FLORIDA, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Toni Mahoney, Military Liaison of the Honorable DAVE WELDON of Florida, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 8, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I was served with a civil trial subpoena, issued by the County Court for Brevard County, Florida, for testimony and documents.

After consulting with the Office of General Counsel, I determined that compliance with the subpoena was inconsistent with the privileges and rights of the House.

Sincerely,

TONI MAHONEY,
Military Liaison.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Ms. PELOSI) for today on account of medical reasons.

Mr. LANGEVIN (at the request of Ms. PELOSI) for September 13, 14, and 15 on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. SCHIFF, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. BAIRD, for 5 minutes, today.

Mr. MILLER of North Carolina, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, September 22.

Mr. PEARCE, for 5 minutes, today.

Mr. FEENEY, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1576—An act to revise the boundary of Harpers Ferry National Historical Park, and for other purposes.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 361. to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission.

ADJOURNMENT

Mr. CUMMINGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 24 minutes p.m.), under its previous order, the House adjourned until Friday, September 17, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9570. A letter from the Administrator, FAA, Department of Transportation, transmitting the Administration's third report, as required by the Pilot Records Improvement Act of 1996 (PRIA), pursuant to Public Law 104-264, section 502 49 U.S.C. 44703(h)(12); to the Committee on Transportation and Infrastructure.

9571. A letter from the United States Trade Representative, Executive Office of the President, transmitting consistent with section 2105(a)(1)(B) of the Trade Act of 2002, a description of the change to an existing law that would be required to bring the United States into compliance with the United States-Morocco Free Trade Agreement; to the Committee on Ways and Means.

9572. A letter from the Acting Chief, Publication and Regulations, Internal Revenue Service, transmitting the Service's final rule — Application of Section 904 to Income Subject to Separate Limitations [TD 9141] (RIN: 1545-AX88) received July 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9573. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Purpose and scope of exception of reorganization exchanges (Rev. Rul. 2004-83) received July 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.