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U.S. House of Representatives

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Dear Colleague:

Many have asked me what events actually occurred at the Ways and Means Committee Markup of H.R. 1776 on Friday, July 18, 2003, and why I believe that markup must not be considered legitimate by this House and am asking your support for a privileged resolution I have introduced on the matter.

In my public statement at that markup, I expressed to Chairman Bill Thomas that many of the Democratic Members of the Committee did not believe they had received sufficient notice to read and understand the legislation before them, having just received the Chairman's mark around midnight the night before. When the Chairman refused to address this complaint, I refused to give consent to dispensing with the reading of the bill, and then of the Chairman's amendment. As you are aware, according to House rules, dispensing with the reading of an amendment requires unanimous consent.

During the reading of the Table of Contents, all of the Committee Democrats (except for one Member) decided we should meet in caucus to discuss the legislation and determine how to react given the short notice. We went back to the Committee Library, a room adjacent to the hearing room that was not in use at that time. That room's traditional use during markups, since it was refurbished in the 1980s, has been for quick meetings among members and sometimes with administration officials or constituents.

Within a few minutes, officers of the U.S. Capitol Police arrived at a back door. They told me that they had been sent there by a member of the Committee Majority staff at the behest of Chairman Thomas and had been asked to remove us from the room. Despite the many witnesses, some members on the other side of the aisle contend that the police were called not to remove Democratic members from the Committee anteroom but for an entirely different reason – an exchange of words within the Committee room itself.

However, several journalists witnessed the events and reported them as they actually occurred: "Capitol police appeared in the library and told Democrats that they had been called to clear them from the room." (*Reuters*) "Thomas, who has asserted strict control over the use of committee facilities, directed his staff to have the Democrats removed from the library." (*CQ Today*) "Even before Thomas gavelled the reading to an end, he had dispatched the Capitol Police to remove the Democrats from the ornate library. Two officers arrived and, realizing they wanted no part of arresting House members for milling in a library, called a watch commander. ... Thomas had summoned the police before Stark lit into McInnis." (*Washington Post*)

(OVER)

We know that the first police were called to the Library prior to the exchange of words. We know that the police were under the distinct impression that they had been asked to remove us. No mention was ever made by the police or Sergeant-at-Arms of any incident in the committee room. We also know that the police remained for about an hour AFTER the Committee markup was formally ended by the Chairman of the Committee and that they inquired up their chain of command to determine what action they should take.

The Capitol Police and Office of the Sergeant-at-Arms should be commended for refusing to become a tool of one member to repress the rights of other members. The Sergeant-at-Arms office sent a representative to the Committee anteroom to tell Democrats that this was a "Committee matter" and, thus, they would take no action against the Democrats.

Nonetheless, never before in our time in Congress have we seen such a blatant abuse of power by a committee chairman. We were not breaking any rules of the House. We were meeting together, in an empty room commonly used by Republican and Democratic members alike, to develop our response to H.R. 1776. Such an attempted use of the U.S. Capitol police to break up a meeting of members is a blatant abuse of power that cannot be allowed to sit as a precedent in the House. Many Democratic members indeed felt they might be subject to arrest if they defied the chairman.

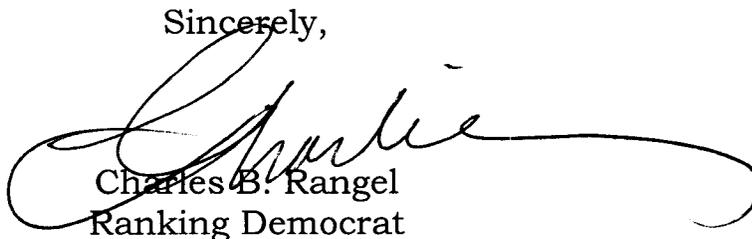
Ordering police action to break up a meeting of members violates the spirit, if not the letter, of Article I. Section 6. of the Constitution preventing members from being arrested when attending Congressional sessions as well as the First Amendment to the Constitution allowing citizens to peaceably assemble. It violates House rules as does refusing to acknowledge a timely objection to a unanimous consent request. Involving the police is an abuse of the U.S. Capitol Police force, which citizens and members alike depend on to protect the Capitol complex from true threats. And, the incident is an arrogant presumption of one Committee chairman that he has a right to total control over taxpayer-provided public facilities.

For that reason, I felt compelled to bring up my resolution. I recognize that Democrats are the minority party in Congress right now and that the majority has the power, by virtue of its capacity to provide a majority vote, to pass legislation and determine the terms of debate. Yet, no member of Congress is above the Constitution, no person is above the law, and not even a Committee Chairman is above the rules of this House.

The use of the U.S. Capitol Police to prevent lawful meetings and activities by Democratic members, or even to intimidate members with the potential of police action, violates not only House Rules but the democratic process itself, as does the refusal to acknowledge a clear objection to a unanimous consent request. These actions must not be allowed to stand.

Thank you for your attention to this important matter.

Sincerely,



Charles B. Rangel
Ranking Democrat