which to revise and extend their remarks on the subject of the 10th anniversary of the Nagorno Karabagh movement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. RIGGS) is recognized for 5 minutes.

Mr. RIGGS. Madam Speaker, earlier today I rose during morning hour to talk about how we can increase take-home pay and improve retirement security in America. I want to elaborate on those earlier comments this morning during this special order tonight. I am talking about the Congress leading our country to a new level of freedom and opportunity for every single American worker and taxpayer.

First of all, let me stipulate that I am not talking about wage and price controls. I am not talking about another government mandate. I am not talking about Washington and the Federal Government through the Congress trying to dictate to the marketplace. I do not support a further increase in the minimum wage. But I do very much favor reducing taxes further for working Americans. We can start in the area of tax reduction by addressing the marriage penalty, which is a very, very unfair, very punitive section of our Tax Code. We ought to eliminate that, because the marriage penalty affects working-class individuals, those on limited or modest incomes, those who are earning a fixed wage or salary the most.

An example that was given on this floor earlier today during morning hour by the gentleman from Illinois (Mr. WELLER) was a teacher, or a police officer living in your community who is married and whose spouse is of necessity working. If we can eliminate the marriage penalty in the Tax Code, that couple will be able to keep more of their own hard-earned tax dollars.

Second, earlier today, promoted the Middle Class Tax Relief Act and the Taxpayer Choice Act, both introduced by our colleague, the gentleman from South Dakota (Mr. THUNE). This is good legislation because the net effect would be to raise the income levels for the 28 percent tax bracket, thereby putting more people in the 15-percent, the lowest tax bracket, and for those who are already in the 15-percent tax bracket, Congressman THUNE and I propose to increase the personal exemption.

This is a bottom-up approach, if you will, a bubble-up approach to lowering taxes in America. It is broad-based, real tax relief. It gets away from this notion back here in Washington that we can only do targeted tax relief that picks winners and losers from certain segments of the American people, and it is a Republican solution, if I might be so bold to say, on Democratic terms. This legislation will be difficult for the practitioners of class warfare and what I call the politics of envy to oppose.

Let me further say that if President Clinton has more money to pay for more social spending, as he suggested from in this Chamber during the State of the Union address for a host of new programs, many of them so-called mandatory entitlement programs, then I respectfully submit that we have the money for tax cuts.

But we should not do tax relief without real tax reform. We need fundamental tax reform in this country today right now to put a stop to the collection abuses by the IRS and to effectively end the IRS as we know it. That is why I and many of my Republican colleagues have already signed a public pledge and we have cosponsored legislation to sunset the Tax Code, the current tax system, by the year 2001.

This is a death sentence for the Tax Code, and it would move the country, as Congressman KINGSTON was just suggesting, in the direction of a fairer, a flatter, and a simpler tax system, one that embraces a single rate of taxation. That single rate of Federal taxation, though, when combined with State and local taxes, should not exceed 25 percent total, 25 percent in the aggregate for taxes at all levels; Federal, State and local. Today, the median family, the average family of four, is paying 38 percent of their income in taxes at all levels, and that is more than what they pay for food, clothing, housing and transportation combined.

Now, the other point I want to talk about is giving taxpayers more choice. We can let taxpayers today choose between paying a flat tax or the current system. It is just that simple. We could give taxpayers that option, that choice that says we would be empowering taxpayers because they would have the right to decide whether they prefer a flat tax or reporting all their income, and after they have declared that income, simply paying a flat rate of tax on that income or staying under the current system.

Furthermore, we could let taxpayers today decide to give them the right, again the choice and the option, to choose to invest a portion of their own hard-earned money, what they pay in payroll taxes or what are called FICA contributions into a directed IRA, which would earn a better return on their money than Social Security.

So imagine that we let taxpayers check off now a flat tax versus the current system, check off now to put their own money, at least a portion of their payroll taxes into Social Security. The net effect again, higher take-home pay, better retirement security, more freedom, and opportunity for every American worker and taxpayer.

REQUEST FOR REINSTATEMENT OF SPECIAL ORDER

Mrs. MALONEY of New York. Madam Speaker, I ask unanimous consent to reclaim my time and to address the House for 5 minutes.

The SPEAKER pro tempore (Mrs. Northup). Is there objection to the request of the gentlewoman from New York?

Ms. WATERS. Madam Speaker, for purposes of trying to understand how the rules work, I object.

What happens under the 5-minute rule? Do we entertain 5-minute presentations for as long as unanimous consent is not objected to?

The SPEAKER pro tempore. That is correct. It takes unanimous consent to address the House for 5 minutes.

Ms. WATERS. Is there a possibility of all of those who keep coming with their 5 minutes to do it following the time that I have reserved on the floor?

The SPEAKER pro tempore. The gentlewoman from New York was already on the 5-minute list. She came back to reclaim her time. Unanimous consent is required for anyone to reclaim or to add their name to the list.

Ms. WATERS. Madam Speaker, I do not want to interfere with the gentlewoman being able to address the House, but I need to know how long this can go on tonight if I do not object to unanimous consent. How many more could come? I have been here for almost 40 minutes.

So is the Chair saying that if I never object, people could keep coming and doing this?

The SPEAKER pro tempore. By the Rules of the House, as long as unanimous consent is obtained, a member may speak for 5 minutes.

Ms. WATERS. If I do object, do they have the opportunity to do it following my reserved 1 hour?

The SPEAKER pro tempore. Yes, they could come back later tonight.

Ms. WATERS. Then, Madam Speaker, I must proceed, and those who have not been here must know I have to get out of here.

The SPEAKER pro tempore. Objection is heard.

PLIGHT OF BLACK FARMERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from California (Ms. WATERS) is recognized for 60 minutes as the designee of the minority leader.

Ms. WATERS. Madam Speaker, I rise to bring to the attention of the House a problem and a situation that has lingered for far too long. I rise this evening to talk about the plight of black farmers and others in our Nation who have not been able to receive fair treatment at the United States Department of Agriculture.

What I am about to describe is one of the most unfortunate situations I have encountered since I have been a Member of this House. I have been working

on this problem with other Members who represent agricultural districts, and I thought at one point we would be able to deal with bringing about some fairness and justice to black farmers and others who have been denied the ability to have their concerns addressed at USDA.

In order to make this presentation, I would like to ask my colleague from Mississippi if he would join me in a colloquy regarding the inability for black farmers and others to have their problems dealt with.

Mr. THOMPSON, I understand that it is planting season, we are nearing planting season, in many of our States where agriculture is a leading part of the economy. Is that correct?

Mr. THOMPSON. You are absolutely correct.

The other problem associated with the timing is how our farmers put their applications for support into the United States Department of Agriculture. And if they are late in putting the applications in or if there are complaints outstanding, then they are prohibited from putting applications in for operating loans for their farms.

Ms. WATERS. Mr. THOMPSON, as I understand it, many of these farmers who have lost their land, lost their homes, who have been trying to file complaints with the U.S. Department of Agriculture thought that this year that there was a break, that there was finally an opportunity to get some justice to have their complaints heard. They had great hope that this planting season, despite the fact that many of them have for years been denied access to the Department and their ability to resolve their complaints, would finally have the chance to do some planting and get on with the business of farming. Is that correct?

Mr. THOMPSON. Absolutely correct. The most astounding thing associated with your comments is that the Department of Agriculture agreed that in effect they had discriminated against African-American and other small farmers, put it in writing and ultimately said we are going to do better.

The Civil Rights Action Team Report, which was produced in January of last year, documented it. We talked about over 1500 complaints from farmers all over the country having been mistreated by our government, documented by our government, now all of a sudden here we are over 1 year later and we are still dealing with the same problem.

Ms. WATERS. Mr. THOMPSON, are you referring to what is known as the crack report labeled Civil Rights at the United States Department of Agriculture, where there is documented discrimination of the documented filing of claims that went unaddressed where the Secretary of Agriculture, Mr. Glickman, and everybody else agreed that the Civil Rights Department had literally been dismantled and that the complaints had not been worked on; all of that in this report. Is this the report that you are referring to?

Mr. THOMPSON. That is absolutely correct and the fact that to my knowledge no one disputed the findings of the report. It was a very thorough report, but also it really crystallized the problems that small and minority farmers have.

The most egregious situation with the report, Madam Speaker, is the fact that one farmer in the report has been trying for 20 years to get his claims settled, and I want to enter into the record a copy of a letter dated February 17 from Mr. Gary R. Grant from Tillery, North Carolina, and he is yet to get his problem settled that was documented in the Civil Rights Action Team Report as something that they should, in fact, settle.

Ms. WATERS. Mr. THOMPSON, I know the letter that you speak of. I, too, have a copy, and I think it is wise to enter that into the record, and maybe if we have time this evening, we can read it right into the record. It is so absolutely typical of what has been happening, and it spells out, in no uncertain terms, the trauma and the harm that has been fostered on many of our farmers who have attempted to get some justice at the United States Department of Agriculture.

Mr. THOMPSON, we also have here Mr. HILLIARD from Alabama, and I would like to ask Mr. HILLIARD if he would join us in this colloquy where we are describing what has happened to the black farmer and what we have been trying to do.

Mr. HILLIARD, as you know, those of you who represent agricultural areas have been working so hard with your constituents, you have been working with the U.S. Department of Agriculture, you have been working with the Justice Department, you have been working with the President of the United States of America. You asked the Black Caucus to take this up as an issue; we did. We had hearings. Those hearings went out over America. All of us agreed. We got more calls about the hearings where farmers came forth and talked about what had happened to them than perhaps on any other issue that we are dealing with.

I am from an urban area. I do not have agricultural interests in my district. But my urban constituents called me about this issue because many of them left the South, they left Alabama and Mississippi and other places after they determined they could no longer farm, that they could not be heard.

So would you please join us, Mr. HILLIARD, in helping the Nation to understand what has taken place with the black farmer in America.

Mr. HILLIARD. Madam Speaker, you know it is extremely difficult for me to believe that my government would sanction what the States have done for so long in this area. I find it contemptuous that the government would set up administrative rules to block those farmers from having their grievance addressed, and let me tell you how they did it.

While we in good faith have been talking to the administration, have been having hearings and have been discussing the problems hoping to have some resolution, the Justice Department decided that although those farmers had filed complaints, that those complaints would be barred by the statute of limitations if, in fact, they had not filed any court action.

□ 1845

Well, prior to that administrative rule being made, the rule in force was you file your complaint, and if you receive justice that you did not like or no justice, then you go to court.

What happened that made it so bad in terms of what the government has done, neither the government, our government, the Agriculture Department nor the Department of Justice addressed any of those complaints or even discussed them or looked at them or resolved them. So they just stayed on somebody's desk, in some cases for 10 years.

Then they come back with the rule that if it has not been filed in court it is barred by the statute of limitations. This is our government, not Russia.

Ms. WATERS. You are absolutely right. I want you to, if you would spend a moment further explaining to us, Mr. THOMPSON, what Congressman HILLIARD just started to talk about. America needs to understand the details of this.

Mr. THOMPSON. Well, Madam Chairman, the notion of the statute of limitation in effect says that if you filed a discrimination complaint against the Department of Agriculture before 1994, then in effect you have lost your right to complain, because our government did not perform its required duties within the period of time that the law required. Therefore, as a person complaining, you have now lost your right to any redress or any monetary reward for having a legitimate complaint.

It is inconceivable that an agency charged with the responsibility of conducting an investigation now jumps behind the statute of limitation veil by saying, look, we did not do our job; now, I am sorry, we cannot do anything for you.

I refuse to believe that in this country, when the government clearly is at fault, that we cannot find some remedy for our taxpaying citizens who have been aggrieved by this government.

Mr. HILLIARD. If I may, Madam Chairlady, let me even go further. This was a part of an agency or a department of the Agriculture Department that had the power to look into these grievances and these complaints and make a finding. It was set up sort of like an equal opportunity commission just for the Department of Agriculture.

Now we come back and say that, even though they filed the complaint, because they did not file suit then they are barred by the statute of limitation.

But let me go one step further.

Mr. THOMPSON. If the gentleman will yield, let me share one point.

On our stationery from the Department of Agriculture it says that if you feel that you have been discriminated against, you may file a complaint with the Civil Rights Division of the United States Department of Agriculture, Washington, D.C. Our investigation found out that this department had been disbanded in 1983.

Ms. WATERS. I think that is what the Nation needs to understand. Ronald Reagan dismantled the Civil Rights Division of the United States Department of Agriculture. So when an innocent farmer who had been discriminated against was aggrieved, went to that department, followed the rules and filed the complaint, they had no reason to believe that these complaints would not be investigated.

But the fact of the matter is, they went in a cardboard box, and they sat there for years, and nothing was done.

Mr. HILLIARD. The government deceived them.

Ms. WATERS. They were misled. That is right.

Mr. THOMPSON. Now they say it is too late. We waited too long in the deception. I am sorry. You have to take your complaint elsewhere.

Mr. HILLIARD. There is no elsewhere.

Ms. WATERS. We have just been joined by the gentlewoman from North Carolina (Mrs. CLAYTON), who has been working on this issue for a long time.

We were just describing this unbelievable situation where the farmers had filed the complaint, there was no Civil Rights Division, the complaints went into a cardboard box. Now they are being told by the Justice Department, sorry, they were not filed in a timely manner, and the statute of limitations has run, and we cannot resolve your complaint.

So I know that you have been involved in discussions with both the Department of Agriculture and the administration about this, and we have some examples of people who are now not able to get them resolved unless we do something extraordinary, such as get waivers by way of legislation perhaps.

Could the gentlewoman share with us your experiences in working with all of this?

Mrs. CLAYTON. Well, we have a number of farmers in North Carolina who have filed not only part of a class action, but we have a number of farmers who have filed administrative complaints, and some of them have been 17 years old, 20 years old, and now they are being told they are barred until 2 years. So that means 22 years of their being barred will have no recourse. They are not able to get assistance from that.

What is so devastating about this is that this is our government doing it to us, not so much that this is a place where you think you would come and get some consideration or remuneration for your suffering and pain. And these farmers are being told, not only were they deceived and ignored, but there is no sense of equity. There was no sense on the part of the Justice Department in saying that the estoppel of the statute of limitations should not have been put in place because of the acts of the government itself.

The government was saying they were investigating and did not do it. The government was saying they were going to find a remedy and did not do it.

You would think the acts would bar the statute of limitations. Even if the law requires it, equity requires it, and people put in such pain and disadvantage, the equity of the case would prevail. This is what we call justice. The rule of law is based on having equity and fairness, in addition to the statute.

Now, I know they can invoke the statute of limitation. They can invoke what they call res judicata, meaning it has been adjudicated before. Those are legal bars to prevent the government from doing what they should do.

Mr. HILLIARD. I am not so sure they can legally invoke the statute of limitations at this point. You see, what happened, it had been set up by our government according to the law, a procedure, and now the government, because of what it had done in disbanding the procedure, is saying it is a bar. Because they say it does not necessarily mean that is the last word or that is the fact.

But what it does mean is that each one of those farmers must now go to another forum just to get back on the procedural track, which means they will probably have to go to the court system in order to have them rule that the statute of limitations is not applicable.

Mrs. CLAYTON. If the gentleman will yield, the fear I have is that the decision from the Justice Department is treated like a rule of law. I may disagree with it, but if everybody is treating it as a rule, it means the farmers are not getting anything. I want to find a way where we remove that. So whether I agree with it, I respect it. It is having the same effect as if it is the right thing. So we have to find a way to overcome it.

Mr. THOMPSON. If the gentlewoman will yield, the problem I have is, given the visibility of this issue, why can people of good will not come together and craft a response to this dilemma, rather than put blocks up to prevent solutions from happening?

Mr. HILLIARD. If the gentleman will yield, if we had good will, if our government had had good will, we would not have the problems we are having. We would not have had 20 years of no resolutions, no resolve. We would not have had 5 and 10 years of complaints just stacking up.

Mr. THOMPSON. Well, can the gentleman, for the viewing public, explain the statute of limitations and the government not doing its job in conducting an investigation and telling that farmer that either your complaint has validity or it does not? But the fact that our government did nothing in the administrative conduct of hearing and now falls behind a statute of limitations issue, to me it is a false notion.

Mr. HILLIARD. Deception.

Ms. WATERS. Misled. They were absolutely misled.

Correct me if I am wrong, for the lawyers who are here, I am told by some attorneys that I have talked to that if, in fact, the Justice Department is telling us, despite the fact that farmers were misled, if they are saying to us they cannot in any way deal with this issue of the statute of limitations and put it aside in the interests of justice and fairness and equality, then they are not doing their job.

This is our Justice Department, where we are supposed to go and get justice. I am not happy with the way the Justice Department has sidestepped this issue.

I would say to you, if there is a way to get into court, and maybe there is a way by way of the class action maybe that has been filed or something, that this government ought to be sued.

Now, I know there are those in the administration that are saying, well, we will try and come to Congress and fashion legislation by which we can get a waiver. And while I am not going to turn down any way by which we can get justice for these farmers, I suggest to you that if we give up on the struggle for righting this wrong based on this argument, that what we are doing is allowing them for other cases and other instances to use the same kind of argument to deny justice. I am not sure we should do that.

Mrs. CLAYTON. If the gentlewoman will yield, I agree. We have to fight on every front. And the gentlewoman's point is we cannot just depend on the legislative route to do this, because this is such an important issue that we allow the statute of limitations to be the bar for justice and fairness. We have given away the very principle that is so fundamental to our democracy. I agree with that. But I would think, I would hope as you have said, we will fight on every front.

Now, I think the U.S. Department of Agriculture is beginning to try to go around the statute, but the problem with that is that is each individual case, and that is such a difficult process. We almost have 800 cases we need settled immediately. So if they are going to settle one and go around, we ought to have the law that applies to everybody. It would make it so much easier.

I know USDA is trying to find ways creatively, and I commend them for that, because I know today they are in that process with some clients that come from North Carolina doing that. But the pain of that is that you have to do 700 of those, those families and the costs.

If we could find a remedy, Madam Chairman of our caucus, if you could think of a remedy where we could go

into court and have standing, I think that is an option we ought to look at. I also think we need to find legislation that could also make that point.

I would hope there is still enough goodwill, as the gentleman from Mississippi (Mr. THOMPSON) said, of people who see the inequity of this and the visibility. And as many people understand how these farmers have suffered, they will say it is now time for Congress to do something and we should put this behind us and go forward.

□ 1900

Mr. THOMPSON. Will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Mississippi.

Mr. THOMPSON. Many of our farmers have gone through bankruptcy, have gone through some real health problems. Now for our government to say to them, if you seek relief you now have to go hire a lawyer to fight the government, the notion that our Civil Rights Division in the United States Department of Justice cannot take this on as an issue and say look, I understand the ruling, but it is not right because you have in effect denied certain liberties of people in this country who should have had their concerns addressed. So why should we require people who now have been dealing with the lender of last resort to make crops come now and hire lawyers to fight the government again?

Ms. WATERS. That is right.

Mr. THOMPSON. I am not so convinced that if they did challenge the law, that our government would not try to defend the law. So in essence, we would be in court another 5 years trying to get clarification on that.

Ms. WATERS. The gentleman is absolutely right. I would say to the gentleman from Alabama (Mr. HILLIARD), if I may just for a moment, yes, if that happened and we did find a way to get in court, the Justice Department would defend its position. So we would be fighting the very department that is supposed to be getting justice for the farmers.

I yield to the gentleman from Alabama (Mr. HILLIARD).

Mr. HILLIARD. And the devastating part of what our government has done and will do, if it takes another 5 years, is in effect eradicate the few farmers of African-American descent that are left.

After all, if we look at the period of the last 15 to 25 years, the period of time when most of these complaints originated, Members will find that we have lost tens of thousands of black farmers. There are very few left. If we take another 5 or 10 years, there will be even less. I am beginning to wonder whether this is a pattern of our government, whether this is in fact what it is trying to do.

Mr. THOMPSON. Your comments, I would say to the gentleman from Alabama (Mr. HILLIARD), go clearly and factually to the notion that there just might be a conspiracy which our government is participating in to do away with African-American farmers in this country. If I had to look at the facts in this situation, I believe they are irrefutable.

Ms. WATERS. Mr. Speaker, I would say to the gentleman from Alabama (Mr. HILLIARD), I have learned so much about this issue. Members have put so much work into this, those the Members representing agricultural districts, and the entire Black Caucus is engaged in trying to get justice for farmers.

One of the things we all know is that we have lost black farmers in America who would have been perfectly happy to farm their land, raise their families, purchase their homes. They have lost the ability to do that because they had no support. As a matter of fact, in many cases they were undermined.

The Members have taught me about the systems that have worked in these communities and the boards that are set up, and how on those boards you have people who have supported each other in not only getting the loans and the subsidies, but they have indeed sat there making decisions that worked against farmers, and then they were part of foreclosing on the farms, and they ended up in the hands of some of the very people who had in fact made decisions against their ability to get some assistance from their government.

It is outrageous, it cannot be tolerated. Before I yield back my time, I would like to submit for the RECORD a letter that we did as a Congressional Black Caucus, dated January 13th, 1998, that took issue with the way they were handling Mr. Ross before he finally got a settlement.

I would like to submit a letter of February 20 that confronts the Justice Department about the way they have dealt with the statute of limitations issue, and I would like to submit for the RECORD the report that identifies the systematic discrimination of farmers who have been trying to get some assistance from their government.

Madam Speaker, I include for the RECORD the following correspondence:

GARY R. GRANT,
Tillery, NC, February 17, 1998.

Re: Discrimination Complaints: Matthew Grant, Richard D. Grant, Gary R. Grant.

Secretary DAN GLICKMAN,
US Department of Agriculture
Washington, DC

DEAR MR. GLICKMAN: At the invitation of the USDA, my family and I made the long trip to Washington, DC for a meeting scheduled with Mr. Lloyd Wright, Monday, February 9. We agreed to come for what we were led to believe would be the final settlement of the negotiations process over the discrimination complaints filed by my father Matthew Grant, my brother Richard D. Grant and by me.

We took our children out of school so that they would have a first hand experience of how our government works.

Matthew Grant has filed complaints against USDA for over 20 years. Because of the severe stress and anxiety he has endured and the impossible odds set against him by the officials at USDA, he is now suffering from congestive heart failure. My father is a man who has never consumed alcoholic beverages, never smoked, and has led a life unencumbered by unhealthy habits and practices. My brothers and sisters and I painfully watch as this strong indefatigable man deteriorates. We lament the stress and worry he continues to endure because of USDA.

As we made plans to travel to Washington, and to bring our father, he lastly committed, ''I just can't make it. I honestly don't think I can survive another face to face experience with these people.'' (Meaning the USDA and DOJ)

After being delayed in Washington for three (3) days of non-negotiations, we finally bulldozed our way to speak to you on Wednesday, February 11. We were directed by you to go immediately to Acting Secretary Pearlie Reed's office. There we met with Mr. Wright, Mr. Reed, Judge Ramsey and the new attorney from DOJ, Mr. Charles Rauls, Acting General Counsel.

After another day of waiting for negotiations to begin, nothing substantive transpired at this meeting. At this point, we decided to go home because we had already made too many sacrifices to be there nor could we afford the continued personal expenses of these unproductive meetings and delays.

We needed to come home to see about our father and mother, to get back to our jobs and to get our children back to school.

We left the meeting with the understanding that we would go home and USDA would contact us within 24 hours to bring resolution to our complaints.

To date we have had no response from Mr. Wright, Mr. Reed, nor Mr. Rauls.

We are not going away. We will fight for our rights and for justice to the death. Our children got the history lesson that no classroom could provide. They learned first hand how racist, unfair, prejudicial and tyrannical the USDA continues to treat our family.

We await your immediate response.

For justice and equality,

GARY R. GRANT.

CONGRESSIONAL BLACK CAUCUS,
CONGRESS OF THE UNITED STATES,
Washington, DC, January 13, 1998.

Hon. JANET RENO,
Attorney General, Department of Justice,
Washington, DC.

DEAR ATTORNEY GENERAL: Once again I must take time out from my busy schedule to ask that the Department of Justice (DOJ) stop denying justice to black farmers.

As you are aware, black farmers have endured generations of well-documented and continuing discrimination at the hands of this government. This discrimination has caused black farmers to lose their land, their livelihood, and their homes.

Secretary Dan Glickman of the United States Department of Agriculture (USDA) and other top level government officials have pledged to remedy this discrimination and to immediately resolve the backlog of over 700 claims which have been languishing at the USDA without any action.

However, now that the USDA is finally attempting to resolve some of these cases, the DOJ has constructed roadblock after roadblock to scuttle the settlement agreements made by senior USDA officials.

The latest roadblock comes in Mr. Eddie Ross' case. The USDA settled his case by a Resolution Agreement on November 19, 1997, with full agreement by the Secretary, the USDA Office of Civil Rights, and the Office of General Counsel. The Farmer Service Agency was instructed to issue Mr. Ross' check under the terms of the settlement agreement.

Yet, the day before Mr. Ross was to receive this check, the Civil Division of the DOJ

inexplicably halted the distribution of his check and refused to honor the terms of this executed settlement agreement.

Not only are the DOJ's actions in Mr. Ross' case contrary to United States District Court Judge Paul Friedman's Order of December 24, 1997, they also raise serious questions about the DOJ's willingness to remedy the long-standing pattern and practice of insidious discrimination by this government.

On December 24, 1997, Judge Friedman specifically stated that Mr. Ross is ''not precluded'' from ''completing the administrative settlement of his case with the Department of Agriculture.'' I have attached a copy of this order.

It is outrageous that the DOJ wound put Mr. Ross through the USDA's administrative settlement process allowed by the Court, raise his hopes that a resolution had finally been reached, and then at the eleventh hour, dash those hopes in such a cowardly and heartless manner.

I do not know why the DOJ chose to ignore a Court Order in this instance and insist that the USDA renege on its legal obligations to Mr. Ross.

The DOJ legal tactics are dilatory and mean-spirited. They only serve to reinforce black farmers' belief that this government is not interested in remedying its admitted discrimination.

Indeed, my office has received several other complaints about the DOJ heaping more injury and harm on the black farmers by engaging in questionable legal tactics that deny them the justice they deserve.

Yes, the DOJ must do its job. However, there is a fine line between the DOJ doing its job and it acting in bad faith by engaging in questionable legal tactics that deny justice to those whom this government has admitted harming.

This government should be embarrassed and ashamed at how it has treated black farmers. I demand an immediate release of Mr. Eddie Ross' check and that the DOJ start negotiating in good faith to resolve each and every black farmer claim.

Sincerely,

MAXINE WATERS,
Chair, Congressional Black Caucus.

CONGRESSIONAL BLACK CAUCUS,
CONGRESS OF THE UNITED STATES,
Washington, DC, February 20, 1998.

Hon. JANET RENO,
Attorney General, Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: This letter is a follow-up to our conversation last week concerning the United States Department of Justice's (DOJ) position regarding the black farmers' discrimination claims.

Despite the fact that many black farmers timely filed civil rights claims with the United States Department of Agriculture's (USDA) Office of Civil Rights, the DOJ now asserts that many of these claims are barred by the statute of limitations. The DOJ's position ignores decades of documented class discrimination.

As you are aware, the USDA dismantled its Civil Rights Division in 1983 without notice to black farmers, Members of Congress, or anyone else. Subsequently, the black farmers did not know, and could not have known, that the USDA decided to ignore and let languish their timely filed claims.

As we understand it, the DOJ's Office of Legal Counsel (OLC) has issued a legal/policy memorandum (the ''OLC Memo'') that essentially concludes that many black farmers' claims are barred by the statute of limitations. The OLC Memo apparently states that timely filed administrative claims cannot go forward in the administrative process simply because such claims arguably would be barred by the statute of limitations if filed in a court action. It also apparently states that equitable doctrines which could be asserted to overcome the statute of limitations defense rarely are applied against the United States.

Although the OLC Memo provides the sole basis for the policy used to deny many black farmers' claims, the DOJ continues to deny the Congressional Black Caucus' (CBC) request for a copy of this memo. We can only speculate about whether the DOJ's unwillingness to provide us with a copy is because the conclusions contained in the OLC Memo cannot withstand public scrutiny.

While timely filed administrative claims subsequently filed in court may raise statute of limitation defenses, it is absurd to stretch that defense to also mean that timely filed administrative claims are also barred in the administrative process simply because such claims may be barred by the statute of limitations if filed in a court action. Indeed, many of these black farmers have not filed court actions.

In essence, the DOJ's conclusions mean that, because the federal government sat on timely filed complaints for years, black farmers are now prohibited by the statute of limitations from receiving any money to compensate them for their injuries. This is indefensible.

Black farmers also relied on Secretary of Agriculture Dan Glickman's promise to resolve these complaints. Neither the black farmers nor the Members of the CBC understood Secretary Glickman's commitment to ''resolve quickly'' the black farmers' complaints to mean that the DOJ would hide behind unsupportable and far-fetched theories to unilaterally dismiss hundreds of timely filed administrative actions.

Again, we insist that you intervene and correct this travesty of justice.

Sincerely,

MAXINE WATERS,
Chair, Congressional Black Caucus.

Before I yield back my time, I would ask the Members' indulgence before we complete this hour to read this letter that will be entered into the RECORD. America needs to hear the letter of this farmer and how he and his family were treated when they came to Washington, D.C. one more time to try to address their government.

I yield to the gentleman from Mississippi (Mr. THOMPSON).

Mr. THOMPSON. What I would like to do, since the gentlewoman from North Carolina (Mrs. CLAYTON) has joined us, is ask the gentlewoman to talk about the Grant family and the dilemma that they have gone through for the last 20 years, and how expectations have been elevated, only to be deflated, and as recently as last week brought family members here.

Ms. WATERS. I yield to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I want to tell the Members, this is a family which has had a lot of struggles, a very prominent family in our community in my district; that is, in Halifax County. I know the father has been ill. By the way, the family—I will tell the Members, with the costs and the sharing, the family is back here today and we have just talked with them, and I want to tell the Members that this family has undergone all kinds of stress and pain over the years.

There are two particular cases. Now, the father has a case and the brother has a case. Mr. Grant's brother is Richard, and there is Gary Grant, who we know is over the black farmers. His brother Richard is very bitter about this, and understandably. His father has been very ill. They feel threatened over his health about this whole issue.

They brought about 16 members of the family last week at their expense to make sure that their family could experience what was going on. There was on the front page of the Boston Globe a whole profile of this family, and their contribution to the community and their desire to farm, and what they have been fighting over for a number of years.

They came for a settlement, and because of this big issue of the statute of limitations, really, obviously that was kind of a bar for that. I want to tell the Members I am aware, as we speak, that there is a settlement going on, but it is because the Caucus indeed got involved and brought that issue. But what that means is that we have to do each individual case just like that, Madam Speaker. So the gentlewoman's point is well-taken. I do want to read part of this, because if there is a response to this family, there are 700 other families that are right behind them that we have to speak to.

''At the invitation of USDA, my family and I made the long trip to Washington, D.C. for meetings scheduled with Mr. Lloyd Wright Monday, February 9th. We agreed to come for what we were led to believe would be a final settlement of the negotiations process over the discrimination complaint filed by my father, Matthew,'' and by the way, I saw him Saturday, ''and my brother, Richard Grant, and by me. We took our children out of school so they would have a firsthand experience of how our government works,'' how our government worked.

''Matthew Grant had filed complaints against the USDA for over 20 years. Because of the severe stress and anxiety he has endured and the impossible odds set against him by the officials at USDA, he is now suffering from congestive heart failure. My father is a man who has never consumed alcoholic beverages, never smoked, and has led a life unencumbered by other unhealthy habits and practices. My brothers and sisters and I painfully watch as this strong, indefatigable man deteriorates. We lament the stress and the worry he continues to endure because of USDA.

''As we made plans to travel to Washington to bring my father, he lastly commented, 'I just can't make it. I honestly don't think I can survive another face-to-face experience with these people.'

''After being delayed in Washington for 3 days of non-negotiations, we finally bulldozed our way to speak to you on Wednesday, February 11. We were directed by you to go immediately to the Acting Secretary Pearlie Reed's office. There we met with Mr.

Wright, Mr. Reed, Judge Ramsey, and the new lead attorney for DOJ, Mr. Charles Rauls, Acting General Counsel.

''After another day of waiting for negotiations to begin, nothing substantive transpired at this meeting. At this point, we decided to go home because we had already made too many sacrifices to be there'' and to have nothing happen.

''We needed to come home to see about our father and mother, to get back to our jobs and to get our children back to school.

''We left the meeting with the understanding that we would go home and USDA would contact us within 24 hours to bring resolution to our complaints.

''To date we have had no response from Mr. Wright, Mr. Reed, or Mr. Rauls.

''We are not going away. We will fight for our rights and for justice to the death. Our children got the history lesson that no classroom could provide. They learned firsthand how racist, unfair, and prejudicial and tyrannical the USDA continues to treat our family.

''We await your immediate response.

''With justice and equality, Gary Grant.''

And he sent to all of us, and the President, in terms of that. I think his effort and certainly the efforts of the Black Caucus and the intervention of that certainly means that this family is coming to some resolution, and they are feeling comfortable.

The point to be made is that they speak for so many families that stand in line, so we need to have a resolution. This is so critical.

Mr. THOMPSON. Well, if the gentlewoman will yield, with an abundance of caution, Mr. Eddie Ross from Vicksburg, Mississippi was in a similar situation. He signed a settlement agreement in November of last year, and we only got his check last Friday.

Mrs. CLAYTON. That is right.

Mr. THOMPSON. So even though you sign the settlement agreement, the ink is dry, it is not over until the check is received.

Mr. HILLIARD. Would the gentlewoman yield?

Ms. WATERS. If the gentleman will wait for one moment, my understanding is that Mr. Ross was not fully compensated. He was the case that helped to highlight this.

Mrs. CLAYTON. Statute of limitations.

Ms. WATERS. Statute of limitations.

Mrs. CLAYTON. Absolutely.

Ms. WATERS. And while they were able to do some compensation, they sidestepped the issue of the statute of limitations.

Mrs. CLAYTON. You have it right. Absolutely.

Ms. WATERS. And if the truth be told, he has not been fully compensated even though he has some compensation, is that correct?

Mr. THOMPSON. That is right.

Mr. HILLIARD. That is the point I wanted to bring out. Is this also the gentleman that had thought that his complaint had been settled some time back and that everything was perfect and everything was fine and had received certain mailers from another governmental agency?

Mr. THOMPSON. You are absolutely correct.

Mrs. CLAYTON. Taxes.

Mr. HILLIARD. And what agency was that?

Mr. THOMPSON. Let me tell you, this gentleman received a 1099 for $523,000.

Ms. WATERS. Is that IRS?

Mr. HILLIARD. Which is the amount of the settlement.

Mr. THOMPSON. For the amount of the settlement, which he had not received.

Mr. HILLIARD. But he received that, which meant that, theoretically, he was supposed to pay taxes on that for the year 1997.

Mr. THOMPSON. You are absolutely correct.

Mr. HILLIARD. And he just received a check last week.

Mr. THOMPSON. That is correct.

Ms. WATERS. If the gentleman will yield back to me. After it was decided that the money was owed, the check was cut.

Mrs. CLAYTON. That is right.

Ms. WATERS. He had to sign the check within four hours. And a memorandum went from USDA to the Justice Department that talked about all of the ways they could deny the check. In the final analysis, they found the good old statute of limitations and ruled that they could not go forward.

Mr. HILLIARD. Madam Speaker, would the gentlewoman yield?

Ms. WATERS. Yes.

Mr. HILLIARD. Because I want to make sure I understand her.

Ms. WATERS. Yes.

Mr. HILLIARD. Is the gentlewoman saying that agreement had been reached?

Ms. WATERS. Yes, sir.

Mr. HILLIARD. And a check had been cut?

Ms. WATERS. Yes, sir.

Mr. HILLIARD. And they held that check?

Ms. WATERS. Yes, sir.

Mr. HILLIARD. After our government has signed the agreement?

Ms. WATERS. That is right, sir.

Mr. THOMPSON. That is right.

Mr. HILLIARD. And said what?

Ms. WATERS. Said, uh-oh, the statute of limitations.

Mr. THOMPSON. That is right.

Ms. WATERS. The memorandum discussed a way by which they could deny the check that had already been cut, and they did it within 24 hours. See, the reason the gentleman got his 1099 from the IRS was because the check was cut, and the form went over to notify Internal Revenue that he had been paid.

So when you send that notification, then IRS takes, of course, a look at the additional dollars or compensation or whatever you have so that they can tax you. That is why he got the notice from IRS because they assumed, given they had been given the notice, that he had the money.

Mr. THOMPSON. Well, Madam Speaker, what happened, they told the people that processed the check, but then they did not go back and tell them but we are not going to mail it, do not send the statement out, because if you do, you let the cat out of the bag.

So what happened when Mr. Ross got the 1099, it was obvious that they were moving so fast to cover their tracks that they missed one scenario to cover it. And that was the issuance of the 1099. And that is what brought all of this to light.

So, to the Grant family and the public, we want them to understand that we are still having a difficult time getting our government to be sensitive to the problems that our farmers are having. We should not have to fight our government to make it right.

Mr. HILLIARD. Will the gentlewoman yield?

Does it not go further than that? Does it not show that our government is really maneuvering and trying not to keep their word, not to compensate these people for the wrongs that have been heaped on them?

Mr. THOMPSON. Oh, absolutely. And the civil rights action team report documents all the wrongs.

Mrs. CLAYTON. Absolutely.

Mr. THOMPSON. I would say that Secretary Glickman had the novel idea that, now that we have the problems documented, we can move and solve them right away.

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Mr. THOMPSON. Madam Speaker, the systemic problem within that agency is so deep, the good old boy network.

Mr. HILLIARD. But there also has to be in Justice, too.

Ms. WATERS. Madam Speaker, I submit that the Justice Department has said no matter what we move to do in USDA, they have got the final word. We can go through the administrative process all we want and resolve these cases, but they are going to look at each one of them and they are going to determine whether or not they will let it go through and will let these payments be made.

I really do believe that the Secretary is doing the best that he can do and he is acting in good faith. I do not think that Secretary Glickman ever anticipated that some lawyer sitting over in DOJ would have the audacity to stop these payments. Because as we all understood, and the Secretary thought, when all is said and done, once the Secretary signs off: Done. None of us anticipated that DOJ would interfere in the way that they are doing.

And so we have now 864 cases still to be resolved. All of the work that you have been doing for the time that you

have been in Congress, only 224 have been resolved. It is planting season and we have farmers that are bare. In this 864 have been waiting 10, 15, 20 years. We have people who have died waiting. We have people who have had heart attacks who have died brokenhearted waiting for their government to look at these cases to investigate them, to give them just a modicum of justice.

And so let me just say to all of my colleagues, despite this difficulty, I cannot use a better example than Winnie Mandela when they had to confront the past laws of an apartheid system. She said, ''Now that you have touched the women, you have struck a rock.''

Well, now that they have engaged the Congressional Black Caucus, they have struck a rock. This is our ''40 acres and a mule.'' We are not going anywhere. Eight hundred sixty-four cases to be resolved. We are committed to resolving each one of them by any means necessary. We will try to resolve them administratively. We will attempt to do whatever we can do to pass legislation. But we will not go away.

Madam Speaker, I say to all of those farmers who are out there whose voices have gone unheard, all of the farmers that my colleagues have been working so hard for, that they have been knocking on the doors of USDA and Department of Justice and Congress, they need to know this evening that we are joined as a strong team with good Members of this Congress who want to help us. Members who I understand may come from both sides of the aisle. Members who have watched as we have been engaged in this struggle who have said how can I help?

They may get a chance to vote on some legislation to waive the decision about the statute of limitation. But we are determined that whatever it takes, we are going to win justice for these farmers. Not only will the farmers be proud, but all of their relatives who went up North because they could not farm; all of them who live up in my district and live in New York and who live in St. Louis and other places who could not continue their farming and who are fighting for their relatives down South. We stand here today committed to the proposition: We are not going anywhere. We are going to work these cases one by one, two by two, three by three, four by four. We are going to get justice for all of these 864 cases. Am I correct?

Mr. HILLIARD. Madam Speaker, yes, absolutely correct.

Mr. THOMPSON. Madam Speaker, to the question of fundamental fairness, I am convinced that if this proposition is put before this body, that if, in fact, the record says that these individuals have, in fact, been aggrieved by an Agency of the United States Government, and we cannot provide relief to them because of a little something called the statute of limitations, and we have provided relief in other situations for other individuals. I look at this as a similar position.

Farmers have been done wrong. We have documented the wrongdoings of the Department of Agriculture. The Secretary of Agriculture would like to resolve the problems. Now, another branch of government decides that they know more about agriculture than the Department of Agriculture and they will become, if we please, ''the new plantation'' which is about the business of making black farmers extinct in this country.

So in the interest of fairness, we can resolve it, Madam Speaker, but it will take people of goodwill, as I said earlier, sitting down, reviewing the facts. And the record is clear. Mr. Eddie Ross' case was 7,500 pages long. One little small farmer who was renting land to farm. And here we have wasted thousands of dollars before we came to a partial settlement in his case.

Let us cut the red tape. Let us quit spending money. Let us put our lawyers to work to fighting the druggies and folk who bring in drugs in this country. We should not be fighting hard-working farmers in this country with our tax dollars. Let us fight crime. Let us fight the problems that tear communities down. Let us not fight the people who work by the sweat of their brow trying to make something out of this country that we call America.

Ms. WATERS. Madam Speaker, I ask the gentleman from Alabama (Mr. HILLIARD) if he would like to have our closing statement.

Mr. HILLIARD. Madam Speaker, basically I want to make one point. That the results of our government's action or inaction, whether intentional or unintentional, has caused continuous discrimination against African-American farmers to the detriment of their very existence. We must continue to help them.

Mrs. CLAYTON. Madam Speaker, this is an opportunity, I think, that we have to acknowledge that a great injustice has been done. And I agree with the gentleman from Mississippi (Mr. THOMPSON), we ought to just say we should not have done that, government. We understand we did wrong, and try to make amends. We have done this in this country before. And the pain and suffering that is continuously happening need not happen.

But more importantly, we ought to say something about the sincerity of this democracy when we acknowledge that people have been aggrieved and harmed; that is what the rule of law is about. It is about justice and equity. And this is a small, narrow group. We are not talking about a large group. We are talking about a small narrow group. In fact, only 3 percent of the Americans provide the food and fiber anyhow. And of that 3 percent, we have less than 16,000 African-American farmers.

So we need to find how we increase the number of farmers. Not only for opportunities, but increase of number of farmers, period. And not put them at a disadvantage. They are providing food and fiber for all of us as Americans. They do not discriminate. They put their sweat and their brow to produce good food at affordable rates. We ought to at least say they ought to have an even break and their justice should be in their making an honest living, providing products that are worthy and that government should say that they will do these things without any regard to discrimination of race or equity or physical disability.

And if they have erred, usually our government would be big enough to say we have erred and we have documented that we have erred, and now that we have admitted, as the report says, and in each of the cases that we talk about we are not talking about rewarding people who just claim to have been discriminated, we are talking about rewarding people that the government said they discriminated against. So we are asking them to acknowledge and pay for their acknowledgment and not just say, uh-oh, I am sorry; it is too late.

Our government is too great. What makes our government great is its compassion and its rule of law and the rule of law has the confidence of its people when there is a sense of justice and a sense of fairness.

Madam Speaker, I thank the gentlewoman from California (Ms. WATERS) for having this special order that we could talk about. I am pleading with our other Members who I think on both sides understand the inequity that has happened here, and we will need them to reinforce that the rule of law does prevail and it does prevail for black farmers as it does for any other American. I thank the gentlewoman from California for her leadership.

Ms. WATERS. Madam Speaker, the gentlewoman is certainly welcome. And I would like to thank her for the education that she has provided for all of the Members of the Congressional Black Caucus. Those who have struggled with this issue have taught us not only the importance of the black farmer, but really have opened our eyes to the discrimination that they have been confronted with, and the harm and the detriment, the loss of property that they have experienced.

We know this issue now. We understand it very deeply and we are very much committed to justice and fairness. And I want to thank them for all the work that they have been doing on behalf of the farmers and the way that they have moved this issue forward.

I have been here in the government long enough to understand and witness, just before I came, the bailout of the banks. I am now here when I am watching us be involved in an issue where we are being asked for $18 billion for the International Monetary Fund where, again, we are going to bail out banks.

We bailed out savings and loans, we are going to bail out banks who made loans in countries where the money was at risk. Countries where there are

dictators, countries where the economy is not stable. Countries that are on the verge of civil war. We have watched our government bail out and come to the aid of those who oftentimes have not been deserving.

Banks have not been discriminated against; they have been embraced. S&Ls were not discriminated against. They were embraced. And here we have the little people, the little people who are trying to eke out a living, good hard-working, God-fearing people who came before our committee and cried real tears. People who pray to their God every night, who rise up early in the morning and go to work, who send their children to school, who played by the rules who have been harmed. People who are just asking for a little justice.

I know we have spent a lot of hours on this issue. I know how much time my colleagues have spent. But I know that in the final analysis we are going to win on this issue. And I do believe that even those Members who may have not paid attention who come from a different philosophical point of view on most issues, will understand the harm and injustice of this issue.

I am confident, as a matter of fact, that when we pursue the legislative remedy, that we are going to be able to prevail on this floor because in the final analysis, most people understand simple and basic fairness. And most people want the little people to receive justice from their government.

So I say to all of my colleagues, our work continues. But in many ways we have just begun. No matter how many hours we have put into it until the race is run, it has not been done. And as we stand here today, we can be proud, the Congressional Caucus can stand proud because we are representing the black farmers of America from every nook and cranny throughout the South, throughout the Midwest, wherever they are, we stand tall in representing them and we are going to fight for justice. We will not stop until this ill is cured.

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Mrs. CLAYTON. I want to say the fight that we are making for the black farmers is also yielding for the betterment of small farmers and other minorities. I want to tell my colleagues that the farmers who are Indian that have come from their reservations saying they got no help are now joining with the black farmers. White women who have been discriminated in New Jersey are coming to our Committee on Agriculture saying, because of the fight, they saw the hearing and called and asked if they could participate.

So fighting for little people has united our effort and our leadership to fight for all rural farmers in that area.

Mr. THOMPSON. If the gentlewoman will yield one last time, one of the things perhaps tomorrow night we can talk about, in addition to expanding more on this issue, is the notion that the settlement would adversely impact the budget. The gentlewoman from North Carolina and I are on the Committee on the Budget, but the reality is we already have monies set aside to settle the notion.

So if there are any people wondering, saying if we settle all those cases, what will it do to the budget? Zero. Because we have a judgment fund created within our government to handle situations like this when we do wrong.

So, clearly, we will expand a little more tomorrow night on it, but just the notion that if relief is to come, who will write the check. Gladly, somebody had the foresight to know that we are not perfect, so we have a judgment fund available to us that clearly has money in it and we can resolve these issues and get on with the business of running the government.

Ms. WATERS. Madam Speaker, I want to thank Members very much.

CONTINUED REPRESSION IN CUBA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 60 minutes as the designee of the majority leader.

Mr. DIAZ-BALART. Madam Speaker, today, February 24th, is a very important day in the history of Cuba. It is the day that in 1895 the war of independence of the Republic of Cuba began. After almost a century of fighting, the Cuban people began the war of independence of 1895 on February 24th, a war that was ultimately successful.

And names that already had become not only part of martyrdom but of history, names like Cespedes and Agramonte and Aguilera, the founding fathers of the Cuban republic that had launched the first war of independence in 1868, a war that lasted 10 years, that caused hundreds of thousands of casualties, those names were added in the war that began in 1895 on this date to many others that also became part of martyrdom and of history, names like Marti and Banderas and some names from the prior war that again that took part in the war of independence that was successful in 1895, names like Gomez and Maceo. So this is a very important date in the history of Cuba, and it is important to remember it.

It is also a very important date, Madam Speaker, now in the history of the United States, a date that is already not only part of history but has been bloodied just 2 years ago, on the 24th of February, 1996, when the Brothers to the Rescue airplanes were on a humanitarian mission over the Straits of Florida and were shot down and four innocent civilians were killed.

I would like to, if I may, Madam Speaker, read a part of an opinion issued just a few weeks ago, a final judgment by the United States District Court of the Southern District of Florida, specifically written by Federal Judge James Lawrence King, where this incident of just 2 years ago is detailed. Not only is it described in all its brutality but some of the most, I think, extraordinary characteristics of this brutal incident are laid out.

Judge King writes in his order of just a few weeks ago, the government of Cuba on February 24, 1996, in outrageous contempt for international law and basic human rights, murdered four human beings in international airspace over the Florida Straits. The victims were Brothers to the Rescue pilots flying two civilian unarmed planes on a routine humanitarian mission searching for rafters in the waters between Cuba and the Florida Keys.

As the civilian planes flew over international waters, a Russian-built MiG–29 of the Cuban Air Force, without warning, reason or provocation blasted the defenseless planes out of the sky with sophisticated air-to-air missiles in two separate attacks.

The pilots and their aircraft disintegrated in the midair explosions following the impact of the missiles. The destruction was so complete that the four bodies were never recovered.

One of the victims, Armando Alejandre, was 45 years old at the time of his death. Although born in Cuba, Alejandre made Miami, Florida, his home at an early age and became a citizen of the United States. Alejandre served an active tour of duty for 8 months in Vietnam, completed his college education at Florida International University and worked as a consultant to the Metro Dade County Transit Authority at the time of his death. He is survived by his wife of 21 years, Marlene Alejandre, and his daughter Marlene, a college student.

Carlos Costa was born in the United States in 1966 and resided in Miami. He was only 29 years old when the Cuban government ended his life. Always interested in aviation and hoping to some day oversee the operations of a major airport, Costa earned his Bachelor's Degree at Embry-Riddle Aeronautical University and worked as a training specialist for the Dade County Aviation Department. He is survived by his parents, Mirta Costa and Osvaldo Costa, and by his sister Mirta Mendez.

Mario De la Pena was also born in the United States and was 24 years old at the time of his death. Working toward his goal of being an airline pilot, De la Pena was in his last semester at Embry-Riddle when he was killed. During that semester he had obtained a coveted and highly competitive internship with American Airlines. Embry-Riddle granted De la Pena a bachelor's degree in professional aeronautics posthumously. He is survived by a younger brother, Michael De la Pena, and his parents, Mario and Miriam De la Pena.

Pablo Morales was the fourth victim. His survivors are not part of this court case. That is why Pablo, a marvelous young man also, who himself had been rescued by Brothers to the Rescue, is