

and among his fellow teachers, his presence at Libbey will be sorely missed.

Mr. Speaker, the profession of education is not merely a job, it is a lifestyle. My appreciation for teachers runs deep. And my appreciation for dedicating one's life to the advancement of education runs deeper. John McKee has effectively displayed a commitment to his community. John's passion for education is what makes him a model citizen of the Fifth District.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to John Reagan McKee for thirty years of success as an educator. On behalf of the people of the Fifth District of Ohio, I am proud to recognize John McKee's great achievement. We wish John and his family all the best as we pay tribute to one of Ohio's finest citizens.

HONORING OVERSTOCK.COM FOR  
THEIR EFFORTS IN AFGHANISTAN

**HON. CHRIS CANNON**

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 22, 2004*

Mr. CANNON. Mr. Speaker, I rise today to honor and recognize a Utah company for the help it has given to the recently freed people of Afghanistan.

Overstock.com, founded in 1999, is one of Utah's best performing companies and a leader in liquidating excess inventory through the Internet. For nearly five years, Overstock.com has operated on principles of value investing and fair deals, which is why it has become a leader on the Internet.

Overstock.com has also done great work abroad as well. Worldstock is the socially responsible goods department of Overstock.com that contracts with skilled craftspeople in developing countries and helps them sell their products. I am proud to say that this Utah based company is now Afghanistan's largest private employer. The Ministry of Commerce in Afghanistan reported that Worldstock has made it possible for 1,400 Afghans—90 percent of them women—to earn a living. This is a quite a feat, considering that just a few short years ago Afghans, especially women, were living under the oppressive Taliban regime.

In Afghanistan, Overstock.com has been able to utilize technology to provide employment for this developing country. Overstock.com has given Afghans the skills needed for long-term business success. Additionally, Overstock.com has said that it will not make a profit of more than one percent on goods sold through its Worldstock division. This policy has allowed women, prevented from working under the Taliban regime, to now flourish. Global trade and commerce are now a reality to the Afghani people thanks in part to the efforts of Overstock.com.

I would also like to recognize the founder and CEO of Overstock.com, Dr. Patrick Byrne. Being a three-time cancer survivor has not slowed down his altruism, productivity or creativity. It is Dr. Byrne's vision that drives Overstock.com and its work in Afghanistan. In 2003, Dr. Byrne hired Neelab Kaniska, an Afghan woman who fled her homeland when she was a child, to manage Worldstock. This position allowed Neelab to return to her native country and work with local artisans and pro-

vide them with the technological tools that now employ over 1500.

Overstock.com and Dr. Patrick Byrne understand the importance of all markets whether it is the individual consumer, small business owner, or an artisan in a developing country. I applaud their efforts and their representation of Utah, American business, and the American spirit.

IN MEMORY OF NEIL HAVENS

**HON. ELTON GALLEGLY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 22, 2004*

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to the memory of Neil Havens, former postmaster of my hometown of Simi Valley, California, and a man for whom community was family and who epitomized the spirit of Simi Valley.

Neil Havens died peacefully Friday at the age of 74 in his favorite chair in the home he and his wife, Pat, moved into soon after they married in 1951. A fourth-generation Simi Valley native, Neil was appointed postmaster by President Dwight Eisenhower, taking over from his father, Charles Reuben Havens. His grandfather, Charles Albert Havens, also delivered the post in Simi Valley.

And while his 30-year reign as postmaster guaranteed him a place in Simi Valley's history, it was Neil's commitment to community that guaranteed him a place in the hearts of all who knew him.

Neil Havens was a longtime Rotarian. He served as president of the Rotary Club of Simi Valley twice. He was one of the founding members of the Simi Valley Education Foundation. He served on the board of the Simi Valley Cultural Arts Center Foundation. He was a member of the Salvation Army Disaster Team. He raised money for Simi Valley Hospital. He was active in the U.S. Naval Reserve. And the list goes on.

But that is not what people talk about when they talk about Neil Havens. They talk about his firm handshake and his ready smile framed by a trademark jawline beard. They talk about how many friends he had and how he called every week. They talk about how their lawn was mysteriously mowed when they fell ill, to find out later that it was Neil who wielded the mysterious mower. They talk about how he visited sick friends every day they were ill and looked after their family once they passed.

Neil Havens defined community as family. And Neil looked after his family.

Neil is survived by his wife, Pat, herself a community icon. She and Neil graduated together from Simi Valley High School in 1947 and raised three children in Simi Valley, Debra, Barbara and Russ. The City Council named Pat as Simi Valley's first City Historian while I was mayor of the city, a post she still holds along with Director of the Strathearn Historical Park and Museum.

In addition, Neil is survived by four grandchildren.

Mr. Speaker, I know my colleagues join me in sending our condolences to Pat Havens, their children and grandchildren, and pause in remembering a man whose family extended far beyond the bonds of blood and whose life embraced all who knew him. Godspeed, Neil.

INTRODUCTION OF H.R. \_\_\_\_\_, THE  
LIBERTY LIST

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 22, 2004*

Mr. SCHIFF. Mr. Speaker, in presenting the 2003 State Department Human Rights Report Secretary of State Colin Powell declared, "We join in solidarity with courageous men and women all over the world who strive to advance human rights and democratic values within their own countries and throughout the international community." Today, I introduce the Liberty List Act that will highlight those courageous men and women and reinforce the special significance of freedom, democracy, and human rights in American foreign policy.

The Liberty List will be an independent annual report issued by the State Department to highlight the work of individuals and organizations, including the media, who promote the development of liberty, democracy, and respect for human rights. In addition to honoring these individuals and organizations for their important contributions to their societies, the Liberty List will draw attention to the conditions against which the honorees struggle and will offer some protection for honorees by identifying them to the international community. A few individuals and groups, such as Aung San Suu Kyi and her National League for Democracy NLD, are known around the world for their struggle. Yet, for every individual who is known to the international community, there are many other heroes who deserve recognition and support as they risk their own lives for the improvement of others'.

The Liberty List is fundamentally different from the existing State Department Report on International Religious Freedom and the annual Country Reports on Human Rights Practices. Current reports focus on the human rights records of national governments; they deal with the imposition of state power. The Liberty List, in contrast, will spotlight individuals and organizations who are working against that power to build freedom, democracy, and respect for human rights.

Leaders in the struggle for freedom and democracy around the world deserve recognition for the sacrifices and their struggles. It is through the work individuals, who struggle at the local and national levels to improve the lives of their families, friends, and neighbors, that democracy, freedom, and human rights will prevail. The Liberty List Act will establish a means by which the United States can honor these men and women as they strive to make the world a better, safer place.

I urge my colleagues to join me as cosponsors of this legislation.

THE CASE OF THE HUNGARIAN  
GOLD TRAIN

**HON. JOSÉ E. SERRANO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 22, 2004*

Mr. SERRANO. Mr. Speaker, I rise today to discuss an important issue of justice for Holocaust survivors: the saga of the Hungarian Gold Train, and the role played by the United States government.

As the Presidential Advisory Committee on Holocaust Assets, PCHA, first revealed in full in 1999, this was a dark mark on the otherwise heroic and exemplary role played by the United States in the treatment of Holocaust survivors. In 1944, the Nazis systematically confiscated the property of Hungary's Jews. A train loaded with stolen property was turned over to U.S. Army after World War II ended. Our policy and law required us to return that property to its rightful owners. Instead, the United States refused to return the property to Hungary—despite the pleas of Holocaust survivors. Worse, our government covered up the matter for half a century. As the PCHA concluded, the Gold Train is “an example of an egregious failure of the United States to follow its own policy regarding restitution of Holocaust victims' property after World War II.”

As members of this House are well aware, the United States has been at the forefront of recent worldwide efforts to assure restitution and historic justice for Holocaust survivors. When other nations or their corporations have tried to use legalistic defenses, such as sovereign immunity or statutes of limitations, we have said forthrightly that there is a moral as well as a legal obligation to make historic amends. Sadly, in dealing with the claims of the Hungarian Holocaust survivors, our own government has taken the very approach we have decried elsewhere.

The survivors filed suit in federal court in Miami in 2001 seeking an accounting and restitution. The Justice Department has litigated this case in a manner that appears to ignore its moral dimensions, and that appears to contradict our bipartisan national policy on Holocaust restitution. It has sought to have the case thrown out of court—an effort rejected by Judge Patricia Seitz. It has insisted on taking grueling in-person depositions from dozens of elderly survivors. It only filed a substantive response to the lawsuit three years later. In that response, it chided the survivors themselves for lacking the “due diligence” to learn about the Gold Train, despite the fact that the government itself covered up the story and kept documents classified for decades! This sort of foot-dragging only adds insult to injury. The Department of Justice has a duty, in my view, not only to vigorously uphold the law, but also to pursue justice and seek fair restitution for those victims who lost property on the Gold Train.

The report accompanying the Commerce, Justice and State Appropriations bill makes clear the Appropriations Committee's concern over this issue. Report language indicates that the Committee is watching this case carefully. As I told Deputy Attorney General Comey when he testified before the Subcommittee in March, I have heard a great deal about this from Holocaust survivors. I feel very strongly that these individuals should not be dragged through further time-consuming litigation and court proceedings.

Mr. Speaker, I believe the judge's order that the Justice Department mediate the case with the survivors is a very positive development. The parties have agreed that Fred Fielding, the former White House counsel to President Reagan and currently a member of the Commission on Terrorist Attacks on the United States, the 9/11 Commission, will conduct the mediation. I will monitor this process, and

work with Mr. Fielding as necessary to see that justice is done. As the report indicates, it is important that the Justice Department treat this mediation seriously and at last resolve this matter in a way that is fair, compassionate, and prompt.

I believe that the most authoritative account of this case—and of the United States government's moral duty to compensate these survivors—was recently written by the Hon. Stuart E. Eizenstat. Ambassador Eizenstat was the Special Representative on Holocaust Restitution Issues during his time as Under Secretary of State and Deputy Treasury Secretary during the 1990s. He sat on the PCHA and is respected worldwide for his balanced leadership on this issue. He recently wrote an article in the *Forward*, the respected Jewish newspaper. I strongly agree with the thrust of this article, and I would like to enter it into the record at the end of this statement.

Mr. Speaker, simply put, justice delayed is justice denied. These Holocaust survivors came to the United States to build new lives, and our government has wrongly withheld the compensation which could have helped in that process. They have been waiting for almost sixty years for justice. They should not have to wait any longer.

[From the *Forward*, June 17, 2004]

INTEGRITY OF THE RESTITUTION PROCESS  
RESTS ON SINGLE STANDARD OF JUSTICE

(By Stuart Eizenstat)

During the last decade, Swiss, German, Austrian and French companies and their governments paid some \$8 billion to Jewish and non-Jewish victims of the Third Reich, disgorged thousands of dormant bank accounts, finally honored prewar insurance policies and returned confiscated property and artwork.

The Europeans paid reparations for their conduct during World War II, and restituted property even though their legal liability more than half a century later stood on shaky grounds. They did so in significant part because the American government insisted that they had a moral and historical responsibility to those they wronged.

Now, however, the shoe is on the other foot in the “Hungarian Gold Train” case. The American government is being sued by Jewish survivors for alleged improper handling of assets stolen from them by the pro-Nazi regime in Hungary. Faced with righting what may be America's historical wrong, the Justice Department has forgotten our own message to the world, and is relying on strict legal arguments to escape responsibility.

This is the wrong approach and should be corrected immediately, lest we lose the moral high ground that was indispensable to achieving our agreements—and that remains essential today to ensure our agreements are honored and that other human rights violations are taken seriously.

The U.S. Army was not only heroic in winning World War II, but also had an enviable postwar record in recovering Nazi-looted property. Unlike the Soviet Union, which took away valuable paintings and cultural property as war booty, the American government never tried to enrich itself as the victorious power. In accordance with international legal principles and American policy, art and cultural property was returned to the countries from which it had been taken. In turn, those countries were expected to return the property to the citizens from whom it had been confiscated.

But in regard to the Hungarian Gold Train, the American government followed a starkly different policy. The train, totaling 24 rail cars and holding countless Hungarian Jews' valuables that had been confiscated by the pro-Nazi Hungarian government, was seized by the U.S. Army in Austria in mid-May 1945, just after the war had ended. Despite constant appeals for years by the post-war Hungarian government and the official Hungarian Jewish organizations to return the property—even to simply permit an examination of the valuables—the American government refused. Even the American Legation to Hungary questioned Washington's refusal.

Instead, the U.S. Army declared the Gold Train assets “enemy property” unidentifiable as to individual ownership and national origin, making restitution infeasible. Instead of returning the property to the Hungarian government, as the French army did with other Jewish assets it seized after the war, some senior American military officers requisitioned the property to furnish their apartments in Austria. Other items, such as watches, alarm clocks and cameras, were sold through Army Exchange stores in Austria. More than 1,100 paintings, some with impressive credentials, were transferred by the U.S. Army to the Austrian government. A substantial amount of property was sold for auction in New York, with proceeds transferred to the International Refugee Organization to benefit Holocaust survivors. A small number of items simply were stolen.

None of the property, however, was returned to the large surviving Hungarian Jewish community from whom the Gold Train assets had been confiscated.

After successfully urging more than 20 countries to establish historical commissions to examine their role in dealing with looted Nazi assets, President Clinton followed my recommendation to create our own Presidential Advisory Commission on Holocaust Assets in the United States. The commission, headed by Edgar Bronfman—who played a critical role in exposing the misuse of Jewish bank accounts by Swiss banks—first publicly disclosed the disturbing facts about the Hungarian Gold Train in an interim report in 1999 and in a later report in December 2000. The Bronfman-led commission, in which I served as a commissioner, did not flinch from exposing misjudgments by the American government—just as the Clinton administration did not hesitate to do for so many years with other countries.

Our disclosures led to a private class-action lawsuit, *Irvin Rosner et al v. United States*, by more than 3,000 Hungarian Holocaust survivors against the American government, seeking an accounting of the contents of the Gold Train; a search of U.S. Army posts for the valuables and the return of any Gold Train property still in government hands; and up to \$10,000 in damages from each member of the class of Hungarian Jewish survivors.

Instead of acting as we had urged foreign government and their companies to act, instead of even calling for an investigation of the facts to establish whether there truly was the kind of culpability our presidential commission found, the American government moved to dismiss the case on the basis of the statute of limitations, the sovereign immunity of the United States and the inappropriateness of the federal court system as a proper forum for these claims. The government has subjected elderly survivors to rigorous depositions, and has used an expert

witness, the chair of Tel Aviv University's Jewish history department, to contest some of our commission's findings and the plaintiffs' more sensational allegations.

Even if the Hungarian Gold Train case is questionable on legal grounds, and even though some of the facts remain contested, the moral claim by the survivors that their assets were not returned is solid. What, then, should be done now?

For starters, the mindset of the Bush administration's Justice Department must change. We must hold ourselves to the same rigorous moral and historical accountability to which we have held foreign governments and their corporations. This was the basic argument made by a bipartisan group of 17 senators, including Hillary Rodham Clinton of New York and Trent Lott of Mississippi, in a recent letter to Attorney General John Ashcroft.

As reported in these pages two weeks ago, U.S. Federal Judge Patricia Seitz granted part of the Justice Department's motion to dismiss the Hungarian Gold Train case, but denied other parts and has ordered the United States to submit to mediation. The Justice Department should now take the opportunity to allow the mediator to review all the records and documents and to weigh the contested facts, including the amount of Hungarian Jewish assets that was actually on the Gold Train.

Of course, it will be almost impossible for survivors to identify individual items that were confiscated from them and to determine which items made their way onto the Gold Train. That is why the Bush administration should apply the same "rough justice" concepts we used in negotiating with the Germans, Austrians, Swiss and French—this time, for the benefit of Hungarian Jewish survivors in the United States, Israel and Hungary.

After all, it was no easier for slave and forced laborers of German and Austrian companies to identify their employers. Yet German and Austrian corporations and their respective governments met their responsibility and paid billions of dollars to survivors, Jews and non-Jews alike. The French government likewise faced its moral responsibility to those victimized by Vichy France.

Justice would be served if the mediator appointed by Seitz was permitted to make a recommendation to the parties, Congress held a hearing on the mediator's findings and on competing allegations, and President Bush asked Congress for a reasonable lump sum payment to be allocated on a per capita basis to living Hungarian Holocaust survivors who file an affidavit identifying their moveable property that was taken in April 1944 by the pro-Nazi regime.

Obviously, the American government is only responsible for what it seized on the Gold Train and failed to return. And the amount should reflect that some of the assets were sold for the benefit of Holocaust survivors in the United States, a small number of whom were Hungarian Jews. The amount, however, is less important than establishing the principle that the United States will hold itself to the same standard to which we have held others.

And importantly, a simple, straightforward apology should accompany the payments for what was likely a singular deviation from the otherwise sterling conduct of the American military after World War II. The United States will then be in a stronger position to continue to urge other countries to meet their responsibilities—and we will have proved that when the shoe is on our foot, we can wear it.

## TRIBUTE TO SENIORS DAY

### HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 22, 2004*

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the first annual Tribute to Seniors Day to be hosted by the Waldo County YMCA in the City of Belfast, Maine.

The focus of this important day is to honor the seniors of Waldo County and their dedication to their community and their families. This event will give important recognition to our seniors, and will include a health fair and other events and activities that will provide useful social services information.

Tribute to Seniors Day will be a fitting salute to a group that over the years has persevered and seen our country through hard and trying times, including those of the Greatest Generation who lived through the Great Depression and a World War. They were forged in the toughest trials of this century, and they remain community leaders to this day.

While the struggles this generation has faced over the years have changed, today the important fight is for affordable health care and prescription drugs, and our seniors are leading the charge. There is no greater gift of gratitude that we can give to our seniors than to join them in this fight and improve Medicare in order to make prescription drugs affordable for all.

I am certain that this event will be a resounding success for years to come and will provide other areas with a model through which to recognize the lifelong dedication and service provided by local seniors. I encourage everyone in Waldo County to attend this important event and lend their support for their friends and family as we celebrate Tribute to Seniors Day.

To our seniors who have lived through and experienced so much, and who still remain pillars of our community, I salute you.

## MEMORIALIZING ROBERT MASAHIRO YOSHIKAWA

### HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 22, 2004*

Mr. HONDA. Mr. Speaker, I rise today to honor the life and contributions of Mr. Robert Masahiro Yoshikawa who recently passed away. He was a pillar of the community and a personal friend of mine. Mr. Yoshikawa made an immeasurable impact on all those around him through his career, his volunteer work, and his devotion to family. His tireless efforts improved the lives of countless people in his community.

I met Robert Yoshikawa many years ago when we were both students at San Jose State University. From that moment on, he continually amazed me with his unwavering selflessness and his extraordinary dedication to the community. Throughout his life, he consistently put others before himself through volunteering and his active involvement with his

church, his family activities, and his neighborhood.

For those who are unfamiliar with Mr. Yoshikawa's life, I would like to take a moment to highlight some of his extraordinary contributions. In addition to serving as President of the San Jose Buddhist Church Betsuin, Bob served on the board of directors of both the SJB and Fuji Towers and played an integral part on many committees. Mr. Yoshikawa served as past chairman of the San Jose Buddhist Church Betsuin Ministerial Affairs and Obon Committees, as well as being a charter member and current president of the Young Japanese Adults. In 2002, Robert was presented with the Volunteer Recognition Award by the Junior League of San Jose.

In addition to his extensive volunteer work, Mr. Yoshikawa was a wonderful husband to his wife Phyllis and father to his sons, Mark and Scott. He served as an ideal role model for his sons, teaching them right from wrong, imparting to them a spirit of service, and making time to involve himself in their lives and activities. He could often be seen videotaping his sons' football games or driving them to various Boy Scouts, sporting or church activities in his Chevy Suburban. He would constantly guide his sons with sage advice from his experience and the experiences of his own father. He was a man of strong conviction, who stood behind his decisions without wavering.

Robert Yoshikawa, a second generation American, was born in Newcastle, California in 1940. Upon graduating from high school, he attended Sierra Junior College before matriculating on to San Jose State where he received a degree in mechanical engineering and met his future wife, Phyllis Osaki. The couple first lived in an apartment in Sunnyvale, but spent the past 37 years in the house in San Jose that they watched being built. It was there they raised their two boys. Robert worked at Lockheed Martin until his retirement in 2003. At Lockheed, Robert's robust engineering skills and attention to detail were instrumental in the success of several important projects. He was praised for being accurate and efficient, and his remarkable patience and experience made him a valuable mentor to the younger engineers at Lockheed.

Upon retiring from his job at Lockheed Martin after 40 years, Mr. Yoshikawa embarked on yet another chapter in his full life. Though he and Phyllis had already traveled the globe, he had even more trips planned and was enjoying his return to improving his golf game with other retired friends. Always wanting to be useful, he also agreed to volunteer at the Japanese American Museum of San Jose as just one more in his myriad of community services. It was on March 24, while volunteering at the museum, that Mr. Yoshikawa died of a heart attack. Since he was in apparent excellent health, his passing came as quite a shock to all who knew him.

Mr. Speaker, I rise today to mourn the loss of a friend and a role model. I knew Robert for 40 years and he was as inspirational to me the last time I saw him, as he was when we first met. I know that the people of the Bay Area appreciate everything that this wonderful man has done for them and I feel privileged for having known him.