CBC SPECIAL ORDER ON AFFIRMATIVE ACTION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2003

Ms. LEE. Mr. Speaker, I want to thank our CBC Chairman, ELIJAH CUMMINGS, for holding this special order. I wish to contribute this evening by inserting into the RECORD the following speech which I delivered on Monday June 23, 2003 at the Rainbow Push Coalition and the Citizen Education Fund's Women's Luncheon in Chicago.

Thank you very much for that kind introduction and thank you for inviting me here today. I want to acknowledge and thank Reverend Jesse Jackson for staying the course, for continuing to speak truth to power and for your friendship and support throughout the years. I want to thank you for the act of courage Award presented to me last year in Los Angeles. Believe me, the inspiration and encouragement that I have received from you during very difficult and challenging times has given me strength.

Reverend Barrons, your guidance spirit and commitment has touched my life. To Mrs. Jacqueline Jackson, thank you for your leadership and for being an exemplary role model for women. You are our first lady and we are so proud.

To the entire Rainbow PUSH family, your commitment to work for justice and peace has shown the world ''a better way.'' You continue to fight to make the American dream a reality, not just for the select few but for ''all God's children.''

I also want to acknowledge the many elected officials, members of the clergy, and community leaders, and phenomenal women here today and to acknowledge everyone who is part of the struggle to compel our nation to live up to its own promises of liberty and justice for all. And in the memory of our fallen hero Mayor Maynard Jackson, let us rededicate ourselves to our work for political, social and economic justice.

Today, the Supreme Court issued a decision on a monumental affirmative action case. This morning the Supreme Court rejected the Bush Administration's efforts to eliminate affirmative action as we know it.

I say monumental because this judgment will echo far beyond the boundaries of the University of Michigan and far beyond the realm of higher education.

We are still studying the Court's ruling to understand its ramifications; however, the Supreme Court did uphold affirmative action and that is a clear defeat for the Bush Administration. This decision is a testament to the broad mobilization to defend civil rights, it validates the ''power of the people'' and the legality of affirmative action and requires us to be vigilant as we move forward.

Many of you, including myself, are proud products of affirmative action. We are duty-bound to protect it.

This is one of the most important civil rights cases in the last quarter century. Affirmative action is still necessary, not just in the interests of people of color, but in the interests of women and country as a whole.

What was at stake here is the University of Michigan's attempts to create a classroom that reflects the diversity of this country as well as its persistent economic inequalities.

What is also on trial here is the principle of affirmative action, and in this case the Bush Administration weighed in on the side of reversing progress rather than pursuing justice.

Along with Reverend Jackson, and many others, I was at the Supreme Court the day when this case was heard. I was very proud to speak to the thousands and thousands of young people led by the Michigan students and BAM who had come to Washington from all over the country to protest the effort to eliminate affirmative action.

Believe me, I see a new sense of energy and involvement by our young people, and as adults we must support their organization efforts. Thank God, they are preparing themselves to take over the world. This victory speaks volumes to their efforts.

I was sitting in the audience when Solicitor General Ted Olson, the Administration's attorney, passionately argued against affirmative action, declaring that the University of Michigan—and by implication all other universities and institutions—should use race-neutral means for its admissions.

I thought how sad it was to witness our own government arguing against the interests of so many of its own people.

I would suggest race-neutral admissions would be fine—just as soon as this becomes a race-neutral country. And not a day sooner.

In upholding the University of Michigan law school's affirmative action program, race will continue to be a critical component in achieving parity and equal opportunity for all. We must be the active watchdogs over this decision and how it is implemented.

I was there when Justice Scalia told the University of Michigan that it had a choice: it could either be an elite, first-rate school or it could lower its standards and pursue racial diversity.

How sinister—and wrong—can you get?

Justice Scalia was, in fact, offering a false dichotomy: in reality, you cannot be a top-flight university without diversity.

While that fact eludes the Bush Administration, it does not escape corporate America, the military, or many members of Congress, all of whom voiced their support for the University of Michigan and the principle of affirmative action.

Sixty-five major businesses, all Fortune 500 companies, submitted a brief as a friend to the court on this case.

These global businesses have annual revenues of over a trillion dollars.

As employers, they are deeply interested in this case because they recognize, and I quote here from their brief, ''the existence of racial and ethnic diversity in institutions of higher education is vital to [our] efforts to hire and maintain a diverse workforce, and to employ individuals who have been educated and trained in a diverse environment.''

Affirmative action, these corporate giants explained, does not only benefit minorities or the economically disadvantaged: affirmative action benefits everyone by offering cross-cultural experience and understanding.

Without that interaction, they argued, we all suffer, and without such a workforce, these companies will be hard-pressed to compete in the global business environment.

Those same views were echoed by many of the highest ranking retired military officers in this country, including former Chiefs of Staff, former Secretaries of Defense, General Norman Schwarzkopf, and other decorated veterans representing all four service branches.

They wrote the court, ''Based on decades of experience, [we] have concluded that a highly qualified, racially diverse officer corps'' is ''essential to the military's ability to fulfill its principal mission to provide national security.''

''Limited race-conscious recruiting and admissions policies'' at universities such as Michigan, they continued, is critical to both meeting the security needs of this country and to following through on Harry Truman's fifty-year old executive directive to end segregation in the military.

Again, these retired military officers, like their business counterparts, stressed that affirmative action is essential to the success of their mission.

Diversity is a critical component of our democracy as well. That is why I joined my congressional colleagues, led by Michigan Congressman John Conyers, ranking member of the Judiciary Committee and long a warrior in the fight for civil rights, in submitting our own amicus brief to the Court.

We asked the Court to recognize the educational and political benefits of diversity; to uphold the use of race as one factor among others that can be considered in government decision-making; and to reaffirm that the role of race in this decision making is not limited to remedying specific instances of identified discrimination.

The fact is we don't have a level playing field in this country.

People of color and women earn less money, own fewer assets, and enjoy less access to the nation's elite institutions. African American unemployment is twice as high as that of whites.

Affirmative action is still necessary, not just in the interests of minorities but in the interests of the country as a whole.

This decision upholds justice, access, and fair play. Let me tell you what has happened in my home state of California.

In California, we have seen the devastating effects of the assault on affirmative action. When I was in the state legislature, I fought tooth and nail against efforts to end affirmative action.

Reverend Jackson and the Rainbow Coalition not only stood with us, they actively opposed Prop 209 by marching, engaging in peaceful protests, and organizing.

All the ''street heat'' that could be brought to bear, Reverend Jackson helped bring it.

During those years, I was chair of the California Legislature Black Caucus, and we defeated each and every anti-affirmative action legislative measure that then Governor Pete Wilson wanted to sign into law.

But a member of the University of California Board of Regents, and African American, yes, a brother, well, I should say, a black man, Ward Connely, led the ballot initiative to end Affirmative Action.

These efforts resulted in a state constitutional amendment and action by the Board of Regents to end affirmative action on all campuses.

So, while we won in the legislature, misinformation and prejudice helped carry the day at the polls when California voters passed Proposition 209 in 1996.

That initiative eliminated affirmative action programs for women and people of color run by state or local governments in the areas of public employment, contracting, and education.

California and some other states have tried to create alternatives to affirmative action, but these alternatives depend on and reinforce residential segregation and fall short in other ways. They just don't work. Now, very few minority and women owned businesses have state contracts, and very few are employed in key positions.

Alumni legacies—such as those President Bush undoubtedly benefited from when he was admitted to Yale with an exceedingly mediocre academic record, to say the least—combined with emphasis on test scores that favor both white applicants and the economically advantaged are creating campuses that are increasingly segregated.

In California, we are undergoing the re-segregation of our colleges and universities. At many of the top schools in the state, minority enrollment has been cut in half since

Prop 209 passed. Thank God for our historically Black Colleges. Our African American students are now going south benefiting from their excellent education. But what we have learned is that 70 percent of these students do not return to California. What a brain drain we have in California.

Shame on California.

One observer described the process of eliminating affirmative action, at Boalt Hall, the University of California's premiere law school, as ''watching justice die.''

In looking at the Administration's position on affirmative action, we have to place that particular choice within the larger context of the Bush Administration's class war on America's working families and their policies of rewarding the rich.

This Administration and its allies in Congress are rolling back advances in racial equality, economic opportunity, and gender equity.

First Trent Lott lamented the defeat of Strom Thurmond's white supremacist Dixiecrat Party in 1948.

The Administration may have rushed to disown itself from those remarks, but its policies are taking us back to those days nonetheless.

The Administration is creating massive tax cuts for the rich, but twelve million children of America's working families were left off their master plan for the child tax credit. They did this deliberately. It was not a mistake.

So were single mothers who apparently don't deserve tax credits in the world of George Bush. They also left out over 200,000 military families. What a disgrace.

We have an Administration that preaches leave no child behind, but then wants to gut Head Start and leaves tens of thousands of children on waiting lists instead of in preschool. They want to block grant head start, remove it from the Department of Health and Human Services, put it in the Department of Education and require four year olds to take a literacy test. Their proposal would end head start as we know it.

We have an Administration that would like to privatize both Social Security and Medicare, leaving our parents and grandparents with neither financial security nor real prescription drug coverage.

We have an Administration that is trying to block grant Section 8 housing programs, dismantling Section 8 as we know it.

And we have an Administration that is stripping away our civil liberties, one by one. We must stop Patriot Act II from getting through Congress.

It's an Administration that is wiping out decades of progress on Clean Air and Clean Water, even though asthma, childhood cancer rates, and scores of other health problems associated with pollution are on the rise, especially among people of color. It's an administration that puts our tax dollars into a $400 billion dollar defense budget to build more missiles, yet cuts after school programs and won't fully fund education.

This is an administration that is launching a similar assault on women's rights.

Look at its attack on Title IX, for example, a program that is featured in this conference. Title IX has opened up opportunities for girls and women on the sports field that have also opened up opportunities in life.

Our beloved, recently deceased Congresswoman Patsy Mink of Hawaii, sponsored Title IX. In honor of her memory and legacy, we must not let this Administration turn back the clock.

Title IX is about banning sex discrimination, pure and simple. And the Bush Administration is trying to wipe out those protections, just like it's trying to wipe out affirmative action and the Clean Air Act.

This is an administration that wages war abroad while also waging war at home, on the nation's poor, on people of color, on women, on the environment, on seniors, and on working families.

What can we do in the face of these assaults? Fight back! Believe me, we must be vigilant to stop any legislation—illegal legislation that the Republican House and Senate will put forward.

We must take back the House, take back the Senate, and take back the White House in 2004.

To do that, we must educate, organize, mobilize, and vote!

We must register our folks to vote, we must vote and we must demand that our votes be counted. No more stealing elections. Democracy is at a crossroads. We must make democracy real.

Rainbow PUSH represents the very diversity that is under attack. And diversity is a tremendous strength. Use it!

If people tell you their vote doesn't matter, remind them about Florida.

Each and every vote the Supreme Court chooses to count matters. We must demand that they all be counted!

This is a critical moment in history and you have to make it our moment.

I am reminded of the Book of Esther and the conversation between Mordecai and Esther when she faced her moment of truth.

Mordecai turned to Esther as she paused in the face of what looked to be an insurmountable obstacle, and he said to her, ''Who knows whether you have not come to the kingdom for such a time as this?''

Let me pose a similar question to you here, today. Who knows whether or not you have come for such a time as this?

Queen Esther and her forces were victorious. This too is a battle we can win. We, too, will be victorious. And, again, women will help lead the way.

Thank you for all that you do. Let us take from this moment the determination to follow in the footsteps of our heroes—Dr. King, Justice Marshall, Mrs. Parks and Mrs. Till, Ida B. Wells, Sojourner Truth, Maynard Jackson, and Reverend Jesse Jackson—and, like Esther, seize our moment.

I say again, Rainbow Push, you have come for a time such as this.

Thank you and God bless you.

TAXPAYER PROTECTION AND IRS ACCOUNTABILITY ACT OF 2003

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2003

Mr. POMEROY. Mr. Speaker, I rise today to say that I cannot support this bill. I do support nearly everything in the underlying bill. It is mostly the product of a bipartisan effort to address taxpayer rights issues and those provisions should be enacted. Unfortunately, the addition of ''poison pill'' language into this bill prevents me from supporting this legislation today.

This bill has many good components, including provisions I worked on personally with Mr. HOUGHTON. There are several excellent provisions from members of both sides of the aisle, in addition to a number of important recommendations made by the Taxpayer Advocate at the Internal Revenue Service (IRS) to improve services of the agency and protect consumer rights. Most of these provisions are broadly, if not unanimously, supported.

However, what started as a good bipartisan bill has been tarnished by the addition of an anti-consumer provision that is troublesome enough that I cannot vote for it. Language was added to this bill to strip essential consumer protections for those purchasing health insurance using tax credits granted under the Trade Assistance Act (TAA). These existing, carefully negotiated consumer protections are in place to ensure adequate coverage for those using the tax credit. They are enjoyed by every member of this Congress, and they are critical to providing meaningful health coverage.

Proponents of removing these consumer protections call it ''consumer choice.'' But as a former insurance regulator, I can tell you that families facing unemployment and possible loss of health insurance due to U.S. trade policy need health insurance that is both affordable and provides adequate coverage. They should not be forced to ''choose'' one over the other.

Under current law, insurance companies who agree to offer coverage to displaced workers under this program are substantially limited in their ability to turn down applicants, charge excessive premiums or otherwise seek to cover only the healthiest individuals. Without these requirements, the promise of help for most of these people and their families would be meaningless. Understand, however, these are not special protections. These are standard protections and they are being stripped in this bill.

Making coverage cheaper by restricting it to the healthy undermines its purpose—health security for those who need it most. It's like making automobile air bags out of tissue paper—a tactic sure to make cars cheaper for all and hurt only those few who are in accidents—those whose goal it is to protect in the first place.

Only healthy people can afford to ''waive'' the protections. If the waiver is available, the insurance industry would likely gladly enter into arrangements to cover only the young and healthy displaced workers and walk away from those who need help most. This would make a mockery out of the agreement the members of this House voted for in passing the TAA.

Or worse yet, perhaps those most in need of coverage would indeed be issued policies, using this credit, but only coverage that exempts any pre-existing conditions. In other words, this credit could be used to underinsure individuals or families, leaving them vulnerable without the protection they need most. Is it really helpful to displaced workers to provide a tax credit to purchase coverage that doesn't cover what they need most? Of course it isn't, and that's why we included standard consumer protections in the first place.

Mr. Speaker, aside from this anti-consumer provision related to health care tax credits, I strongly support the underlying bill. The majority of this bill is good for taxpayers and would serve to improve the operations of the IRS and the services they provide to our constituents. However, as long as this poison pill provision remains in this bill, I will oppose it.