

consider race, and that judicial review was limited to "extreme instances of gerrymandering." Such a view is consistent with the Voting Rights Act and the interpretation it has always been given that a jurisdiction must take race into account to avoid diluting minority voting strength.

As a practical matter it is probably impossible to avoid considering race in redistricting. Members of the Court have frequently observed that one of the purposes of redistricting is to reconcile the competing claims of political, religious, ethnic, racial, and other groups. Legislators necessarily make judgments about how racial and ethnic groups will vote. According to Justice Brennan, "[I]t would be naive to suppose that racial considerations do not enter into apportionment decisions."

Redistricting by its nature is fundamentally different from other forms of governmental action where, for instance, scarce employment or contractual opportunities are allocated on a race conscious basis. A contractor denied the opportunity to bid on 10% of a city's construction contracts, or a white applicant denied the chance to compete for all the openings in a medical school class, have independent claims of entitlement and injury. But a resident who has not been harmed by a redistricting plan has no legitimate grounds for complaint simply because race was one of the factors the legislature took into account.

Voting districts have traditionally been drawn to accommodate the interests of various racial or ethnic groups—Irish Catholics in San Francisco, Italian-Americans in South Philadelphia, Polish-Americans in Chicago. No court has ever held these districts to be constitutionally suspect or invalid. To apply a different standard in redistricting to African-Americans based upon speculative assumptions about segregation and harm would deny them the recognition given to others. To do so in the name of colorblindness of the Fourteenth Amendment, whose very purpose was to guarantee equal treatment for blacks, would be ironic indeed.

Integrated majority-minority districts are good for minorities because they provide them equal electoral opportunities. But they are also good for our democracy. They help break down racial isolation and polarization. They help ensure that government is less prone to bias, and is more inclusive, reliable, and legitimate. These are goals that all Americans should support.

EXPLODING REDISTRICTING MYTHS

(By Laughlin McDonald)

After the Supreme Court held Georgia's majority black Eleventh Congressional District unconstitutional as an instance of extreme gerrymandering, the governor called the legislature into special session to repair the damage. But it couldn't agree on a new map and has dumped the matter back into the lap of the federal court. As the court prepares to act, let us reconsider, and reject, two of the myths surrounding majority black districts—that they are unnecessary and that they are part of a Republican/African-American cabal that has mortally wounded the Democratic party.

Because of white bloc voting, minority populations well above 50% are generally necessary for minorities to have a realistic chance to electing candidates of their choice. Of the 17 African-Americans elected to Congress in 1992 and 1994 from the states of the old Confederacy, all were elected from majority-minority districts. The only black in this century to win a seat in Congress from a majority white district in one of the nine southern states targeted by the special

preclearance provisions of the Voting Rights Act was Andrew Young. He was elected in the biracial afterglow of the civil rights movement in 1972 from the Fifth District where blacks were 44% of the voting age population.

It is possible to conflate the exceptions such as Young with the rule, but to do so one has to ignore the facts. The notion that racial bloc voting is rare and that minorities have an equal chance in majority white districts in the South is simply a myth that continues to cloud public debate over redistricting.

The claim that majority-minority congressional districts are the cause of the decline in fortunes of the Democratic party is also largely a bum rap. White Democrats have been elected to Congress from Georgia under the existing plan. Three were elected in 1992, along with three black Democrats. A white Democrat was also elected in 1994, Nathan Deal, but he defected to the Republican party earlier this year.

Democrats suffered a major reversal in 1992 when a Republican defeated Democratic incumbent Wyche Fowler for the U.S. Senate. Two years later, the state's long time attorney general, a Democrat, left the party and was reelected as a Republican. Neither the statewide election of Republicans nor the defection of Democrats can be laid at the feet of majority black congressional districts.

Democrats have lost ground in Georgia—statewide, in the U.S. Senate, and in the House—for a lot of reasons, including their failure to deliver on health care and campaign finance reform, not to mention the house banking scandal which helped defeat white Democrat Buddy Darden in 1994. But mainly Democrats have been hurt because conservative whites have left the party in growing numbers—a backlash that set in after passage of the major civil rights acts of the 1960s.

Some observers question whether redrawing congressional district lines in Georgia would do much to reverse Republican gains. It is possible, however, to draw constitutionally acceptable plans that protect the black incumbent and create up to three additional Democratic "opportunity districts." But many white Democrats refused to join with blacks in supporting such plans during the abortive special session, either because they wanted the black incumbents out, they thought the party would damage itself further by seeming to give in to black demands, or they were on the verge of quitting the party themselves. Clearly, some of the party's redistricting wounds are self-inflicted.

Deconstructing the majority black districts, whatever its partisan impact, would surely bleach the Congress. That might suit some people just fine, but no system that treats blacks as second class voters and denies them the opportunity that others have to elect candidates of their choice, should pretend to be a real democracy.

Majority-minority districts are not only good for minorities, they are good for the country as a whole. Because they are highly integrated (45% white on average) they help break down racial isolation and encourage biracial coalition building. That has happened in Georgia where white crossover voting increased substantially in the precincts within the Eleventh District after it was created in 1992. Majority-minority districts also help insure that government is more inclusive, reliable, and legitimate. These are goals that all Americans should support.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TUCKER (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business.

Mr. VOLKMER (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of family illness.

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 Mr. MATSUI) to revise and extend their remarks and include extraneous material:)

Mr. GIBBONS, for 5 minutes, today.

Mr. SKAGGS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. CLAYTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mr. FARR, for 5 minutes, today.

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

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mr. COBURN, for 5 minutes, on September 28.

Mr. HOEKSTRA, for 5 minutes each day, today and on September 28.

Mr. BALLENGER, for 5 minutes, on September 28.

Mr. SMITH of Washington, for 5 minutes each day, today and on September 28.

Mr. SALMON, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FOX of Pennsylvania, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MCINNIS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CONYERS on H.R. 743 in the Committee of the Whole today.

(The following Members (at the request of Mr. MATSUI) and to include extraneous matter:)

Mr. VISCLOSKEY.

Mr. MORAN.

Mrs. THURMAN.

Mr. GORDON.

Mr. LAFALCE.

Mr. BONIOR.

Mr. TORRES in two instances.

Mr. MINETA.

Mr. LANTOS.

Mr. DINGELL.

Mr. HAMILTON in two instances.

Mr. STOKES.

Mr. MATSUI.

Mr. MENENDEZ in four instances.

Mr. KLECZKA in two instances.
 Mr. LEVIN in four instances.
 Mr. RICHARDSON in two instances.
 Mr. PALLONE.
 Mr. COSTELLO.
 Mr. GEJDENSON.
 Mr. CLAY.
 Mr. SCHUMER.
 Mr. DELLUMS.
 Mr. ORTIZ.
 Mr. MILLER of California.
 Mrs. MALONEY in two instances.
 Mr. BARCIA.
 Ms. LOFGREN.
 Mr. POSHARD in two instances.
 Mr. BEVILL.
 Mr. SKAGGS.

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mr. SMITH of New Jersey.
 Mr. LEWIS of California in three instances.

Mr. PACKARD.
 Mr. BAKER of California.
 Mr. CHAMBLISS.
 Mr. SHUSTER.
 Mr. YOUNG of Florida.
 Mr. DAVIS.
 Mr. FLANAGAN.
 Mr. BEREUTER.
 Mr. BASS.
 Mr. OXLEY.
 Mr. WALKER.

(The following Members (at the request of Ms. MCKINNEY) and to include extraneous matter:)

Mr. BRYANT of Texas.
 Mrs. KENNELLY.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 619. An act to phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries, and for other purposes; to the Committee on Commerce.

S. Con. Res. 21. Concurrent resolution directing that the "Portrait Monument" carved in the likeness of Lucretia Mott, Susan B. Anthony, and Elizabeth Cady Stanton, now in the Crypt of the Capitol, be restored to its original state and be placed in the Capitol rotunda; to the Committee on House Oversight.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1817. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

H.R. 1854. An act making appropriations for the legislative branch for the fiscal year

ending September 30, 1996, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On September 26, 1995:

H.R. 1854. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes.

H.R. 1817. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 o'clock and 4 minutes p.m.), the House adjourned until tomorrow, Thursday, September 28, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1460. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred at the New Orleans District, U.S. Army Corps of Engineers, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1461. A communication from the President of the United States, transmitting notification that the Federal Government frequency assignments in the spectrum identified for reallocation for exclusive nonfederal use have been withdrawn by the National Telecommunications and Information Administration [NTIA]; to the Committee on Commerce.

1462. A communication from the President of the United States, transmitting an update on the deployment of combat-equipped United States Armed Forces to Haiti as part of the multinational force [MNF] (H. Doc. No. 104-119); to the Committee on International Relations and ordered to be printed.

1463. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in August 1995, pursuant to 31 U.S.C. 717(h); to the Committee on Government Reform and Oversight.

1464. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

1465. A letter from the Secretary of Energy, transmitting the Department's fifth annual report for the Demonstration and Commercial Application of Renewable Energy and Energy Efficiency Technologies Program, pursuant to section 9 of the Renewable Energy and Efficiency Technology Competitiveness Act of 1989; jointly, to the Committees on Commerce and Science.

1466. A letter from the Comptroller General of the United States, transmitting a copy of a report entitled "Financial Audit: Congressional Award Foundation's Financial Statements for the Fiscal Year Ended September 30, 1994," GAO/AIMD-95-172; jointly, to the Committees on Government Reform and Oversight and Economic and Educational Opportunities.

1467. A letter from the Assistant Comptroller General of the United States, transmitting a copy of a report entitled, "U.S.-Japan Cooperative Development: Progress on the FS-X Program Enhances Japanese Aerospace Capabilities," GAO/NSIAD-95-145; jointly, to the Committees on Appropriations, International Relations, and Government Reform and Oversight.

1468. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting a draft of proposed legislation entitled the "Yakima Firing Center Withdrawal Act"; jointly, to the Committees on National Security, Resources, Ways and Means, and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROBERTS: Committee on Agriculture. H.R. 436. A bill to require the head of any Federal agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing certain regulations, and for other purposes; with an amendment (Rept. 104-262, Pt. 1). Ordered to be printed.

Mr. BLILEY: Committee on Commerce. H.R. 436. A bill to require the head of any Federal agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing certain regulations, and for other purposes; with an amendment (Rept. 104-262 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 230. Resolution providing for the consideration of the joint resolution (H.J. Res. 108) making continuing appropriations for the fiscal year 1996, and for other purposes (Rept. 104-263). Referred to the House Calendar.

Ms. PRYCE: Committee on Rules. House Resolution 231. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104-264). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 232. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2126) making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104-265). Referred to the House Calendar.

Mr. LIVINGSTON: Committee on Appropriations. Report on the revised subdivision of budget totals for fiscal year 1996 (Rept. 104-266). Referred to the Committee of the Whole House on the State of the Union.

Mr. CANADY: Committee on the Judiciary. H.R. 1833. A bill to amend title 18, United States Code, to ban partial-birth abortions; with an amendment (Rept. 104-267). Referred to the Committee of the Whole House on the State of the Union.