borrowed money. That is a horrible idea.

The Congressional Budget Office has told us if we would get the Federal Government out of the lending business in education, we would save $1.2 billion. That shows us how big a bureaucracy has grown up over a 10 percent share of the market, where direct lending has 10 percent of the student loan business now, there is a $1.2 billion savings if we wiped it out. The President wants to do 100 percent direct lending, but we save $1.2 billion in our budget by wiping it out, $5 billion by doubling the risk of banks.

One thing we did do for students, that under the current program, Mr. MICA, if you graduate from college, we forgive the interest payment of your loan for a 6-month period when you graduate. We have proposed to allow the interest element of your loan to continue to run. You do not have to pay it if you do not have the money, but we are going to let the interest continue to run, not forgive the interest for a 6-month period. That would save $3.5 billion to the American taxpayer. It would mean to the average student a $4 a month increase, but it would save $3.5 billion for this Nation. I could tell you right now if we got to the point where we cannot forgive the interest for a 6-month period and that be devastating to education and a student cannot incur a $4 a month charge, then something is wrong and we are never going to balance the budget. That is not too much to ask. That is an appropriate thing to do to save $3.5 billion for the American taxpayer, and that is part of this package. We save $10 billion and I have just described to you, we increase the interest rates for parents who are not eligible for the guaranteed program to borrow the money at Treasury rates plus a percent, we increase that 0.1 percent, that will result in about half a billion dollars. We save $10 billion for the American taxpayers and the only thing to happen to a student is that they would have to pay $4 a month more because they are going to have to pay their interest for the 6-month period after they get out of college. We are not going to forgive it. To me that was very reasonable and responsible. It helped us balance the budget, and I think it improved the student loan program that needs to be improved.

Those two-thirds of high school students who never go to college, who never go on and receive a student loan, they deserve our time and attention, too. Because they are the ones paying the bill and we can have a quality student loan program. Access to education is a must. I will always vote to ensure that money is available to help needy students and families who cannot go it on their own have money available to go to college. But as long as I am here, we are going to run it more like a business, we are going to ask the private sector to share the risk, we are going to improve the quality of the student loan program, we are going to negotiate a better deal for the taxpayer and we are going to save money in the process, and we are going to ask those students who borrow the money to pay it back. We have reduced the default rate by 50 percent and it has got nothing to do with direct lending. It has got to do with a Congress who has finally gotten tough and tells the school that has a 25 percent default rate, ''You're going to get out of the program.'' There are schools in this program that have 50 and 60 percent default rates. They should not be allowed to participate. We are going to start asking people to pay the money back, we are going to ask schools to get involved and run it more like a business at their level. We are going to renegotiate a relationship between the student loan program and the American taxpayer that will ensure access to education, but we are going to save some money because we are wasting money now and they are not contradictory principles. You can have efficiencies in government and improve the quality of people's lives, and that is the goal of this Congress, in education and every other area. I am proud to have been a part of it. Instead of getting criticized, I think we should be applauded for taking on programs that have not been looked at since 1965.

Mr. MICA. If the gentleman will yield, I think the gentleman makes a very good point and he has detailed this evening, Mr. Speaker, some of the differences in the philosophy between the Republicans and Democrats on this issue. Education is important but it is not just a question of spending more money, it is how we spend that money. This is really the fundamental debate in this entire Congress. It transcends not only education but every other area. I spoke this afternoon on the floor about the EPA and Superfund program. We spend more, we get less. We are spending more in those programs and we are cleaning up fewer and fewer of the sites, and we are not even cleaning up the sites that pose the most risk to human health and safety. We have detailed tonight how just in a few programs, student loans, title I, in Head Start and some of the other programs the disaster that we have come across as new Members of the Congress and found in my 37 or 38 months here and in Mr. GRAHAM's tenure, so each of those areas we have tried to look at how a businessperson, how a parent, how a teacher, how someone interested in education would make changes. Because if you just continue the way we have, you have thrown more money at the problem, you are not really addressing the fundamental changes that need to be made in the programs. Again, whether it is education or environment or other areas, these are the fundamental debates. As a parent, I want a good education. As a parent, I want our children to be able to read their diplomas and to stop the decrease in these scores, and to stop this bureaucratic administration. Again 3,322 Federal Department of Education employees in Washington, DC. Not in the classroom, not out there teaching. But their job is to pass on rules and regulations and that is why we have a big bureaucracy in Atlanta and other regional offices, that is why you have a big bureaucracy in my State capital and in other State capitals. That is why your school boards are required to hire more administration people. That is why Head Start is top heavy with administration. It all starts here. This may be the last opportunity that this Congress has and the American people have a real opportunity to make changes in these programs. And that is the fundamental debate. Do we want to continue to pay more and get less? I think it is time to reverse that trend. I think it is time to improve education, improve the environment, improve the way taxpayer money that again came here yesterday in incredible amounts and is deducted from people's paychecks in incredible amounts. I thank the gentleman for his leadership on this issue.

Mr. GRAHAM. I thank the gentleman from Florida for participating and providing facts that I think show very clearly that the efficiencies in government that we are seeking can be found without looking very deeply. That if you had an opportunity to come up here yourself, the ones listening to me tonight and look at these programs and spend a few minutes analyzing how they are run, you could save $10 billion pretty quickly, also. It is not that hard to do. The hard thing is to convince people that when you are trying to improve the student loan program for the two-thirds of the students who never get in it but pay the taxes for it, that you are not being mean.

When you try to stop Medicare from growing at 2200 percent so you can keep the budget balanced, that you are not being mean, because you can provide quality health care from Medicare to seniors in this country without allowing the program to grow 2200 percent every 15 years. The amount of money and the efficiency do not relate. We are spending more money than we need to. We can deliver a better quality program, a better quality of life and save money in the process. That is not only something we can do, it is something we must do. If you allow us, we will do it.

## VOTING RIGHTS ACT OF 1965

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). Under the Speaker's announced policy of May 12, 1995, the gentleman from Louisiana [Mr. FIELDS] is recognized for 60 minutes.

Mr. FIELDS of Louisiana. Mr. Speaker, I rise tonight to talk about the Voting Rights Act of 1965 and all of its amendments thereto.

Yesterday, Mr. Speaker, I had the opportunity to go before a panel and present different legal arguments as relates to redistricting in Louisiana and

perhaps redistricting across the country. Tonight, I would like to take a little time to talk about where we are today and how we got to this point. I am very pleased to be joined by my good friend and colleague from the 12th Congressional District of Illinois, Mr. JACKSON.

Tonight, I want to from a historical perspective talk about the Voting Rights Act, why it was passed and where we are today with it and then try to talk a little bit about the cases that are pending in the Supreme Court and give some sense of logic to what State legislatures should be doing and particularly in the State of Louisiana. Because I think many of these redistricting challenges are not based on constitutional law as much as they are based on financial gain, for lawyers and for plaintiffs, and I plan to talk about that later in this discussion.

But at this time, Mr. Speaker, I would like to yield to the gentleman from Illinois as much time as he may consume.

Mr. JACKSON of Illinois. Let me take this opportunity to congratulate the distinguished gentleman from Louisiana [Mr. FIELDS] for the vigilance that he has shown and the people of the Fourth Congressional District of Louisiana as they have fought to uphold the law of the 1965 Voting Rights Act which has in part and in no small measure created the kind of diversity in the Federal Government, the kind of diversity in State government, the kind of diversity in political legislative bodies all across our country. There has never been since Plessy versus Ferguson was decided in 1897 which ran 22 African-Americans out of this distinguished body and ran African-Americans and other minorities out of State legislatures around this country the kind of representation that African-Americans, Latinos, women, and other minorities in this country presently have come to appreciate.

□ 2100

I want to offer certainly a level of congratulations again to the gentleman from Louisiana for those State legislators who are presently in Louisiana filibustering the attempt by that State legislature to undermine the Fourth Congressional District of Louisiana. I want to offer this evening an historical perspective and then hear from the gentleman from Louisiana and then engage the gentleman in a colloquy about the sustenance of the Voting Rights Act of 1968.

In June 1993, the Supreme Court handed down a decision that threatened to return this country to the days of separate but equal. The decision in voting rights mocked the reality of persistent racial inequality in America in the name of a color-blind society. Using the Constitution's guarantee of equality, the Court has given the green light to willful racial exclusion in the political process.

In the past, damaging interpretations of civil rights laws could be minimized by congressional amendments to clarify the law. The Court's ruling in these voting rights cases calls into question our ability to seek redress in this, the body of the people. In Shaw versus Reno, after the creation of majority African-American congressional districts in North Carolina, blacks elected the first African-American to Congress since Reconstruction. Even with two majority African-American districts, white voters who make up 76 percent of that State's population, continued to control more than their share, 83 percent, of North Carolina congressional seats. Yet the Court suggested that one majority black district, because it was irregular in shape, was nothing more than an effort to segregate the races, and I quote, for the purposes of voting.

It said that such a district would, quote unquote, threaten to carry us further from the goal of a political system in which race no longer matters. The Court is, in fact, saying that racial injustice no longer exists. In reality, we live in a political system that is so racially divided that race matters more than any one factor in a voter's choice of candidates in American. Political encumbents whose main goal in redistricting is to insure their own reelection, they know this. And when they draw the district lines, computer technology can tell them the racial composition of every census block. Indeed, many majority white districts are drawn to exclude African-Americans and preserve white constituencies in the last reapportionment, they look as unusual as the black districts singled out by the Supreme Court. In many cases, compact minority districts are hard to draw because African-Americans and Hispanics are concentrated in isolated communities.

The census blocks in these communities were defined long ago by legalized residential segregation. This was the target of Dr. King's last civil rights march in 1966.

Creating majority black districts does not harm white voters. Indeed, there is no State in the country in which whites are underrepresented in State legislatures or in this body, the 104th Congress. Even with enforcement of the Voting Rights Act, African-Americans and other minorities continue to be barred from their fair share of political power nationwide. Given the racial division among voters and the bitter history of African-American electoral exclusion, African-American districts provide the most widely accepted means of allowing black voters full participation, a bear minimum for citizenship in this democracy. Concern with the shape of a district should obviously pale in comparison.

When Shaw versus Reno was decided, too many in the voting rights community initially sought to characterize it as a narrow decision which, while potentially damaging, it was not a fundamental attack on the constitutionality of the Voting Rights Act of 1965. I was very concerned about this opinion because I viewed it as a signal that it would encourage those opposed to the Voting Rights Act to challenge it everywhere. This is exactly what has happened since the Shaw decision.

Mr. Speaker, voting rights and the law protecting these rights were one of the few areas to remain largely intact following the Reagan and Bush onslaught. In voting rights cases, they must first prove intentional discrimination on the part of the State to succeed in a Voting Rights Act case. Congress disagreed with the City of Mobile versus Bolden and they disagreed with the Supreme Court's interpretation and ruling in the Bolden case, and in 1982, they amended the Voting Rights Act to specifically overrule that decision. In fact, Congress strengthened the Voting Rights Act on a bipartisan basis to make it plain that discrimination against minority voters continued to persist and that an important test was not intent, which is often difficult to prove, but instead was the effect on minority voters. In 1986, the Supreme Court upheld the constitutionality of the 1982 amendments in Thornburg versus Gingles, and it was against this background that the State legislatures determined the Constitution required that majority-minority districts be drawn to avoid violating the law.

The Shaw decision resurrected the intent question by turning the Voting Rights Act on its head in order to recognize the right of white plaintiffs, who do not even live in these congressional districts, to challenge districts that were intended in the first place to lead to greater minority representation in this body, in the Louisiana State Legislature and the North Carolina Legislature, in State legislatures around this country. The objective of the Voting Rights Act was to desegregate the institutions of power that heretofore historically had been denied to African-Americans, women, and to other minorities.

Most recently, in the Fifth Circuit decision in Hays versus Louisiana, they sought to apply Shaw to answer a totally different question: Is there a compelling State interest in designating a congressional district using race as one of many criteria so that racial minorities have an equal opportunity of winning? The court in Hays concluded that the Louisiana plan, the seat of the gentleman from Louisiana [Mr. FIELDS] was not narrowly tailored to further a compelling State interest.

Hayes was obviously troubling for a number of reasons. To recognize the standing of white citizens to attack majority-minority districts, the court cited regents of the University of California versus Bakke in 1978, in addition to Shaw and Croson. Thus, the fact of a color-blind Constitution and country was elevated by the case in Louisiana, Hays versus Louisiana, to strike down the Louisiana plan. The Hays court relied on a 1964 decision, Wright versus Rockefeller, a case that was decided before the Voting Rights Act of 1964, to

define a racially gerrymandered districting plan as one that, quote unquote, intentionally draws one or more districts along racial lines or otherwise segregates citizens into voting districts based on their race.

The court also cited Bolden in support of this point. The Hays court seems to have ignored the fact that the 1982 amendments by this Congress overturned Bolden. The only citation the court makes of those amendments is to assert that section 2 expressly declares that proportional representation is not required.

On Thursday, June 30, 1994, exactly 1 year to the day after the Shaw versus Reno decision undermined a North Carolina redistricting plan designed to give African-Americans greater representation after Reconstruction, the Court struck again. In two separate opinions, a Florida case, Johnson versus DeGrande, and a Georgia case Holder versus Hall, the Court sought to limit a broad interpretation of section 2 of the Voting Rights Act. Section 2 outlaws all forms of voter discrimination.

Congress intended a broad interpretation so as to be able to address the various and subtle forms of voter denial, but the Court appears increasingly unwilling to use an interpretation that expands the notion of democracy for all Americans. As a New York Times editorial said, the Court was driven by a core of justices who evince no respect for Congress whatsoever. Justice Clarence Thomas and Mr. Antonin Scalia are leading the challenge against the Voting Rights Act.

And so today, there are legislators in Louisiana who are engaged in a filibuster so that the Fourth Congressional District of Louisiana will remain intact.

I brought, today, a map to show the changes that the Fourth Congressional District of Louisiana has gone through in the last year. In the Louisiana case, the Court said racial gerrymandering was unconstitutional. In a State 30-percent black, only two Congresspersons have been elected since Reconstruction. The first Louisiana plan, 65 percent black, 35 percent white. The second Louisiana plan after this plan was thrown out created a new congressional district, 55 percent black, 45 percent white. And now the State legislature in Louisiana is presently filibustering to keep the third plan from becoming a matter of law, thus moving this district 70 percent white to 30 percent black.

So a district that is almost 50 percent black and 50 percent white has been declared unconstitutional, but now we have a district that the court, Reagan-appointed judges and Nixon-appointed judges in Louisiana are now saying that a district 70 percent white but with 30 percent minorities is constitutional.

I would like to yield back the balance of my time to the gentleman from Louisiana.

Mr. FIELDS of Louisiana. Mr. Speaker, I thank the gentleman for yielding, and I thank the gentleman for sharing this special order with me.

I want to also talk a little bit about some of the history, not only in Louisiana but all across this country, as relates to the Voting Rights Act. As the gentleman knows, the Voting Rights Act was actually instituted by this institution simply because of the denial of due process in the voting arena. Individuals of color, as a matter of fact women as well, could not participate in the electoral process simply because they were women and simply because they were Hispanic, simply because they were black or African-Americans and, therefore, this esteemed body thought enough of this country to pass something called a Voting Rights Act.

Did the gentleman know that there were individuals who would try to register to vote, but simply because they were African-Americans, they were not able to vote? And after it was illegal to deny a person the opportunity to vote, State legislatures passed statutes that had prohibitions in terms that made the registration process more complicated. For example, I can recall talking to one of my professors at Southern University that mentioned the fact that in order to register to vote in Louisiana, you had to state the Preamble to the Constitution. That was one thing that eliminated several voters, several potential voters from the voting rolls, not only in Louisiana but all across the country, particularly in the southern part of our country.

Individuals had to state how many bubbles were in a bar of soap. Asinine questions like that were presented to individuals before they were able to gain access to the voting rolls. And then this Congress, this esteemed body, decided that was enough of discrimination, that was enough denial of due process and voting opportunities in this country and they passed the Voting Rights Act.

That is what this whole discussion is about tonight. I want to talk about Louisiana from a historical perspective as related to this Congress. The State of Louisiana, we have sent over 184 individuals to this body. One hundred eighty-four individuals from Louisiana have had the opportunity to serve in this esteemed body. Of the 184, only 3 of those individuals have been African-Americans, in spite of the fact that Louisiana has always had a substantial minority population. I mean even today, Louisiana's minority population is over 31 percent. Sending 184 people to sit in this Congress, the people's House, the House of Representatives, and not having but three of those individuals come from that State of African-American descent. And then to have one of the districts that are presently under attack, presently drawn to give an African-American an opportunity is absolutely, absolutely unconscionable.

In 1812, Louisiana was admitted to the Union. Louisiana was admitted as a State in 1812 to be a part of this great Union. Louisiana went from 1812 to 1875 before it elected its first African-American to Congress. So Louisiana went 63 years. From the time it was admitted to the Union to 1875, 63 years without sending one African-American to Congress. And the first African-American to ever serve in this body was Charles Nash, who was elected in 1875 and served only one term. He served from 1875 to 1877, and the reason why he was not reelected, it wasn't because he did not want to come back to Congress and to serve his constituency in the State of Louisiana and to do a good job and to represent not only the people in his district but people in his State. It was because the State legislature in Louisiana decided to pass laws to prohibit many of his constituencies the opportunity to vote, to register to vote.

They passed laws like literacy tests. They passed a poll tax. They not only disenfranchised blacks, but they disenfranchised whites, as well. Anyone who was poor in the State, as it was in many States across the southern part of our country, could not gain access to the ballot box because they did not own property. So Charles Nash, despite the fact that he wanted to return to Congress, could not return to Congress because many of the people who voted for him could not vote for him any longer. So Louisiana went from 1877 to 1990 without electing one African-American to Congress. That is 113 years. 113 years the State of Louisiana did not have one African-American, despite the fact that Louisiana had over 30 percent African-American population.

□ 2115

Why? Because districts were gerrymandering to exclude minority votes and not include minority voters. And as a result of that, they never had the mere opportunity, not a guarantee but just a mere opportunity, to run in a district where they could run and win.

So Louisiana's African-Americans, went a total of 176 years without having one single voice here in this Congress from that esteemed State. Now, today, the big debate in the State legislature is whether or not we continue to have a Fourth Congressional District.

I am going to at this time yield to the gentleman, because I know he is on a tight time schedule and will be joining me later in the special order for a few minutes to further talk about some of—I see he has a map display, so I will yield to the gentleman.

Mr. JACKSON of Illinois. I want to thank the gentleman for yielding. I do want to apologize, because I am going to step away for a few moments.

I wanted to show you a map of congressional districts around the country, particularly southern congressional districts that are now being challenged as a result of the decisions that are coming out of Louisiana, that are coming out of North Carolina, and

that are certainly coming out of Florida.

It is really interesting to note, when we look at the district formerly held by Barbara Jordan, Mickey Leland, and presently held by SHEILA JACKSON-LEE, and the districts held by Representative FIELDS, and by Mrs. MEEK and ALCEE HASTINGS in Florida, when we look at the district of CYNTHIA MCKINNEY, we note that these districts were drawn to desegregate the institution of Congress, to give African-Americans in a State where they have significant populations, like the State of Louisiana, an equal opportunity of winning.

If there is any one thing that can be said about the present attacks on the Voting Rights Act, it is that the Voting Rights Act of 1965 has been effective. It has indeed worked. The reality is between 1863, after the slaves had been freed, between 1863 and 1896, 22 African-Americans were elected to serve in this Congress, and because, quite frankly, in a bipartisan way many Democrats and many Republicans during first Reconstruction sought to conspire to undermine the progress that many African-Americans had made in first Reconstruction. That was the Tilden-Hayes Compromise of 1877.

By 1896 they had stacked the Court, a conservative Court. They gave us Plessy versus Ferguson. And by 1901, even through we had 22 African-Americans in Congress, a gentleman stood right here on this floor and said, ''We will be back.'' By 1901 there were zero blacks in Congress.

It was not until the 1954 Brown versus The Board of Education decision establishing the principle of equal protection under the law was decided by the Supreme Court that the Voting Rights Act then took the impetus from the Supreme Court, along with the Civil Rights Act and a whole host of other legislation that sought to apply the principle of equal protection under the law to every facet of American life.

Therein lies the foundation of the Voting Rights Act of 1965: lines drawn in such a way as to create an equal opportunity for African-Americans, for Latinos, and for others to serve not only in this body but in State legislatures around the country.

Let me just at this point say that even with the enforcement of the Voting Rights Act, African-Americans and other minorities continued to be barred from a fair share of political power nationwide. For example, there are now slightly over 7,500 African-American elected officials, but African-Americans are about 12 to 13 percent of the population and there are nearly 500,000 offices.

Thus, 12 percent of 500,000 is roughly 60,000 political offices that should be rightfully held by African-Americans. Seven thousand five hundred is a mere 1.5 percent of the offices that should be held by African-Americans if elected on a fair basis, if they did not have to go through annexations and gerrymandering and constant political games, if you will, that are played by many State legislatures around this country.

Mr. FIELDS of Louisiana. Would the gentleman yield on that point?

Mr. JACKSON of Illinois. I certainly would.

Mr. FIELDS of Louisiana. The gentleman mentioned diversity, and mentioned how the whole purpose of the Voting Rights Act or one of the purposes of the Voting Rights Act was to integrate the political system, such as the U.S. Congress and State legislatures across the country. The gentleman is absolutely right.

Even today there are 535 Members that serve in the U.S. Congress, as you know, there are 435 that serve in this esteemed body and then 100 across the hall in the other distinguished body. And of the 535 Members, only 40 of them are African-Americans. So for anyone to even opine the thought that a person's rights have been violated simply because there are 40 African-Americans in the U.S. Congress, in a body that consists of 535 people, is absolutely wrong.

Mr. JACKSON of Illinois. If the gentleman would yield for a moment, there is also an assumption that African-Americans are incapable of representing people beyond just African-Americans. My district, for example, is about 65 percent African-American, about 30 percent white, 5 percent Jewish, and others. So I am capable, as a Member of Congress, of representing a diverse district, as you are capable of representing a diverse district. All the shape of these districts do is allow us an equal opportunity of competing.

When Democrats in the State legislatures or Republicans in the State legislatures get finished drawing lines in the State to accomplish their political wills, African-Americans are never even considered, Latinos are never even considered. The Voting Rights Act of 1965 mandates that these State legislatures take into account race as a factor, not the factor in drawing congressional districts.

We have some Members of this Congress whose districts are drawn in such a way to be economically gerrymandered. That is, they only represent large industries and big businesses. You have others whose districts are drawn representing primarily farmland. Well, our districts primarily are inner city and they must take into account the needs of the inner city, which more than likely are represented by African-Americans.

Mr. FIELDS of Louisiana. If the gentleman would yield, because the gentleman is correct about diversity, and continuing on the point about diversity, because many of the individuals, particularly the press, they declare districts, the district that you represent and the district that I represent and the district that many African-Americans in the Congress represent, they declare them as, quote-unquote, black districts, when in fact these are the most diverse districts in the entire country.

These districts are not superminority districts, these districts are very diverse districts. The district I represent and the district you represent is not overwhelmingly—I mean not 70, 80, and 90 percent African-American. They are very diverse. The district I represent is 55 percent black, 45 percent white. So how can one say the creation of these districts segregates voters? As a matter of fact, these districts desegregate voters and integrate voters. It brings voters together.

To say a district that is 98 percent majority is constitutional and is integrated, and a district that is 55 percent minority and 45 percent majority is unconstitutional and segregated, defies all logic. That is one of the reasons why State legislatures ought to leave this decision to the courts.

I think the courts are still tussling with the idea of how to deal with redistricting. Let us go back to Shaw versus Reno. In Shaw versus Reno the Court went to great pains not to say that the creation of a majority-minority district is unconstitutional in and of itself. Sandra Day O'Connor used, I think in the dictum of the opinion, it is an appearance of racial apartheid.

But they never said the creation of the district in North Carolina, the 12th Congressional District which is represented by our colleague, Mr. WATT, was unconstitutional. They simply said that if a district is drawn, if a district looks so bizarre as to suggest that race was the predominant factor in the creation of that district, it does not mean it is unconstitutional, it simply means the State must show a compelling stated reason why they draw it. And, second, that plan must be narrowly tailored.

As soon as Shaw versus Reno was ruled on by the Supreme Court, plaintiffs all across the southern part of the country rushed to their courthouses and filed lawsuits, and started saying that if a district is majority black or majority Hispanic it is unconstitutional. That is not the declaration of the Court.

Then the Court came back in Johnson versus Miller, when they ruled the district in Georgia was unconstitutional. They did not say it was unconstitutional because it was majority black, they said it was unconstitutional because race was the predominant factor as they saw it, and the plan was not narrowly tailored.

Now, one of the problems that we have, one of the legal problems that we have in this whole discussion is if plaintiffs are allowed to file lawsuits in courts because they are of the minority, then that opens up the floodgates of litigation that every citizen in this State will have standing in the courts to file lawsuits, even tonight, if they feel that their district was created based on race. Just the thought.

For example, in the State of Louisiana, the three judges in Louisiana did

not even discover an injury, but they gave plaintiffs standing to file a suit, and a suit went all the way to the Supreme Court. Later they found that those plaintiffs did not even have standing. The basic requirement to even get into court. The threshold requirement.

Everybody is rushing to judgment on these cases, and the Supreme Court has yet to really deal with this issue in a definitive way.

You talked about diversity and Members representing all their constituency. I am proud of the fact that I represent the most diverse district in the State of Louisiana. I take great pride in that. My district is almost a 50–50 district.

When I view my constituents, I do not view them as black constituents or white constituents or Hispanic constituents or Jewish constituents. I view them as constituents. When they have a problem, they have a problem and they need the assistance of their Congressman and his congressional office. That burden that the press and other people try to put on Members, not only African-Americans but Hispanic——

Mr. JACKSON of Illinois. Would the gentleman yield for a question?

Mr. FIELDS of Louisiana. I would be glad to yield.

Mr. JACKSON of Illinois. Why is it that your district in Louisiana, why is it you feel your district has been singled out above all other districts in that State?

Mr. FIELDS of Louisiana. I can state several reasons why I feel that the district has been singled out, one being the fact that it is a majority-minority district. In Shaw versus Reno the Court, when it ruled, it gave an invitation to plaintiffs all across or people all across this country, that if you live in a majority-minority district and you do not like the appearance of it, then you have the right to file a lawsuit and you have a right to be heard. So I think plaintiffs, as a result of Shaw versus Reno, filed this lawsuit, and simply because it was a majority-minority district.

Now, these plaintiffs, you have a picture of a map of the Louisiana district, and the gentleman had another map earlier that showed the second phase of the Louisiana district. As you can see, Louisiana is the only State in the Nation that has changed its congressional district twice within 2 years. First they started with the Zorro plan, and a lot of people considered that the Zorro plan because the minority district was shaped by a Z.

I put evidence in the record in the Louisiana State Senate only yesterday to show that the Zorro plan was not created in the 1990's. The Zorro plan, in fact, was created in the 1970's, but it was not a majority-minority district. It was a majority-minority district and it was not called Zorro then, it was called a congressional district, and it was about 80 percent majority. But because it is majority-minority, now it is Zorro. It looks bad.

The Louisiana legislature, and I give great credit to the Louisiana legislature, these men and women, after the Court ruled on Zorro, went back to the drawing board and redrew the lines. They wanted to comply. They went to great pains, they wanted to comply with the three judges in Shreveport, LA, and they drew the Second District, which is just like former and previous districts in Louisiana.

They did not want to deviate from redistricting principles in the State, so they drew from the old eighth Congressional District because the Court said this district is 66 percent minority, it ought to be 55. they made it 55, and the Court still ruled that it was unconstitutional.

Mr. JACKSON of Illinois. Would the gentleman yield?

Mr. FIELDS of Louisiana. Certainly.

Mr. JACKSON of Illinois. For another question. The gentleman had a distinguished career serving in the Louisiana State legislature before becoming a Member of this august and esteemed body. I would like to ask the gentleman if he could articulate some of the considerations as a State legislator that you confronted when you came into the census and the reapportionment period in your State legislature.

It clearly was not just racial considerations. There clearly were other considerations. Could the gentleman lay out some of those?

Mr. FIELDS of Louisiana. Absolutely. And for anyone to even think that a redistricting plan, and I do not care if it is congressional, I do not care if it is legislative or even a city council's plan or a school board plan, to think that politics does not play a role, a significant role in the drawing of these plans, is someone who is off base.

You certainly cannot take the politics out of politics. When these plans were drawn in Louisiana, they were drawn based on incumbency protection, first; second, they were drawn based on the fact that Louisiana moved from eight congressional districts to seven. So, of course, districts were going to increase in size and not decrease in size. That is just a logical thing for them to do.

□ 2130

They were also drawn based on commonality of interest. What people in north Louisiana have in common with people in south Louisiana, we have always had districts that connected urban and rural communities together. If we do not do that, we will not be able to live up to the deviation of zero deviation or one man-one vote requirement by the Constitution of the United States of America.

We are required by the Constitution to have proportioned districts. Legislatures have to apportion districts based on the number of people in each, and each district must have as close to an equal amount of people in one as it does in the other in order to pass the deviation requirement.

I was talking about Shaw versus Reno, Mr. Speaker. Shaw versus Reno did not rule that districts were unconstitutional if they were majority minority. Plaintiffs all across the country decided to file lawsuits. Going back to the State of Louisiana, because I have tried to deal with the question of how is a voter injured in my district, because I walk into this body and to these halls and to this august building every day and try to do my very best. I go home every week and I try to represent my constituents to the best of my ability. I try to have a staff that is zealous and caring and concerned.

I have held more town hall meetings than any other Member of Congress from my State and perhaps in this whole Congress. So I have tried to go beyond the call of duty not to give any constituent rhyme or reason to say that I have not represented my constituents to the best of my abilities.

When the lawyers started to take depositions, the deposition of these plaintiffs who said, I have been injured because I live in Congressman FIELDS district or the district that he represents, we took the deposition. Let me tell my colleagues about these injuries: How do you feel about Congressman FIELDS? Well, he is a great guy. He works hard. I like him personally. But he is liberal.

That is injury No. 1. Plaintiff No. 2, under oath, what is your injury? Well, he is a Democrat and I am a Republican. So I am injured.

The plaintiff No. 3, what is your injury? This is under oath, in the record, I ran for Congress and I was defeated. So I am injured.

Not one person who filed a lawsuit against the constitutionality or against this district has been able to allege any real significant injury or any injury at all.

Mr. Speaker, I started toying with this whole notion of what is wrong with the district, what is wrong with me as a Representative. I first dealt with the district thing and I said, listen, Louisiana has been creating districts, extended over 200 miles since we have had congressional districts. So you cannot say because the district is over 200 miles you are injured because four other districts in the State extend over 200 miles. So that is not an injury. And you cannot allege that. Well, it is irregularly shaped. Well, Louisiana has always had irregularly shaped districts. For crying out loud, look at the State of Louisiana, it is not a perfect square or a perfect box, it is a boot. So you tell me how in the world you are going to have seven perfect squares or circles in the State of Louisiana when the State itself is shaped like a boot.

I mean most States do not look like squares and boxes. They look like animal cookies. So there is no injury there. Then when we finally got this case to the Supreme Court, I was as excited as anybody else because I, for

one, want to put this issue of redistricting behind me once and for all.

Now, right now in the Louisiana, the Fourth Congressional District is in the Supreme Court and the plaintiffs insist to the Governor of their State that he put redistricting in the court, when there are very important issues in the State of Louisiana that must be dealt with, issues like education, issues like deficit reduction, real issues that must be dealt with for the survival and the future of our children in the State of Louisiana.

And I wondered, why would they put redistricting on the calendar when redistricting right now, the lawsuit is in the Supreme Court, which will ultimately make the decision anyway. And then I started to do my research, Mr. Speaker.

I found out that it really was not about injury, that it was not about it and is not about a plaintiff really being hurt. This whole issue is about money. It is about how plaintiffs receive damages, how they receive money.

This is beginning to be a trend. It really bothers me that people would have the audacity to file lawsuits not only in Louisiana but across this country for financial gain. The Hays versus Louisiana case, Hays being the main plaintiff who filed the lawsuit, prevailed in the lower court, went to the Supreme Court, lost. Back to the three judge panel in Shreveport, now is before the Supreme Court again. And I often wondered why Hays is still a plaintiff because Hays has been ruled by the Supreme Court that he does not even have standing. He just does not have justiciability.

Mr. Speaker, then I pulled the records from the court. I found that Hays' attorney, the plaintiff's attorney, decided to withdraw from the case. Mr. Speaker, why did he withdraw from the case? It was because he did not want to deal with this constitutional issue anymore. It was not because he did not want to see the case through to the final appeal. It was because these plaintiffs, according to this affidavit that was filed in the Federal court, wanted money.

I thought these plaintiffs had a problem with the constitutionality of the district and they were injured because their rights were violated. I wanted to share with the Speaker and Members of the House this affidavit that is public record, has been filed in the Western District of Louisiana. This affidavit, I will not go through the entire affidavit, but I would like to talk about two sections of it, sections 2 and 3.

Section 2, the counsel said, these are his words, counsel withdrew from further representation of the plaintiffs in this matter because of the demands made by plaintiffs Ray Hays and Gary Stokley that the fee application in this matter to be submitted under 42 USC 1988 include fictitious paralegal fees, fictitious activities allegedly performed by the plaintiffs Ray Hays and Gary Stokley and that counsel split. For crying out loud, I really thought the plaintiffs thought they were injured. I thought this was a constitutional question, that the counsel split with the plaintiffs Ray Hays and Gary Stokley all attorney fees awarded to counsel in this litigation and the redistricting litigation in Texas.

Mr. Speaker, how in the world can a plaintiff, a nonlawyer, who has alleged to the court and to the United States of America that he is injured because he is in a majority minority district, the most diverse district in his State, and he is injured because it was created based on race? Now say to his lawyer, I want half of the legal fees.

Why it is that the Louisiana legislature would push so hard, some Members, one of the Members, Mr. Speaker, one of the authors of the bill to change the district and moot the old redistricting plan is one of the lawyers in the lawsuit. Want to talk about ethics? Want to talk about injury and what is really going on in Louisiana? I suspect that that is not only taking place in Louisiana but it is probably taking place in other parts of the country.

Let us go to section 3. These are the lawyer's words who withdrew from the Hays case. These unreasonable demands were initially made by the plaintiffs shortly after the court's order on December 28, 1993, setting aside the original congressional district in Louisiana. These demands are confirmed by letters from plaintiffs Ray Hays and Gary Stokley and a written refusal by counsel to agree to such demand.

Plaintiffs who are pushing right now in the Louisiana legislature that this plan be adopted so that they can benefit from anywhere from $4.2 million in legal fees.

The last point of this affidavit I want to point to, Mr. Speaker, is section 7. The motion by the plaintiffs requesting that the court delay the determination owed in professional services. Under that they cite the law firm Kirkland & Ellis. Mr. Speaker, last time I checked, that law firm is the same law firm that is associated with Kenneth Starr, the independent counsel for the Whitewater investigation. Kenneth Starr's law firm, according to this affidavit that I will put in the RECORD, are the lawyers of record for these plaintiffs in Louisiana.

Mr. Speaker, I will be quite honest with my colleagues and then I will yield my time. I do not have a problem with the Supreme Court of the United States of America deciding the constitutionality of the 4th Congressional District or any congressional district in this country because as lawmakers we make the law and, as the court, they interpret the law. And we have to live with the laws we make and we have to live with their interpretation.

Until we change the law, we have to live with the interpretation of the Supreme Court because that is their role. But I am not going to sit and/or stand idly by and let just a few selfish plaintiffs and a few greedy lawyers railroads a plan through the Louisiana Legislature and subject my State to over $4 million in legal fees for personal gain. This is not a decision of the legislature. This is not a decision of a three judge panel. This decision, Mr. Speaker, is a decision of the Supreme Court of the United States of America.

I want to thank the Speaker for allowing us to share in this special order. I want to thank him for his time.

Mr. Speaker, I include for the RECORD the following information:

EXHIBIT ''C''

AFFIDAVIT

(By Paul Loy Hurd)

BE IT KNOWN that on the 1st day of May, 1995, before the undersigned witnesses, and Notary Public duly authorized in the Parish of Ouachita, State of Louisiana, personally came and appeared PAUL LOY HURD, a person of full age of majority, domiciled in the Parish of Ouachita, State of Louisiana, Hereinafter referred to as ''Counsel'', who after being duly sworn did depose and state that:

1. Counsel was originally the lead counsel for the Plaintiffs in this matter from its initial filing until December 1994, when this Honorable Court granted Counsel's motion to withdraw.

2. Counsel withdrew from further representation of the Plaintiffs in this matter because of the demands by Plaintiffs, Ray Hays and Gary Stokley (i) that the fee application in this matter to be submitted under 42 U.S.C. 1988 include fictitious ''paralegal'' activities allegedly performed by the Plaintiffs, Ray Hays and Gary Stokley, and (ii) that Counsel split with the Plaintiffs, Ray Hays and Gary Stokley, all attorney fees awarded to Counsel in this litigation and the districting litigation in Texas.

3. These unreasonable demands were initially made by the Plaintiffs shortly following the Court's order of December 28, 1993 setting aside the original congressional districts in Louisiana. These demands are confirmed by letters from Plaintiffs, Ray Hays and Gary Stokley, and the written refusal by Counsel to agree to any such demand.

4. The attorneys presently representing the Plaintiffs were fully appraised of the unreasonable demands being made by Plaintiffs, including both the demanded fee splitting and the submittal of unperformed ''paralegal'' activities.

5. This dispute culminated in the Plaintiffs offering to allow Counsel to argue the appeal in the United States Supreme Court if he would agree to the financial demands of the Plaintiffs. Counsel refused these demands again, and was removed as lead counsel in the fall of 1994.

6. The Plaintiffs are fully aware that Counsel's personal financial condition has been greatly taxed by the failure of the Plaintiffs to reimburse Counsel for out of pocket expenses as previously agreed, and by the continuing delay in the payment of the attorney fees owed in this matter. With this full knowledge, the Plaintiffs, Ray Hays and Gary Stokley, have asserted their intention to take all possible steps to deny to Counsel any compensation in this matter, and to delay as long as possible the receipt by Counsel of any compensation to be received in this matter.

7. The Motion by the Plaintiffs (i) requesting that this Court further delay its determination of the fee owed for the professional services rendered by Counsel, and (ii) requesting that Counsel not be allowed to defend his application before this Court, and (iii) requesting that all fees paid by the Defendants be paid to Kirkland & Ellis to be

dispersed at the sole direction of the Plaintiffs, is filed by the Plaintiffs to effectuate the threats previously made against Counsel.

THUS DONE AND PASSED on this the 1st day of May, 1995 before the aforesaid witnesses and Notary Public.

LEGAL FEES QUESTIONED IN REMAP CASE

(By Brad Cooper)

BATON ROUGE—Two Lincoln Parish residents who challenged Louisiana's congressional districts demanded their former attorney ask a judge to award fees for fictitious legal work, court documents allege.

That's the allegation Monroe attorneys Paul Hurd levies against Ray Hays and Gary Stokley of Ruston in an affidavit filed in federal court in Shreveport.

Hurd represented Stokley, Hays and two others until December 1994 in the constitutional challenge to Louisiana's congressional districts.

A three-judge federal panel threw out the districts because they were rigged to ensure election of a minority candidate.

Stokley and Hays denied Hurd's charge, saying they are not trying to make a profit from their lawsuit. Stokley called the charges ''upsetting'' and destructive to his reputation.

The state could be responsible for paying the legal fees in the case—possibly more than $4 million by some estimates—if the Legislature approves a new set of congressional boundaries that eliminates a second district with a majority of black voters.

A bill that would do that is a step away from final approval. A Senate committee signed off on a new set of congressional districts Monday and sent them to the full Senate to consider.

The affidavit surfaced at the committee meeting.

''It's all about money,'' said state Sen. Dennis Bagneris, New Orleans. ''According to the affidavit, there has been no motivation based on . . . who is fairly represented. It's all about the bucks.''

Hurd, who is seeking about $728,000 for his work, states in his affidavit that Hays and Stokley wanted him to apply to the court for fees to cover ''fictitious'' paralegal expenses.

He also accuses Hays and Stokley of wanting a slice of the legal fees from the case as well as part of the legal fees from his lawsuit agianst Texas' congressional districts, which were thrown out by a lower court becuse they were racially gerrymandered.

Hurd, who declined comment on Monday, withdrew as counsel after the four Lincoln Parish plaintiffs enlisted the help of a high-powered Washington, D.C., law firm.

The plaintiffs said they hired the firm because it was more experienced in dealing with constitutional issues. Hays said Hurd's accusations are retaliation for the plaintiffs' decision to bring another firm to argue the case before the Supreme Court.

''His feelings are hurt and he got mad,'' Hays said. ''He is angry and popped all that stuff out.''

Filing a false claim with the federal courts could possibly lead to perjury charges if it is verified under oath. Or the applicant could be forced to serve jail time for criminal contempt of court, court officials said.

The judge also could levy a fine if the application is found to be fraudulent, court officials said.

Hays and Stokley were confounded by the allegations. They said Hurd deserves to be paid for the work he did.

''We didn't ask as plaintiffs for any awards, damages or anything like that. This has not been about money,'' said Stokley, a sociology professor at Louisiana Tech University.

''Money has never been an issue with me. If it was I wouldn't have been a teacher,'' Stokley said.

## ITEMS IN THE CONTRACT WITH AMERICA

The SPEAKER pro tempore (Mr. COLLINS of Georgia).

Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I want to take this time to speak with my colleagues about the items in the Contract with America and other items that have received legislative approval in this House for which I think there can be bipartisan pride. Many items have come forward to this House and have received almost unanimous Republican support and overwhelming support from the Democratic side of the aisle as well. I think they are worth repeating tonight so that people could put a perspective in this House where we have gone and how far we need to go.

Mr. Speaker, the first item I want to mention would be that we have passed the congressional accountability law. That is a law introduced by Congressman CHRIS SHAYS to make sure that the laws that we in fact have passed that affect everyone else, I am speaking of civil rights laws, the Fair Labor Standards law, OSHA, prior Congresses, bills were passed and Congress, congressional employees were in fact exempt from the benefits of those laws.

□ 2200

Mr. KINGSTON. Before yielding to the gentleman from Arizona [Mr. HAYWORTH], I want to make one final point. None of that money was raised in your district. It all came out of Washington, DC from special interest groups.

Mr. HAYWORTH. I thank my friends for yielding, and lest, Mr. Speaker, those viewing on television and in the gallery would misunderstand what we are saying, we do not have any problem with good, honest debate in the American political system. We do not have any problem with honest differences of opinion. But it is more than ironic, indeed I daresay it is hypocritical of those on the left who would repeatedly use the lexicon of special interests and big money and power and extremism applying to members of the new majority and yet as my colleague from California has outlined, actually take money from outside States and congressional districts, take Washington money and pour it into a certain district.

There is one other further distinction. Because, Mr. Speaker, the people of the United States who have come to view this endeavor quite cynically might honestly ask, well, what is the difference? There is a major difference. When union bosses take union dues and without the permission of union members take those compulsory dues and donate them directly to the Democrat National Committee, and indeed even as we have derided the increase in taxes, even as we have pointed out the Arkansas shuffle from a campaigner-in-chief who spoke of balancing the budget in 5 years only to renege on that promise, from a campaigner-in-chief who spoke of tax breaks for the middle class, only to renege on that promise, from a campaigner-in-chief who talked about ending welfare as we know it, only to renege on that promise, veto those measures in all three instances, now again comes another irony of saying one thing and doing another. The Beck decision, a mechanism my good friend from Pennsylvania, well versed in the law, is aware of, effectively said to end that practice of compulsory, nonvoluntary donations. And yet this President and his Justice Department refuse to enforce that decision.

So, Mr. Speaker, I do not blame the American people for their cynicism, but I believe a little background is in order. For the difference is if people can freely give to candidates of their choice, then so be it. But it should be a donation freely made. Not in the realm of compulsory action.

Mr. KINGSTON. Let me ask the gentleman about this Beck decision. Are you telling me that a paper mill worker in my district who is prolife, antigun control, and anti-NAFTA has his money, his dues going to, say, President Clinton's reelection campaign, and he does not have a say-so in it, the union employee does not know his money is being used for those causes, even though they may be things that he does not stand for?

Mr. HAYWORTH. If the gentleman will yield further, that is exactly what I am saying. Or the experience I had on one occasion, flying here and some of the folks on the flight, some of the flight attendants involved in their union made clear their displeasure with the incumbent President and members of the liberal minority and said that they called the local chapter of their union to put in their two cents worth and those members of the union were amazed to hear that a portion of their dues were going, even really without their knowledge, to guardians of the old order, guardians of the special interests, folks who would put bureaucracy above people and folks who would trust Washington, DC more than the American people. Those folks were absolutely flabbergasted. That is exactly what I am saying and to my friend from Georgia, I will say something else. It has been noted that Boss Sweeney of the AFL–CIO has asked for what sounds like the Clinton tax hike, an increase in those dues. Even as they bemoan the so-called stagnation in earning power, these bosses are asking for an increase in those dues, ergo a compulsory donation to the guardians of the old order without one whit of personal conviction from many members of unions. Indeed by some estimates almost half the members of unions are conservatives who vote consistently with the new majority. It is one of the ironies of life here in Washington.