

## EXTENSIONS OF REMARKS

HONORING OFFICER JOHN  
BRUGGER

**HON. GARY A. CONDIT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 11, 2000*

Mr. CONDIT. Mr. Speaker, I wish to recognize the retirement of one of California's finest. Officer John Brugger of the California Highway Patrol is retiring after 31 years of honorable service.

Officer Brugger has spent 21 years of his career in Modesto in my district in California's great Central Valley, including the last 10 as the Public Affairs Officer. During his tenure, Officer Brugger has distinguished himself with the community. Officer Brugger is a Central Valley icon to those learning highway regulations and safety tips.

His many years of service have given him a unique outlook at public safety and a vast resource of examples for his presentations. Additionally, Brugger is a familiar face in many of the community programs involving youth. As a founding member of the Modesto Explorer Scout program, John has been recognized by the California Attorney General for his efforts.

I would like to take this opportunity to thank Officer Brugger for his contributions to the community. I also commend him for his courage in putting his life on the line as a California peace officer. It is an honor to call him my friend and I want to wish John and his wife, Linda, the very best as they embark on a new adventure.

Mr. Speaker, I ask my colleagues to rise and join me in honoring California Highway Patrol Officer John Brugger.

HONORING PATTI JOHNSON

**HON. BOB SCHAFFER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 11, 2000*

Mr. SCHAFFER. Mr. Speaker, today I rise to pay tribute to a real leader in the field of education, Mrs. Patti Johnson, who is leaving the Colorado State Board of Education this coming January. Patti has been an active member of the board since 1995, representing the Second Congressional District of Colorado.

Patti leaves behind a legacy of activism through her tireless work to preserve the rights of parents to control and oversee the education and upbringing of their children. She has been especially effective in dispelling some of the myths associated with psychotropic drugs and the mislabeling of school children, a topic this Congress has addressed many times. In fact, Patti received national recognition when she obtained the successful passage of a resolution before the board encouraging school administrators to use proven academic and classroom management solu-

tions rather than medication to resolve behavior, attention, and learning difficulties.

Additionally, just this past September, Patti came to Washington, DC, to testify before the Subcommittee on Oversight and Investigations at a hearing entitled "Behavioral Drugs in Schools: Questions and Concerns." Mainly due to Patti's testimony, the hearing was a tremendous success, and generated much interest among the public causing members to schedule additional future hearings on behavioral drugs.

Patti has also made other significant contributions to education as a member of the National Association of State Boards of Education and the Education Leaders Council. She is founder and president of Parent's Education Network and served as a mayoral appointee to the Broomfield City Council Ad Hoc Education Committee. Patti's philosophy on education is best exemplified by a statement she made: "Our schools are the only institution entrusted to attend to the academic needs of our children and their mission must not be diluted. I urge this committee to do everything in its power to get schools out of the business of labeling children and back to the job of teaching."

Mrs. Patti Johnson's leadership on the board will be sorely missed.

IN RECOGNITION OF THE POET,  
GWENDOLYN BROOKS

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 11, 2000*

Mr. CONYERS. Mr. Speaker, today I honor the great African American poet, Gwendolyn Brooks. She is perhaps the most honored African American poet ever. Her works are strong, powerful, and visual. I was emotionally moved over and over again by her great talent. I insert into the CONGRESSIONAL RECORD this tribute to her which appeared in the Washington Post on December 5, 2000.

[From the Washington Post, December 5, 2000]

GWENDOLYN BROOKS, POET NURTURER

(By Jabari Asim)

Gwendolyn Brooks made me skip class. The celebrated poet, who died Sunday night at the age of 83, didn't exactly twist my arm. Still, I felt that the choice between attending interminable lectures and bearing witness to her three-day residency at my college was no choice at all.

Once or twice during my undergraduate days in mid-'80s Chicago, I'd lingered in the background at Haki Madhubuti's intimate South Side bookstore, sneaking peeks at Ms. Brooks while she read from her many volumes. An aspiring poet, I couldn't even bring myself to ask her to sign a book for me, a request freely granted to more courageous souls.

When I heard she was coming to campus, however, I changed my mind. This time I'd see her up close, I resolved. For three glo-

rious days, my other subjects were all but forgotten while I soaked up the poet's wisdom. I still remember her quick, saucy wit, the majestic turban she wore, the gleam of maternal pride that illuminated her cheekbones when she introduced her daughter, Nora. Gracious, patient and fully comfortable in that charged swirl of energetic young minds, she regally held forth on modern poetry, feminism, emerging writers she admired. In a wide-ranging give-and-take with a women's studies class, she even confessed to a fondness for soap operas.

I remember the poems she read, too. "The Pool Players. Seven at the Golden Shover," perhaps her best-known work, acquired a surprisingly caustic edge when she pronounced its short, acerbic lines.

We real cool. We Left school. We Lurk late. We Strike straight. We Sing sin. We Thin gin. We Jazz June, We Die soon.

She was nearing 70 then, and her voice was strong. The last day of her residency, she read before a campus-wide audience, then appeared as honored guest at an evening reception. It was there, amid the brie and wine and tweed, that I summoned all my moxie and introduced myself. I thrust a sheaf of papers at her, poems and stories full of the angst-driven pretentiousness I favored then. We talked a couple of minutes. She was courteous, I was breathless, and I can't recall a word that was said. Less than a week later, I found a note in my mailbox.

"He, Thanks for the opportunity to go through this heavy drama. Richly, exhausting! Have a fine, creative summer! My summer will be devoted to writing—at last!) Gwen Brooks."

The words themselves are a model of tact, encouraging but noncommittal. No matter, though: The fact that she's read my work and responded to it was indisputable evidence of my growing brilliance.

I didn't know then that as a teenager, Brooks had sent her poems to Langston Hughes and James Weldon Johnson, both of whom sent encouraging replies. Nor did I know—despite the scenes that I witnessed at the bookstore—that Brooks made it her business to encourage all young writers. Perhaps the kind, prompt responses she'd received from Hughes and Johnson influenced her to be generous in turn. At the time, I had no interest in deciphering Brooks's motives. All I cared was that I had a handwritten note from the poet laureate of Illinois, the first African American to win a Pulitzer Prize for literature.

Brooks's first book, "A Street in Bronzeville" (1945), had already won critical acclaim, so she was hardly an unknown entity when her next book, "Annie Allen," claimed the Pulitzer in 1950. Both books were praised for the author's mastery of sonnets, ballads and other traditional European forms. Like Countee Cullen and Claude McKay before her, she knew how to apply such forms to the African American experience and infuse them with desperately needed new energy.

Subsequent books, beginning with "In the Mecca" (1968), reflected a change in tone, a more overtly political stance that was often aimed at black readers in particular. For some critics, the change was reason to ignore Brooks's output; for aspiring black writers of subsequent generations, the shift

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

showed us that it was possible to adapt to changing times without distorting one's own voice. At its best, Brooks's work is focused and fiery regardless of form, indisputably Brooksonian in its well-tempered elegance. To borrow critic Joanne V. Gabbin's phrase, Brooks's work "implies a literature that is both rageful and resolute in its beauty."

Gabbin convened a conference at James Madison University in 1994. She conceived the conference, titled "Furious Flower" (from a Brooks poem, "Second Sermon on the Warpland"), as a tribute to Brooks. Poets, critics and poetry lovers from around the world gathered at JMU that September; it was the last time I saw Brooks in person.

There, as the reigning eminence of African American poetry, Brooks received numerous accolades and testimonies to her talent and generosity. Two generations of black poets had come to age since Brooks's own emergence, and she'd played a hand in mentoring many of them. (Although she was then 77, Brooks still had mentoring left to do. In 1996 she would establish the Henry Blakely Poetry Prize in memory of her late husband. The \$2,000 award went to a young poet of Brooks's choosing.)

Grateful to be on hand and once again basking in the glow of genius, I felt proud to be among those who had firsthand familiarity with Brooks's goodness. Our wine-and-brie encounter had not been our last.

In 1993, I'd had another opportunity to benefit from her kindness. While editing a literary magazine I'd co-founded, I wrote to Brooks and asked her to contribute to a section honoring poet Audre Lorde, who had died in 1992. As she had done nearly a decade before, Brooks responded quickly. In the brief, eloquent tribute she submitted, she insisted that the essence of Lorde would never be lost as long as we had her words. I don't think she'd mind my applying those sentiments to her legacy as well. We have not lost the essence of Gwendolyn Brooks. The best of her endures.

TRIBUTE TO AMBASSADOR DENNIS  
B. ROSS—SPECIAL MIDDLE EAST  
COORDINATOR

**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 11, 2000*

Mr. LANTOS. Mr. Speaker, I invite my colleagues in the Congress to join me in paying tribute to Ambassador Dennis B. Ross, who has served both Democratic and Republican Presidents and Secretaries of State as the Special Middle East Coordinator at the Department of State. Over the past decade, Dennis has done more than anyone else in the effort to bring peace and stability to that troubled region of the world.

A short while ago, Dennis made public his intention to work through the end of this current Administration, but he also made clear that he does not intend to work in the next administration. The reasons for his departure are quite understandable—he wants to spend more time with his wife and three children. Considering the time that he has devoted to shuttling between the United States and the Middle East—many times at very short notice and under extremely difficult circumstances—he deserves the opportunity for more time with his family.

Dennis Ross will be sorely missed as we seek to bring an end to the violence, hostility

and instability that have plagued the Middle East for so long. He has played a critical role in dealing with that troubled part of the world for over the past decade. He knows all of the key players, he has worked with them, he understands their political constraints, and he has an intimate grasp of their ideological points of view.

A native of California, Dennis Ross did undergraduate and graduate studies at the University of California at Los Angeles, where his doctoral thesis focused on Soviet decision-making. He began his career in Washington in the early 1980s working at the Department of Defense and the Department of State. From 1986 to 1988 he held the Middle East portfolio at the National Security Council staff at the White House. At the beginning of the George Bush Administration, Dennis became Director of the Policy Planning Staff of the Department of State with the rank of Ambassador. He worked closely and directly with James A. Baker on a broad range of U.S. foreign policy issues, but he played a particularly critical role in bringing about the Madrid Conference of 1991 which began the peace process negotiations that led to the Oslo accord of 1993.

When the Clinton administration took office in early 1993, Dennis remained at the Department of State as Special Middle East Coordinator. He continued his efforts to further the peace process, working actively and directly with Secretary Warren Christopher and Secretary Madeleine Albright.

Mr. Speaker, Dennis Ross has been an outstanding and a devoted public servant—he has spent incredible time and energy in furthering the foreign policies of the United States. His service to our nation is the epitome of bipartisanship in foreign policy. I invite my colleagues to join me in paying tribute to Dennis Ross for his committed service to our nation and in wishing him success in his future endeavors.

HONORING ARTHUR "PAUL"  
BAXTER

**HON. GARY A. CONDIT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 11, 2000*

Mr. CONDIT. Mr. Speaker, I rise today to honor Arthur "Paul" Baxter on the occasion of his retirement from the City of Modesto on December 28, 2000.

Paul is a quiet man who has worked tirelessly for the city for 12 years. His strong ability to build consensus and bring collaboration has made him not only an asset, but often, a necessity. His work with city council committees and citizen advisory groups has been invaluable. During Paul's tenure at the City, I have had the privilege of working with him on many projects. I, along with those he has served, will sorely miss him.

Some of his many accomplishments include his leadership and direction in the Joint City/County Administration Building, his work with the development and completion of a Joint Emergency Dispatch Center, and his dedication and commitment to the Tuolumne River Regional Park Master Plan.

Above all, Paul is a devoted father, son and brother. He is a thoughtful and generous neighbor and friend. An avid gardener, he

shares his abundant supply of flowers, including his famous sweet peas, with his neighbors and coworkers. He is an alumnus of Stanford University and has remained active in fundraising efforts and community programs since 1996.

Beyond his 12 years of dedication and commitment to the City of Modesto, he has quietly and generously supported and volunteered for causes such as the library sales tax and the Performing Arts Center.

Paul exemplifies a good man. He is kind, generous, decent and caring not only to his family, but to his neighbors, his friends, his coworkers and his community. Because of Paul's association in Modesto, our community is a much better place.

It is a privilege to call him friend.

Mr. Speaker, I ask that my colleagues join me in honoring Paul Baxter.

HONORING COLORADO STATE  
SENATOR JOHN EVANS

**HON. BOB SCHAFFER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 11, 2000*

Mr. SCHAFFER. Mr. Speaker, today I rise to honor State Senator John Evans. Over the years, John has significantly contributed to ensuring Colorado's children have access to the best education possible. As Colorado State Board of Education Member-at-Large, and now as a state senator, John has exemplified the Colorado State Board of Education's motto, "To lead, serve, and to promote quality education for all," throughout his public service career.

Elected to the board in 1994, John fought hard to get dollars to the classroom. As you know, this is not only a struggle at the state level, but a constant battle at the federal level. Republicans like Senator Evans have fought hard to enable local school districts to manage and direct their funding. We know teachers, parents, and school districts are best qualified to determine how their money should be spent.

To make certain that dollars get to the classroom, state school leaders are the best line of accountability. Senator Evans has followed through, and Colorado's children reap the benefits. Mr. Speaker, John Evans has consistently advocated funding local schools directly from the state, rather than filtering money through various bureaucracies. As a parent of five with three children in a public charter school, I thank him for his efforts.

I remember the theme of John's senatorial campaign was, "Helping individuals help their children." More specifically, he said, "I want to help individuals develop a stewardship so they can develop their own legacy. I want to raise decision making to a higher level. I want to get away from politics and think about how what we do affects children." Mr. Speaker, I am happy to inform this House John Evans continues to serve the public in Colorado. I wish there were more like him.



their government school counterparts. I remember fondly, serving beside Ben on the Senate Education Committee. Clearly he has earned the title of "Statesman," and I'm proud to call him a friend.

Throughout his distinguished public service, Ben has consistently worked to promote better teacher training and evaluation. Colorado's Governor, Bill Owens, recognized Ben's innovation and leadership and tapped him as a key player in Colorado's education reform movement. He worked hard with Governor Owens to implement the Colorado Student Assessment Program, a plan that measures the progress of Colorado students toward content standards in reading, writing, math, and science.

Mr. Speaker, in 1818, Thomas Jefferson said, "A system of general education, which shall reach every description of our citizens from the richest to the poorest, as it was the earliest, so will it be the latest of all the public concerns in which I shall permit myself to take an interest." This quotation embodies Ben Alexander's career in public service. We will dearly miss his service on the State Board of Education.

#### TRIBUTE TO THE U.S.S. "COLE"

### HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 11, 2000*

Mr. MANZULLO. Mr. Speaker, as we reflect on the tragic attack on the U.S.S. *Cole* and those brave American service members who lost their lives while serving their country and protecting the freedoms we Americans all enjoy, I submit for the RECORD a poem written by one of my constituents, Kathy K. Mecklenburg of Rockford, IL. Kathy's simple poem captures the heartfelt sentiments of all Americans regarding the tragedy and heroism surrounding this event. It is my privilege to place it in the CONGRESSIONAL RECORD.

#### THE COLE TRIBUTE

This lone destroyer held no fame—  
Now, history will enroll,  
And fate forever changed the lives  
Aboard the U.S.S. *Cole*.

To Aden she sailed into port  
For loading vital petrol;  
But, terrorists had other plans  
To harm the U.S.S. *Cole*.

She peacefully sat docked and still  
Before the dreadful, loud toll,  
Which blew a forty-foot long hole  
Inside the U.S.S. *Cole*.

No time for general quarters sound—  
The blind attack was brute cold,  
Our sailors had no time to fight  
To save the U.S.S. *Cole*.

The terrorists had rammed her side  
And precious cargo they stole,  
For seventeen would lose their lives  
Aboard the U.S.S. *Cole*.

And, now we grieve and wonder still  
For kindred, sacrificed souls,  
Whose lives served freedom's cause for all  
Those on the U.S.S. *Cole*.

Now, God, please hear our simple prayer  
And draw these souls to Thy fold,  
As we salute these sailors brave  
Who served the U.S.S. *Cole*.

—Kathy K. Mecklenburg, Rockford, Illinois,  
October 2000.

#### KEEP THEM OUT!

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 11, 2000*

Mr. CONYERS. Mr. Speaker, I rise today to condemn the violations of the Voting Rights Act that have been reported in Florida on November 7. Election Day 2000 is a day that will live in infamy, in every American's mind who cares about the concepts of Democracy, Justice, and Equality. Thousands of votes, mostly African-American, students, and senior votes, were disqualified, and effectively, disenfranchised. Despite higher than ever turnouts of minorities and seniors, we had higher than ever rates of disqualified and disenfranchised voters, and that my colleagues is unAmerican. Bob Herbert of the New York Times has shed light on some of the egregious tactics employed by Florida elections officials attempting to keep Americans from voting, in the December 7 issue of the New York Times. I respectfully request that it be placed in the CONGRESSIONAL RECORD, to highlight the despicable tactics employed to keep American votes from being cast and counted in the 2000 election. This article reflects much of the sentiment of African-Americans and other Americans who share these concerns about this crisis in our Democracy.

#### KEEP THEM OUT!

(By Bob Herbert)

The tactics have changed, but the goal remains depressingly the same: Keep the coloreds, the blacks, the African-Americans—whatever they're called in the particular instance—keep them out of the voting booths.

Do not let them vote! If you can find a way to stop them, stop them.

So here we go again, this time in Florida.

It turns out that the state of Florida is using a private company with close ties to the Republican Party to help "cleanse" the state's voter registration rolls. Would it surprise anyone anywhere to learn that the cleansing process somehow managed to improperly prevent large numbers of African-American voters from voting in the presidential election?

Gregory Palast, a reporter with the online magazine Salon, has done a number of articles on this. He noted that the company, ChoicePoint, and its subsidiary, Database Technologies Inc. (DBT), came up with a "scrub list" of 173,000 names. These were the names of people registered to vote in Florida who, according to ChoicePoint, could be knocked off the rolls for one reason or another.

There was good reason for Florida to be concerned about the integrity of its voter registration rolls. In 1997 the mayor of Miami was removed from office because widespread fraud had occurred in the election. The following year a law was passed requiring counties in Florida to purge the rolls of duplicate registrations, the names of deceased persons and felons.

So far, so good. The problems developed when the state turned to ChoicePoint, which compiles and sells vast amounts of frequently shaky information about individuals. (ChoicePoint, which acquired DBT last May, was fired by the state of Pennsylvania for breaching the confidentiality of driving records.) With this private outfit in the picture it soon became clear that top Republican officials would be trying to reap a par-

tisan political advantage from a law designed to correct an egregious wrong. And that partisan advantage would be realized in large part by trampling on the voting rights of minorities.

Over the spring and summer ChoicePoint was forced to acknowledge that 8,000 voters it had listed as felons had in fact been guilty only of misdemeanors, which would not have affected their right to vote. What is maddening is that when such an erroneous list of names gets into the hands of county election officials, as this one did, it is very difficult—often impossible—to find out what's correct and what's not correct.

That snickering you hear is from Republican operatives who know that these kinds of foul-ups, because they are based on criminal records, will disproportionately affect minority voters.

ChoicePoint eventually came up with a "corrected" list of 173,000 names of people it targeted as ineligible because they were deceased, or were registered more than once, or had been convicted of a felony.

But it was a lousy list, riddled with mistakes. And in an interview with me yesterday, Marty Fagan, a ChoicePoint vice president, said there had never been any expectation that the list would be particularly accurate. Remember now, we're talking about a list that would be used to strip Americans of the precious right to vote.

Mr. Fagan said the list focused on people who "might" have been deceased, or might have been listed twice, or "possible felons." He said it was "important to know" that the information needed to be "verified" by county election officials.

That was interesting, because ChoicePoint came up with 58,000 people—people registered to vote—who would fall into the category he calls "possible felons." How in the world were county election officials supposed to check out each and every one and find out if they were felons or not?

They couldn't. They didn't.

The horror stories about perfectly innocent black voters being turned away from the polls because they had been targeted as convicted felons started coming in early on the morning of Nov. 7, Election Day. And they're still coming in.

Blacks turned out to vote in record numbers in Florida this year, but huge numbers were systematically turned away for one specious reason after another.

The tactics have changed, but the goal remains the same.

#### EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JULIAN C. DIXON, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

### HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 8, 2000*

Mr. DAVIS of Virginia. Mr. Speaker, I join my colleagues in expressing my condolences to the family of Congressman JULIAN DIXON. His sudden death is a great loss for his family, for Los Angeles County, and for Congress.

For nearly 11 terms, JULIAN DIXON spent his career serving others. He was a strong supporter of civil rights and education issues throughout his career. He served on the Intelligence, Ethics, and Appropriations Committees with dignity and fairness.

I will remember JULIAN DIXON for his passionate concern for the people of the District of Columbia, JULIAN was born in Washington, DC, and although his political career was spent serving California, he never forgot his roots. For many years, JULIAN DIXON served as the chairman of the full committee on the District of Columbia, and demonstrated his extensive knowledge of the city and the major issues affecting its residents. He continued that work while serving on the Appropriations Subcommittee on the District of Columbia.

But most of all, I will remember what a great help JULIAN DIXON was to me when I first became chairman of the District of Columbia Subcommittee. He played a key role in helping me to craft meaningful reform. His expertise and friendship were a great source of comfort to us during those early days of the 104th Congress.

JULIAN DIXON will be greatly missed.

CONCERNING IRS TECHNICAL ADVICE MEMORANDUM RELATED TO THE LOW-INCOME HOUSING TAX CREDIT PROGRAM

**HON. NANCY L. JOHNSON**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 11, 2000*

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am very concerned that the Internal Revenue Service is taking a position in audits that has the possibility of undercutting all we have been trying to accomplish with the low-income housing tax credit program.

Recently, a series of five IRS technical advice memoranda (TAM) were released under the Freedom of Information Act. These TAMs gave IRS national office legal advice to revenue agents auditing a particular low-income housing developer. The TAMs involved what costs may be included in the eligible basis of a property for the purpose of determining the amount of low-income housing tax credit that are allocated by a state housing finance agency.

The TAMs are very technical, but they are inconsistent with current industry practice and have the potential of retroactively disallowing substantial amounts of credits that have already been allocated and used to finance affordable housing around the country. I am concerned that retroactive tax treatment to investors will have the effect of shaking the confidence that has been built up over the years in this program. Perhaps equally troubling is that the position the IRS has taken in these TAMs could change the economics of future affordable housing and could frustrate the goals of the low-income housing tax credit program to provide good quality housing to lower-income working people and senior citizens at the most reasonable rent possible.

Since the low-income housing program is essentially a block grant program to the states operated through the tax laws and is fully subscribed, the position the IRS has taken in the TAMs will not save the Treasury any revenues. It simply will force the states to allocate the available credits differently and run the risk that the properties built in the future will not be able to be rented at rental rates as low as they are today.

It is truly unfortunate that the first guidance from the IRS on these issues comes in the

form of technical advice memoranda, purportedly limited to an individual taxpayer, rather than in the form of regulations after full opportunity for review and public comment on how the rules for allocating basis will affect the policy goals of the low-income housing tax credit program.

I would urge the Treasury Department immediately to announce initiation of a regulation project on the subject of eligible basis and to give the project expedited treatment. We cannot afford to allow allocation of credits and construction of affordable housing to be hindered by the cloud of these TAMs.

I would urge my colleagues to learn more about this issue. It may be necessary for us to act quickly in the next Congress to respond to these TAMs in order to protect the viability of the low-income housing credit.

TRIBUTE TO NEIL STAEBLER

**HON. SANDER M. LEVIN**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 11, 2000*

Mr. LEVIN. Mr. Speaker, last weekend a former colleague passed away, Neil Staebler of Michigan.

Neil Staebler was the embodiment of the democratic person.

His career in the public arena combined a belief in the importance of the involvement of citizens at the grassroots and the fullest integrity and honesty of political leaders of all levels of government.

Having achieved financial security in the world of business, Neil Staebler joined with G. Mennen Williams and Martha and Hicks Griffiths in an effort to transform the Michigan Democratic Party into a modern and progressive institution based on broad citizen participation. Perhaps even sooner than they anticipated, this small group succeeded. Soapy Williams became Governor, Martha Griffiths went to Congress, and Neil Staebler began a decade as State Democratic Chairman. In that capacity he spread a message of the importance of people becoming involved in political affairs to every town and virtually every hamlet in Michigan.

Neil Staebler deeply believed that government must be the people's servant, not its master. While there were, of course, many differences between the parties over policies during the Williams-Staebler era in Michigan government, no one questioned the honesty and degree of commitment of the political leadership or the caliber of people—Phil Hart and so many, many others—brought into public life in the executive, and judicial branch.

The famous chronicler of Presidential elections and politics, Theodore White, summed up Neil Staebler so very well: "one of the most moral men in American politics."

It was my deep privilege to know Neil Staebler over a period of almost four decades. Like for so many other younger men and woman who came into politics in the 1960's, I entered at a time when public service beckoned as an important calling. John F. Kennedy became the most famous inspiration for a new generation. Neil Staebler stood tall among those, many of whom like him had served in World War II, who led the endeavor to help the America of the post war period implement

its promise of freedom and equal opportunity for all its citizens.

Neil Staebler's generation left this Nation a legacy that it must not forget. He was so proud to have served, no matter for only one term, in the Congress of the United States. We who serve here now join in sending our deepest condolences to his beloved wife of 65 years, Burnette, to his children, Michael and Elizabeth, and to all the Staebler family. They have so many reasons to be proud of the life of Neil Staebler.

HONORING PROFESSOR EUGENE SMITH

**HON. JOHN D. DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 11, 2000*

Mr. DINGELL. Mr. Speaker, I rise today to recognize my good friend, Professor Eugene Smith, on the occasion of his retirement after nearly sixty years of teaching in some of the finest schools and universities in the country.

Gene was a born teacher. After earning his Bachelor of Science in mathematics education in 1941, Gene began teaching junior and senior high school mathematics in Ohio's public schools. During World War II, Gene taught math, gunnery and tactics at the Officer Candidate Prep School at Fort Still, Oklahoma. After the war, Gene returned to Ohio where he served in the public schools until 1959. During that time, Gene returned to school himself to earn both his M.A. and Ph.D in mathematics education. Gene moved to Wilmington, Delaware, where he served as the Supervisor of Mathematics for their public schools from 1959–1961.

It was in 1961 that Professor Smith moved to Michigan to join the faculty of Wayne State University as a Professor of Mathematics Education. Gene established the M.A. and Ph.D program in mathematics education and served as the department chair for 28 years. After 30 years of service at Wayne State University, Professor Smith held a part-time Visiting Professor position at the University of Michigan-Dearborn. After nearly sixty years of teaching our children, Professor Smith has decided to retire.

During his tenure as a teacher and professor, Gene has held numerous leadership positions including President of the Columbus Council of Teachers of Mathematics, President of the Ohio Council of Teachers of Mathematics and President of the National Council of Teachers of Mathematics. Gene's many honors include Ohio State University's Centennial Medallion for outstanding contributions to education and teaching, the Mu Alpha Theta Award for Wise Counsel and Leadership in Mathematics Education and, 1994, the National Council of Teachers of Mathematics awarded Gene the Mathematics Education Trust Lifetime Achievement Award for Teaching.

Mr. Speaker, as Gene leaves teaching after sixty years of service, I would ask that all my colleagues salute him and his leadership.

## PERSONAL EXPLANATION

**HON. MICHAEL E. CAPUANO**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 11, 2000*

Mr. CAPUANO. Mr. Speaker, I respectfully request a leave of absence for today, December 11, 2000. Due to a terrible case of the flu, I am unable to be present to take part in the House of Representatives' legislative activities.

## ON REVEREND JIM MITULSKI

**HON. NANCY PELOSI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 11, 2000*

Ms. PELOSI. Mr. Speaker, I wish today to pay tribute to the Reverend Jim Mitulski, a true friend and hero to thousands of people in need. For 15 years Reverend Mitulski has lead the congregation at the metropolitan Community Church (MCC) in San Francisco. Through his caring and compassion, his action and his deeds, he epitomizes the real spirit of Christianity.

Fifteen years ago, when Reverend Mitulski first came to MCC, situated in the heart of San Francisco's Castro District, the city was facing the onslaught of the AIDS epidemic. Reverend Mitulski recognized the needs and rose to the challenge, providing sanctuary and sustenance—physical, spiritual, emotional, and psychological—to his congregants and other members of the community. He provided a safe haven, support, acceptance, and love for the sick and dying, some of whom had been rejected by their own families. He ministered to those in need with unflinching compassion and enabled them to live out their lives with dignity. Over the course of his service at MCC, Reverend Mitulski presided over 500 funerals of his parishioners. He never gave up hope and he never stopped serving as a source of faith and inspiration to the survivors.

Mr. Speaker, I join the other members of the San Francisco community who have met Reverend Mitulski's decision to resign with a mixture of sadness and happiness. We are sad that he is stepping down, but happy that he is finding new ways to contribute to our community and to grow. Mostly, however, we are grateful for his leadership, his spirit of Christianity, his unselfish offering up of everything he had, and his untiring willingness to work within a community in crisis as it faced untold losses. Rev. Jim Mitulski is an example of the best of what San Francisco has to offer. We have been blessed by his years of service and wish him all the best in his new endeavors.

## CONGRATULATING THE MARYVILLE HIGH SCHOOL RED REBEL FOOTBALL TEAM

**HON. JOHN J. DUNCAN, JR.**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 11, 2000*

Mr. DUNCAN. Mr. Speaker, on December 2nd of this year, the Maryville High School Red Rebel football team became the 1999-

2000 Class 4A state champions after defeating East High School of Memphis, 33-14, at this year's championship game in Murfreesboro, TN.

This is a remarkable accomplishment for this team, as they started this year's season with a record of 0-4. Against all odds, the team pulled it together with unparalleled strength and determination and came back to win their 2nd state championship in 3 years. Their last championship came in 1998.

The spirit of this team reminds me of the story of former Baltimore Orioles' third baseman Brooks Robinson, a Hall of Famer. Robinson once said that there were only a few in the Hall of Fame who got there mostly on superior athletic ability. Robinson said that the other 600 or so got here because of drive, determination, discipline, and desire. This team possesses the same qualities.

In an address to a jubilant crowd at a homecoming celebration at Maryville High School, George Quarles, Head Coach of the Maryville Red Rebels football team said, "To our team, I want to say thank you for not giving up. It would have been so easy to quit after going 0-4, but you didn't. The biggest lesson is not to give up. I am proud to be your coach."

Mr. Speaker, I ask the readers of the CONGRESSIONAL RECORD and my fellow colleague to join me in congratulating Head Coach George Quarles and the Maryville High School Red Rebel football team for their glorious victory. I also include the following news article printed in the Knoxville News Sentinel. The team's leadership, strength, and determination should be recognized by all, and their sportsmanship and dedication are at a level that should be followed by every high school team in this Country.

[From the Knoxville News Sentinel,  
December 10, 2000]

MARYVILLE PLAYERS LAUDED FOR "TEAM EFFORT"

(By Ken Garland)

The Maryville High School football players never gave up, their coach said. They hung in there and went for the gold.

And they got it. A gold football trophy declaring them to be the Class 4A state football champions came their way after last weekend's state championship in Murfreesboro.

The Red Rebels defeated East High School of Memphis, 33-14, in the championship round Saturday night, Dec. 2.

They came home with that championship trophy, their second in three years, to the adoration of their fans in the community and at the school. Those fans came together Thursday morning in the MHS gymnasium for a celebration.

Meanwhile, across the county, fans of Alcoa High School were gearing up for a celebration honoring their football team. The tornadoes won the Class 2A state championship and were honored at a reception at Alcoa High School Saturday.

Read more about that reception in the sports section of today's News-Sentinel.

Maryville Head Coach George Quarles said the state win came as a surprise to him.

"Nobody was more shocked to be here than me," he told students and guests at the celebration.

After losing the first four games of the season, Quarles figured the team had no chance in the world of making even the playoffs. But, he said, the team proved him wrong.

The state championship gives the seniors on the team an impressive history, said Ath-

letic Director Jerry Thompson. The seniors have "played on a (state) runner-up team and on two state championship teams," he said.

The Red Rebels won their other state championship game in 1998. They have won several other state championship games in years past.

Shortly after that 1998 game, the team lost its head coach to another school. School officials named Quarles, who had been offensive coordinator for six years, as the new head coach.

At the ceremonies, Quarles thanked school officials who "took a chance on an untried head coach" and promoted him.

Over and over, the officials who spoke, and some who didn't, kept attributing the state championship to the team's "never-say-die attitude."

"What a remarkable turnaround," Thompson said. "Never in the history of Tennessee football has this happened."

Maryville Mayor Steve West, who presented the team with a proclamation naming Thursday as Maryville High School Day, said it was a "team effort."

"It's a team effort that makes you go to the championships," he said, "Maryville High has always been known for team effort."

"You all did a fabulous job."

Quarles, who also was named Class 4A coach of the year, told the team members he was proud of them.

"To our team, I want to say thank you for not giving up," he said. "It would have been so easy to quit after going 0-4, but you didn't. The biggest lesson is not to give up."

"I'm proud to be your coach."

## TRIBUTE TO RAYMON AYALA

**HON. SOLOMON P. ORTIZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 11, 2000*

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to a unique and outstanding American, Norteno artist and five-time Grammy Award nominee Raymon Ayala, who is one of the most popular artists in regional Mexican music today. He celebrates his birthday today, and I ask the House of Representatives to join me in offering him our good wishes.

Ayala, who began his exemplary career at the age of 18, has been one of the great entertainers of his generation. His skill at the Mexican "conjunto" music (music with an accordion base) is unparalleled in the industry. His steady rise and his continuous output of inclusive music has made him a favorite of fans throughout the Southwest and in Mexico.

In the 30 years that Raymon Ayala has graced the charts, he has recorded over 75 albums, never straying from his conjunto roots.

Ayala's success has turned on precisely the same elements that ensure the success of any musician in the industry: a straightforward style, balanced music, and lyrics with universally understood themes. His music touches on tragedy, loneliness, broken relationships, and experiencing love in all its complicated nuances . . . the sort of music that appeals to all music lovers, regardless of their favorite format.

Raymon has taken great care to ensure that the material on his albums reflects the excellence that has been his lifelong trademark. I ask my colleagues to join me in wishing this talented patriot a happy birthday.

AMERICAN HOMEOWNERSHIP AND  
ECONOMIC OPPORTUNITY ACT OF  
2000

SPEECH OF

**HON. PATSY T. MINK**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 5, 2000*

Mrs. MINK of Hawaii. Mr. Speaker, I rise in support of H.R. 5640, especially subtitle B of title V. The title expands housing assistance for native Hawaiians by extending to them the same types of Federal housing programs available to American Indians and Alaska Natives. The provision authorizes appropriations for block grants for affordable housing activities and for loan guarantees for mortgages for owner- and renter-occupied housing. It authorizes technical assistance in cases where administrative capacity is lacking. The block grants would be provided by the Department of Housing and Urban Development to the Department of Hawaiian Home Lands of the government of the State of Hawaii.

This is the fourth time this year that the House will consider a bill containing these important provisions for Native Hawaiian housing.

I thank the chairman of the Banking Committee [Mr. LEACH], ranking member [Mr. LAFALCE], the chairman of the Housing Subcommittee [Mr. LAZIO], and the ranking member of subcommittee [Mr. FRANK] and the gentleman from Indiana [Mr. BEREUTER] for their assistance in incorporating the provisions for native Hawaiian housing in the bill. They have worked tirelessly to craft a bill that both Houses can support so that Congress will be able to enact a housing bill this year.

Passage of this bill is critical because within the last several years, three studies have documented the housing conditions that confront native Hawaiians who reside on the Hawaiian home lands or who are eligible to reside on the home lands.

In 1992, the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing issued its final report to Congress, "Building the Future: A Blueprint for Change." In its study, the Commission found that Native Hawaiians had the worst housing conditions in the State of Hawaii and the highest percentage of hopelessness, representing over 30 percent of the State's homeless population.

In 1995, the U.S. Department of Housing and Urban Development issued a report entitled, "Housing Problems and Needs of Native Hawaiians." This report contained the alarming conclusion that Native Hawaiians experience the highest percentage of housing problems in the Nation—49 percent—higher than that of American Indians and Alaska Natives residing on reservations (44 percent) and substantially higher than that of all U.S. households (27 percent). The report also concluded that the percentage of overcrowding within the Native Hawaiian population is 36 percent compared to 3 percent for all other U.S. households.

Also, in 1995, the Hawaii State Department of Hawaiian Home Lands published a Beneficiary Needs Study as a result of research conducted by an independent research group. This study found that among the Native Hawaiian population the needs of Native Hawai-

ians eligible to reside on the Hawaiian home lands are the most severe. 95 percent of home lands applicants (16,000) were in need of housing, with one-half of those applicant households facing overcrowding, and one-third paying more than 30 percent of their income for shelter.

H.R. 5640 will provide eligible low-income Native Hawaiians access to Federal housing programs that provide assistance to low-income families. Currently, those Native Hawaiians who are eligible to reside on Hawaiian home lands but who do not qualify for private mortgage loans, are unable to access such Federal assistance.

I look forward to enactment of the bill because it is so important to the native people of Hawaii.

BUSH VERSUS GORE IN THE U.S.  
SUPREME COURT**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 11, 2000*

Mr. CONYERS. Mr. Speaker, I submit the following articles, which appeared in the New York Times on December 11, 2000 and the Washington Post on December 9, 2000, into the CONGRESSIONAL RECORD.

[From the New York Times, Dec. 11, 2000]  
TO ANY LENGTHS  
(By Bob Herbert)

And so the Supreme Court intervened, not with wisdom and grace but with a clumsily wielded hammer, to protect the interests of George W. Bush and the Republicans by thwarting any further movement in the Florida vote toward Al Gore.

Mr. Bush and his party have made it clear to the country and the world that their greatest fear—the scenario they dread above all others—is that somehow, somehow, all of the votes legally cast in Florida would actually be counted.

They have demonstrated their willingness to go to almost any lengths to prevent that from happening. And that resolve was given the unfortunate imprimatur of the nation's highest court on Saturday when, in a 5- to-4 decision, the court ordered the hand recounts in Florida to stop.

But the Bush team's appeal to the U.S. Supreme Court, which will hear oral arguments this morning, is just one prong of the G.O.P.'s dangerous assault on the spirit of democracy that has served this nation so well for so long. The truth is that while Mr. Bush and the Republicans will be more than happy to accept a final Supreme Court ruling in their favor, they are already prepared to take extraordinary steps to circumvent a ruling that goes against them.

In short, they are not willing to accept any set of circumstances that would result in Al Gore winning the White House.

Former Secretary of State James Baker was asked on "Meet the Press" yesterday if the Bush campaign would accept the results of a recount in Florida if, after hearing the arguments today, the Supreme Court ordered the recount to resume.

Mr. Baker told the moderator, Tim Russert, "Of course we'll begin the recount again if that's the ruling of the United States Supreme Court."

Mr. Russert said, "And will you abide by the result?"

Mr. Baker, clearly uncomfortable with the question, said "Well, I'm not sure I under-

stand what you mean, 'Will we abide by the result?' The result will be there."

Mr. Baker knows as well as anyone that the Republican-controlled Florida Legislature is poised to trash any semblance of justice and fair play by designating its own slate of 25 presidential electors committed to Mr. Bush if, under any scenario, Al Gore wins the popular vote in Florida.

Mr. Baker said of the Legislature, "They have an interest here that is a constitutional interest granted to them under Article 2 of the Constitution, and it is not up to me or anybody else to rule that out or rule it in."

Mr. Russert said: "But your campaign has been working in concert with them, giving them legal advice. Both sides admit it."

"Uh, Tim, we may have indeed," said Mr. Baker. "Some of our people have been talking to them, there's no doubt about that, because it is a constitutional remedy set forth in Article 2 of the Constitution."

In the eyes of the Republicans, the Supreme Court ruling is the final word only if it goes against Mr. Gore.

The game is rigged. And the Democrats, who all along have been more willing than the Republicans to adhere to standards of fair play, are openly talking about folding their tents and conceding the White House to Mr. Bush.

American democracy suffered a grievous wound this year in Florida. The conservative majority on the U.S. Supreme Court that has ranted ad nauseam about activist courts and the infringement of states' rights turned its own philosophy on its head by rushing in on Saturday and gratuitously stopping a recount of votes legally cast by American citizens.

It is not unreasonable to believe that had those votes been counted, Al Gore, who won the popular vote nationwide, would also have won Florida and a majority in the electoral college.

A former colleague of mine called yesterday and said: "All the Supreme Court of Florida wanted to do was have the vote counted. What was so wrong with that?"

The good news, of course, is that American-style democracy is resilient enough to rebound from the Florida fiasco. Eventually the full truth will emerge about the extent to which the voices of voters in Florida went unheard. And the role of the U.S. Supreme Court and the Republican Party in silencing those voters will be a matter of public and historical record.

[From the New York Times, Dec. 11, 2000]

RAISING THE STAKES

(By Anthony Lewis)

WASHINGTON.—Whether Al Gore or George W. Bush becomes president will make a difference, but it has never been a cosmic question. Whoever wins, the country will survive.

But now a truly profound interest is at stake in the election controversy. That is the public's acceptance of the great power exercised by the Supreme Court of the United States.

Justice Robert H. Jackson, in lectures published in 1955 after his death, pointed out the curiosity of the role played by the justices in our democracy. The court has often been in controversy, he said, and "the public has more than once repudiated particular decisions."

"Public opinion, however," Justice Jackson said, "seems always to sustain the power of the court. . . . The people have seemed to feel that the Supreme Court, whatever its defects, is still the most detached, dispassionate and trustworthy custodian that our system affords for the translation of abstract into concrete constitutional commands."

That is what has now been thrown into question: the public belief that the court is "detached, dispassionate and trustworthy." The court's order stopping the recount of ballots in Florida—a 5-to-4 decision along ideological lines—looked to many Americans like a partisan intervention to save the day for Governor Bush.

The Bush forces had worked for a month to prevent a manual recount of doubtful ballots, evidently in the belief that counting them would put Mr. Gore ahead. Now, just after recounts had begun, the five more conservative members of the Supreme Court stopped the process.

Lawyers and others who watch the court closely are saying they are bewildered, even shaken, by what it did in stopping the recount. The one guide we have to the reasons for the intervention was the opinion by Justice Antonin Scalia, concurring with the majority's order. And it made the action, if anything, more troubling.

To recount those Florida votes, Justice Scalia said, might cast "a cloud" on what Governor Bush "claims to be the legitimacy of his election." To count them first and then rule on their legality "is not a recipe for producing election results that have the public acceptance democratic stability requires."

If the Supreme Court now permanently stops the recounts, will that promote "public acceptance" and "democratic stability"? Hardly. Half the country will be even more outraged at what was done to Gore voters in Florida. Justice Scalia's proposition seems to make sense only on the assumption that Governor Bush really won Florida—which is the very issue to be decided in the recounts.

Justice Scalia said the court must decide whether the ballots that were ordered to be recounted—ones that on machines showed no vote for president—were legally cast votes "under a reasonable interpretation of Florida law." That comment raised an extraordinary legal question.

It is basic constitutional law that the Supreme Court has no power to consider state court decisions on the meaning of state laws. The Florida Supreme Court's decision ordering the recount was just that: an application of state statutes. Was Justice Scalia saying that the Supreme Court will decide whether the Florida court was "reasonable"? That could open an endless prospect of enlarged Supreme Court jurisdiction.

The puzzle is what federal question exists here, of the kind the Supreme Court has power to decide. The Bush brief argues that manual recounts, with no precise rules binding all counties in Florida, would be so inconsistent as to deny "the equal protection of the laws" guaranteed by the 14th Amendment. But there have been manual recounts all over this country from the beginning of our history. Is every one of them now going to raise a potential federal constitutional question?

The level of partisanship in our politics is already dangerously high. The Bush people, in particular, have taken a nasty, hateful tone in Florida and elsewhere. It would be terrible for the court to exacerbate the division—and become part of it.

In this vast, diverse country, we depend on the Supreme Court as the final voice. Perhaps some of the justices believe they can bring finality to the election contest. But if they over-reach, acting as what Judge Learned Hand called "Platonic Guardians," they will inflict a grave wound on their own legitimacy.

[From the New York Times, Dec. 11, 2000]

#### BITING THE BALLOT

(By William Safire)

WASHINGTON.—You cannot spit in the eye of the nation's highest court without suffering consequences.

The Florida Supreme Court ignored the U.S. Supreme Court's order nullifying its deadline-breaking action and in effect told the nation's final judicial tribunal to mind its own business.

Florida's four-judge majority, not content with taking over the lawmaking function of its state's Legislature, and brushing aside the dire warning of creating an unnecessary crisis from its own chief justice, arrogated to itself the power to pursue its political course—despite direction to the contrary a few days before from the top of the nation's court system.

Not in living memory have Americans seen such judicial chutzpah. Our political process was almost subverted by the runaway court.

Perhaps the U.S. Supreme Court invited Florida's disrespect. In its eagerness to preserve its own unanimity and to show undue deference to a state court's interference in a federal election, the high court in Washington had temporized in its first opinion. Rather than cleanly reversing the Tallahassee jurists, the Rehnquist court acquiesced in its liberal members' suggestion to learn the legal reasoning behind the Florida decision to ignore the U.S. Constitution's delegation of electoral power to state legislatures.

The Tallahassee majority read that deference as weakness. Rather than answer the high court's questions, it took constitutional law into its own hands and extended the agony of the Gore campaign by ordering a count of votes whose legality is in dispute.

Bush partisans mistakenly made much of the narrow split in the Florida court, as if a 4-to-3 decision was somehow less than decisive. But in our judicial system, the narrowest majority carries the full power of the entire court. That runaway court's order to start counting was promptly, and rightly, obeyed—until a majority of the highest court, recognizing its deference had been misplaced and its authority was being challenged, stayed the counting fingers.

In our presidential elections, the constitutional majority rules. That means the majority of electors of all the states. When the votes of the people in a state amount to a virtual tie, the nation's choice of a president cannot suitably be made by one state's executive branch (in this case, for Bush) or that state's judicial branch (for Gore). Rather, the state's vote must be decided in the manner the U.S. Constitution specifically directs—by its legislature (for Bush) or if the contest goes all the way, by the newly elected House of Representatives (voting by states, 29 of which have Republican majorities that would elect Bush).

But do we need to go all the way to that bitter end? No; with the House vote certain for Bush, it serves nobody's purpose to prolong the interregnum. We have an institution in place that a majority of the people trusts to decide what is the most constitutionally defensible solution. That is the U.S. Supreme Court.

So what if the justices are internally divided on this election issue? They were far from unanimous on *Roe v. Wade*, and yet even those who disagree with that majority's decision recognize it as the law of the land. Unanimity is a consummation devoutly to be wished, but the high court's majority rules, and its decision cannot be overridden except by a future high court or by amending the Constitution.

Now we are at a point where the highest court can no longer delay its decision in

hopes that an inferior court will act responsibly. By its coming decision on the late count, the Supreme Court will be deciding (a) to validate for our time Article II's unambiguous assignment of electoral power to elected state legislatures, with its enabling statutes passed long ago by Congress; (b) to restore order to the judicial system by curbing the runaway state court; and (c) to lend some of its own legitimacy to the political victor in an election where there can be neither a statistical winner or loser.

All during the campaign of 2000, Al Gore kept saying that this election was about the Supreme Court. Turns out he was right. It is fitting that we now call on the nine justices to bite the ballot and call on the contestants to abide by the majority's judgment.

[From the Washington Post, Dec. 9, 2000]

#### GHOSTS IN FLORIDA

(By Colbert I. King)

The ghosts of Campaign 2000 in the form of Florida's controversial presidential vote will trail the next president into the White House. If it is George W. Bush, his first year will be haunted by a decision reached this week in Washington. If it is Al Gore, he can sit back and watch the fun.

After several daily meetings with FBI and Civil Rights Division staff to review intelligence concerning alleged voting irregularities, senior Justice Department officials concluded that there were sufficient grounds to send federal lawyers to Florida last Monday. The decision was a long time coming.

Since Election Day, civil rights groups have demanded that the Justice Department probe numerous complaints of improprieties, minority vote dilution and violation of federal civil rights laws in Florida voting precincts. This week, the federal government finally agreed to act—with too little and too late, critics say. Maybe not.

The introduction of Justice Department lawyers certainly won't change the election results or alter court decisions reached yesterday. But the current information gathering effort may get converted into a formal Justice Department investigation. If that happens, the civil rights probe could reach out and touch Florida Bush backers in a way that street protests, demonstrations and heated cyberspace traffic never could.

By Jan. 20, the judicial jousting and Florida's Supreme Court justices will be a memory. Not so the charges of African American voters being denied the right to vote due to discrimination, intimidation and fraud. There's no such thing as the clock's running out on the fight against racism.

If the Justice Department finds that voters of color were disenfranchised and left unprotected by the Florida state government—that U.S. laws indeed were broken—the issue will be alive and squarely in the lap of the next administration. And the problem will come with a twist that is sure to make a Bush White House squirm.

Simply put, a George W. Bush appointed attorney general could not be entrusted to investigate and prosecute illegal voter suppression activities in the state that gave Bush the presidency and in which his brother Jeb is governor. A civil rights probe in Florida, on the other hand, would be no problem for a president Gore.

Faced with a formal Justice Department investigation, the Bush administration would have no choice but to seek the appointment of a special counsel to conduct an independent inquiry into possible federal violations in Florida. Only an impartial outsider, not beholden to Bush or his attorney general, can be expected to serve the interest of justice. Nothing short of an independent

team of lawyers and investigators interviewing witnesses and probing the nooks and crannies of the likes of Volusia, Broward and Miami-Dade counties, will reassure the public that politics and special preference won't rule the day in a Bush White House.

Investigating voting irregularities in Florida will not be a game of trivial pursuit. Some troubling allegations have already surfaced, such as:

The names of law-abiding voters, disproportionately African American, wrongly removed from the rolls or identified for purging.

Registered African American voters banished from the polls because their names couldn't be found on voter registration lists.

Voting sites in African American precincts switched without timely notice or any notification at all.

African American voters harassed and intimidated near the polling places.

Ballot boxes in African American precincts not collected, predominantly minority polls understaffed, language assistance sought but denied, old and unreliable voting machinery.

And the list of alleged irregularities does not include the disproportionate number of ballots in predominantly minority precincts that were thrown out.

For those of you tempted to dismiss these complaints as the predictable whining of blacks who find themselves on the losing side, I say not so fast. Experience, old and new, has been a great teacher.

I commend to you the observations of Hugh Price, president of the National Urban League, on National Public Radio's "Talk of the Nation" show. Price backs calls for the Justice Department to get into the Florida situation in a strong way. He told listeners: "I'm reminded of what happened in the case of racial profiling in New Jersey when the

first response to the allegation was, 'We don't do this,' a staunch denial.

"Then we discovered there were some correlations between race and who was being stopped, but there was still a lot of denial. . . . And then it turned out that it was happenstance. And now that the New York Times has dug into and received mounds of paper they have found that it was an outright, point-blank, in-your-face conspiracy on the part of the New Jersey troopers to stop people of color."

All the media attention today is on Florida courts, the presidential contenders and the potential winning candidate's thrill of victory. Come next year, the limelight shifts to Washington—and maybe to another scene—an all-too familiar tale about the uphill struggle of a people who tried in vain to live out the American Dream on Election Day.