

took an active and lead role in ensuring the safety of their fellow citizens on the day of the vote. For Iraqis, this was truly a national effort to determine the future of their nation.

The increasingly Iraqi-dominated security operations are a huge boost in our efforts to defeat the terrorists. After a recent trip to Iraq, Retired Army Major General Robert Scales commented: “[The Iraqi forces] are better able to gather intelligence. They can spot insurgents by their body language and by how they act and the language they use.”

The Iraqi security forces are gaining the trust and respect of the Iraqi people. In fact, the number of tips to security forces rose from 442 in February to over 3,000 in August. The increasing capability of the Iraqi security forces is essential to our strategy for victory.

Mr. Speaker, the trial of Saddam Hussein is yet another very positive development. This is a trial by Iraqis, for Iraqis—and for justice long denied to the victims who suffered under his murderous rule. The Iraqi Special Tribunal operates under Iraqi law and shows the solid foundation being built for law and order in Iraq.

There has also been significant progress resulting from U.S. and Iraqi reconstruction efforts. Unfortunately, these signs that point to a revived society, economy and culture have not received much attention. Consider this:

There were no independent newspapers or magazines in Saddam Hussein’s Iraq—today there are more than 100; before the war, there were no cell phone subscribers—today there are over 3.5 million; over 3,400 schools have been renovated; local governments are conducting town hall meetings; the Baghdad real estate market is booming; and, the court system is coming to life—Iraqi judges have conducted 387 trials since 2003.

There remain terrorists committed to derailing democracy in Iraq. But Iraqis have already experienced the conditions that terrorists seek. They are conditions of hopelessness, violence, intolerance and repression. As we saw by the constitutional vote, nearly all Iraqis reject this dark existence.

Mr. Speaker, we know that more tough days lie ahead for the American military. Their mission is dangerous, but their cause is just. And because of their courage and sacrifice, they are making significant progress toward supporting a free and democratic Iraq. This is great news for the people of Iraq—and great news for our own national security.

TRIBUTE TO ROSA PARKS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Ms. KAPTUR. Mr. Speaker, this past week, America laid to rest Ms. Rosa Parks, preeminent civil rights leader of the 20th century. Ms. Parks embodied the clarion call of Sojourner Truth to champion the rights of those dispossessed and marginalized. Through her acts of courage and inspiration, she, as woman, awakened the conscience of a nation and moved us to be better than we had been, indeed to form a more perfect union. In her memory, a homegoing memorial service was held in Detroit, Michigan, her adopted hometown, on Nov. 2, during which the Reverend

Jesse Jackson, Sr. of the Rainbow/PUSH Coalition, rendered these words of comfort. It is my privilege to enter them in the CONGRESSIONAL RECORD as a living testimony to her life and the world and nation she helped transform.

ROSA PARKS: WORDS OF COMFORT

We are here this morning for serious business. On so many occasions, negroes have been intimidated and humiliated and oppressed because of the sheer fact that they were negroes. Just the other day, just last Thursday to be exact, one of the finest citizens in Montgomery—not one of the finest negro citizens, but one of the finest citizens in Montgomery—was taken from a bus and carried to jail and arrested because she refused to get up to give her seat to a white person.

When the history books are written in the future, somebody will have to say, “There lived a race of people—, a black people, a people who had the moral courage to stand up for their rights!”—Dr. Martin Luther King Jr., Montgomery, Alabama, December 1955

ROSA PARKS: FREEDOM FIGHTER—LIBERATOR

The Book of Esther. Chapter IV, Verses 12-16:

12: And they told to Mordecai Esther’s words.

13: Then Mordecai commanded to answer Esther, Think not with thyself that thou shalt escape in the king’s house, more than all the Jews.

14: For if thou altogether holdest thy peace at this time, then shall their enlargement and deliverance arise to the Jews from another place; but thou in thy father’s house shall be destroyed: and who knoweth whether thou art come to the kingdom for such a time as this?

15: Then Esther bade them return Mordecai this answer.

16: Go, gather together all the Jews that are present in Shushan, and fast ye for me, and neither eat nor drink for three days, night or day: I and also my maidens will fast likewise; and so will I go in unto the king, which is not according to the law: and if I perish, I perish.

Isaiah, 40 chapter, 31st verse, “but they shall wait upon the Lord shall renew their strength; they will mount up with wings like eagles; they shall run, and not be weary; and they shall walk and not faint.”

The 2005 freedom bound train is full of giants. John Johnson, Johnson Publishing, who illuminated our way. Vivian Malone Jones who opened up closed doors at the University of Alabama; C. Delores Tucker, first African American Secretary of State of Pennsylvania, a pacesetter. Judge Constance Baker Motley along with justice Thurgood helped to brake backbone of legal segregation. And now Rosa Parks, our morning star, the star that led us by night; when it’s real dark, one light will challenge all of the darkness, and give us hope and direction.

For such an awesome force in history, we wrestle with the countless ways, “how do we express ourselves, our thanks, her meaning, her impact.

The question was once raised in Micah, how do you worship? Do you give the Lord fatted calves and rams and rivers of oil? Meaningless sacrifices. The answer was, “O man, you know what is good; you know what matters. Do justice, and to love mercy, and to walk humbly with your God?”

Perhaps for Sister Parks, a statue in the great Hall of Congress as projected in a legislative bill by Congressman Jackson, as a founding mother of the new America. Surely if Jefferson Davis and Robert E. Lee, leaders of the Confederacy who led the drive for se-

cession, sedition, segregation and slavery and treason, could be there, why not have the guardian angel there to keep an eye on them, and to protect the true character of the American Dream.

Perhaps the extension of the voting rights with enforcement powers, 50 years later.

Perhaps a White House conference on civil rights. 50 years later—post Rosa Parks and hurricane Katrina, a White House conference on civil rights is needed. We must say to Mrs. Parks, your legacy is secure, your sacrifice is not in vain, but your work is unfinished and under attack. You lifted us up; we will not let you down.

We often reference her qualifications for this huge role in history—her vocation as a seamstress, her civil rights membership, her humility and temperament. But her biggest quality is she was available.

One of the outstanding attributes of Mrs. Parks is that she was available. Her humility, her steeled courage, her non-negotiable dignity, speaks to us in the fullness of time, after 336 years of struggle—from the hull of ships to the back of the bus—in the fullness of time, she said, here am I, send me. I am available.

God uses the strength of the available. He is not bound by the credentialed and the unavailable. Each time I go back across the bloodstained Edmund Pettus bridge in Selma, Alabama—the battlefield of our modern day voting rights act—I recall the struggle led by Hosea Williams, a shot up war veteran, and Congressman John Lewis, a student, on that Sunday. There were no pastors of major churches, no convention presidents, no bishops, no doctors or lawyers, no political party leaders, no scholars, no elected officials, judges or business leaders. Just ordinary people.

Mrs. Boynton, Mrs. Foster, Sunshine, Lester Hankerson, Cottonreader from Mississippi. Ordinary people, available to do God’s will. Ordinary people.

They upended the Congress, the White House, and the world. They captured the imagination of the world by absorbing the blows and suffering us into a new day. Your success and reputation and status are not bargaining chips with God.

Calvary teaches, suffering breeds character, character breeds faith, and in the end, faith will prevail.

Who are the available?

(a) It may be some teenage boy, a great underdog with a slingshot, taking on some giant Goliath. He emerges the winner, an unlikely hero. He was available.

(b) It may be some rescued baby, Moses, avoiding a death warrant by the King, an edict of genocide, aided by some ingenious prayer warrior mother, who grew up in the King’s household but comes unto his highest self and says, “Let My People Go.”

(c) It may be some Esther, some orphan, after prodding by her uncle, moving beyond the political law and risking personal comfort for the common good, who rises up realizing her people are in jeopardy, declaring if I perish, let me perish. I am going to meet the King. God uses the available.

(d) It may be some freedom fighting seamstress, unarmed without guns or bullets, but with a breastplate of righteousness in the heart of the confederacy which says “Like a Tree Planted by the Rivers of Water, I Will Not be Moved.”

I will defy the unjust state law that defies federal law. You may fire me, you may jail me, and you may kill me. But like Esther, if I perish, let me perish. Enough is enough!

If you need somebody, I am available. Here am I, send me.

Rosa Parks: It is not her passing, but in her living, the timeliness of her actions, that bring us here today. It has captured the attention of the world.

I was in South Africa meeting with President Mandela last week when the news broke. He acknowledged her impact and sends his condolences. Apartheid ended in 1954 in North America. And in South Africa in 1994. He understands the connections.

An NAACP freedom fighter, she offered her body as a living sacrifice. She embodied the hope, the longing and the anguish of three centuries of prayers. Her light in darkness illuminated the path of the majestic leadership of Dr. Martin Luther King, Jr. Together they were part of a team. A season. That changed the course of America and world history for the better. Ms. Parks was in the historical rocking chair between the legal triumphs of Thurgood Marshall and the prophetic utterance of Dr. King.

It is our burden to put her in context of our struggle. And not allow wolves in sheep's clothing to mis-interpret her legacy, or our struggle.

So when children ask of us, who was Rosa Parks? We shall tell them how she helped get us across the rough waters.

Why was she arrested? Is it relevant today? Or is this some sentimental journey that we are on, with all of these services and celebrations.

She was arrested for defying State's rights laws—segregation—a hangover from the Confederacy. The South would not honor the dream of a more perfect union. And the red states still resist.

The relevance of her living legacy is no sentimental journey.

So today, as the courts are stacked with States' rights judges, and New Orleans' people float face down in the waters, and civil rights are suspended, prevailing wages suspended, affirmative action suspended, environmental laws suspended, veterans preferences suspended . . .

As FEMA will not give the addresses of the people exiled in 41 states. The addresses that will allow the State Board of Elections to communicate with them so they might vote in February. New Orleans is being de-populated with its people stranded in exile. While Louisiana is being demographically re-configured.

Is this struggle relevant today or is this service a sentimental journey?

For our sister beloved Rosa, we must adore, admire and love her. But we must not romanticize her mission. Hers is an act of defiance, challenging the prevailing right wing political, legal and religious order. She challenged state's rights in the heart of the Confederacy.

Her mission was to even the playing field, to afford all Americans equal protection under the law, to gain and defend civil rights—she sought a more perfect union.

Many of her former adversaries have changed stripes or parties, but not their anti-civil rights, anti-labor, anti-gender equality, and anti-poor agenda.

To be on her freedom train requires the courage and the vision to defy unjust law, take the risk and live with the consequences.

After 58 years of legal racist segregationist apartheid law, upon continuous charges by the NAACP, led by Thurgood Marshall, Constance Baker Motley, Charles Hamilton Houston, Dr. John Hope Franklin, Dr. Kenneth Clark, the court reversed itself from the 1896 apartheid decision which succeeded slavery.

May 17, 1954 was the biggest legal victory we had known since the abolishment of slavery in 1865 and the broken promises of 1877 and the end of reconstruction. But it had no immediate impact on the ground. States continued to defy the law and vilify the court as legislating and engineering change and of not being "strict conservative constructionists."

Racial segregation remained in our schools, transportation, trains, public housing, work place, voting. We lived without the umbrella of protection of the law.

Emmett Till was lynched, August 28, 1955, (eight years to the day before the March on Washington, 1963). The lynch mob was not prosecuted and the FBI did not investigate.

His mother brought his bloodied, watermarked body back to Chicago. 100,000 people demonstrated passed his body . . . afterwards they were never the same.

Jet and the Black Press told his story. There was an emotional uprising.

I once asked Ms. Rosa Parks, why did she not go to the back of the bus, given the risks?

She said I thought about Emmett Till and I could not go back. She said, "My legs and feet were not tired, that is a stereotype, and I felt violated. I paid the same fare as others, I was not going back." She stood with Emmett Till's mother until the very end, reaffirming that kinship.

Her dominant feature was not that she was a seamstress; she was not arrested for sewing. She was a dignified, resisting freedom fighter. An NAACP officer at a time when the NAACP was banished from most parts of the south. Most teachers could not join and keep their jobs.

The states defied federal law, and she defied the state law. She took the test, paid the price and the law failed. She was arrested for defiant behavior. She went counter-culture. She resented the sign above the drivers head that read, "colored seat from the rear, whites from the front. Violators will be prosecuted."

She chose with resolve and courage to fearlessly face the option of being fired, jailed or killed to test the law, December 1, 1955.

An immediate after effect was the emergence of Rev. Dr. Martin Luther King, Jr. A one year boycott, his house bombed—they were threatened. She won the legal case after 13 months. It took 10 years of testing to get from the back of the bus to the right to vote.

Sitting down, we hear over and over again was a simple act by a dignified woman. The act was simple, but the reaction was violent, relentless, led by the State. Arrests, loss of jobs, death threats. Governors blocking school doors, state terror. And the resistance of her challenge for a more perfect union is still under attack by the devotees of State's rights, undermining a more perfect union for all Americans.

It was the first of many courageous tests: 1957, Daisy Bates and the Little Rock Nine; the sit-in's of the 1960's; the assassination of Medgar Evers and others; the killing of Jimmie Lee Jackson that triggered the Selma March; the killings of Schwerner, Goodman and Chaney; The Birmingham bombings; the march from Selma to Montgomery to end the reign of legal state sponsored terror.

There was a long bloody road ahead after December 1, 1955. Of course, by extension today, abandoned cities, flourishing suburbs, second class schools and first class jails. Three strikes and you're out . . . even if you don't have a bat, rather than four balls and you're on, because we really intend to leave no child behind.

We, with a narrow view, say Rosa Parks would not get up and let the white man have her seat. It was not about "A" black woman, and "A" white man. It was a dilemma of all blacks and all whites. Victims of a system with all losers.

The white bus driver would not drive off, the white police arrested her, but they were all victims of racist, state's rights law as well. They were following the legal, political, religious edict of their day.

She was following the moral law. She chose Calvary over convenience.

The white rider, out of cultural expectation and the law, had a right to ask her to get up. The bus driver had a legal obligation to demand that she move, or the bus would go no further. The police had a legal obligation to arrest her.

Those men must now feel awful, and their children ashamed. History has condemned them. But their political leaders placed them there.

If they had not done their jobs, they would have lost their jobs, and if she had gotten up, she would have lost her dignity.

The legal changes of 64' and 65' allowed both to have dignity and decency.

Now Alabama and Auburn can play black and white together. We can choose uniform color over skin color in that game, because the new law protects our shared dignity.

Unfortunately 50 years later many still are trapped in the system that chooses racial insecurity and cultural identity over their economic interests and life options.

If Rosa Parks were not successful, blacks would have remained at the back of the bus and in a ditch. Southern whites would have remained in the ditch with us. No southerner could have gone to the White House from the south, because of the stigma, just as no white South African could leave South Africa without stigma.

Presidents Jimmy Carter, Bill Clinton and Vice President Gore, President Bush, all owe their presidencies to a new freed South, not hampered by racial stigma.

Her act helped to free the whole south.

Changing the laws and the culture did not take place automatically or inevitably. It took demonstrations, sacrifice and martyrs. But now with affirmative action and Pell Grant and no more political mileage for governors blocking school doors, we can sit in the front of buses, class rooms, live in a neighborhood of our choice.

Auburn could be number 1 last year. Alabama could be undefeated this year and not face the predicament that Bear Bryant faced playing USC and Nebraska without the best talent in the State, and being humiliated by Sam Cunningham of USC and Johnny Rogers of Nebraska.

Oh what a morning Rosa Parks ushered in. There are those who will honor her during this season, but who will seek to reverse the course she took and not enforce the laws for which she was arrested and struggled. She is their trophy but she is our morning star. Our 1955 liberation Christmas present. Oh what a morning this noble woman has helped to usher in.

This is a time to mourn and celebrate, where we must watch as well as pray. For those on the Rosa Parks, Medgar Evers, Schwerner, Goodman Chaney, A. Phillip Randolph, Constance Baker Motley, Cesar Chavez, Martin Luther King side of history, we must be a ware of wolves in sheep's clothing who try unrelentingly to defeat her purpose.

While we have gone from the back of the bus in Montgomery, burnished in our memory is the back of the rescue in New Orleans.

Like Esther, you counted the costs, took the risks and paid the price. But our God offered you a comfort level ultimately that defied your enemies and surpasses our understanding.

Sister Rosa, you are our eagle bird of hope, a gift sent from up above. Like the eagle—a bird of strength, and power and resolve—you looked in the noon day sun and didn't flinch. You looked at the little ones whose wings were less strong and not as long. You inspired us out of our fears, and allowed a re-birth of hope. You stirred your nest, and gave us comfort and protection. You showed us how to fly.

Fly fearlessly, no matter the weather. When we failed in our efforts, God allowed you to be close enough and live long enough to pick us up again.

We know we fall down sometimes. We got back up again. Again and again. Because you reminded us nothing is too hard for God. You showed us the power of right over might, the power of moral authority, the power stronger than guns and wealth, just by being available to do God's will.

You have been the wind beneath our wings. The Lord promised that they who wait upon the Lord shall renew their strength; they shall mount up with wings like eagles, they shall run and not be weary; they shall walk and not feint.

The writer promised this morning this great morning, one glad morning, we can fly away. You are faithful over a few things. Now He has called you up higher. Keep looking up to those stars, in their silver sockets of glory, to that place in the sky.

Now, Mother Eagle, God today has called you back to the big nest in the sky. This morning, Sweet Angel, take your rest, take your rest. Take your heavenly flight. You made your reservations. You prepaid your ticket. Now you can sit where you choose to sit. You have a reserved seat at the welcome table. When you get tired of sitting, you can just walk around heaven all day.

By the way, stop by and give Dr. King our highest regards. Tell Fannie Lou Hamer, howdy. Pluck those bullets out of Medgar Evers' back. Tell Emmett Till what he meant to you. Sit down with Daisy Bates.

Stop by and see Schwerner, Goodman and Chaney.

By the way, thank John Johnson for telling our story. Tell Mahalia. We are all moving up a little higher. And don't forget to tell Rev. C.L. Franklin thanks for teaching us how eagles stir their nests.

Make room for us. It won't be long now. We are too close to turn around now. We've wept bitter tears, but joy keeps coming. Sit where you want to now. There will be no arresting officers. No signs of disrespect. No more handcuffs. We thank you for your hope. We thank you for your healing. We thank you for being available. Good night, Sweet Angel. We will see you in the morning. You served us well. You've done God's will.

HEARING: THE NATIONAL PANDEMIC INFLUENZA PREPAREDNESS AND RESPONSE PLAN: IS THE U.S. READY FOR AVIAN FLU?

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 2005

Mr. KUCINICH. Mr. Speaker, is the U.S. ready for avian flu? I don't think there is any question that answer is a clear "no." The question is, what are we doing about it? The administration finally released its plan this week under tremendous public pressure. It got underwhelming reviews from experts because it is deficient on several fronts that will be collectively necessary for us to fight this disease. It is especially weak on efforts to stockpile anti-virals.

Our best anti-viral bet will be Roche's Tamiflu. It is well established that it will take Roche years to produce enough to satisfy American stockpile needs. We have enough for less than 1% of the U.S. population. We need at least enough for 25% of the U.S. Even after promised increases in production capacity, Roche's supply is far less than our stockpile needs. The same goes for countries around the world, including those where the outbreak is likely to originate if the virus mutates to pass easily from human to human. And yet there are plenty of production facilities to solve the problem. In fact, over 100 companies have expressed interest in "helping (Roche) meet production challenges," according to one of Roche's own advertisements. So what is the problem?

The problem is that Roche has a monopoly on Tamiflu. We are very familiar with what happens when a company has a monopoly on a product the world needs. They control supply. And that is exactly what Roche is doing.

But choking world supply is not the only consequence of Roche's monopoly. If we need a reminder about the perils of concentrating production in the hands of a few, we only need to look to last year. Chiron was forced to scrap half of the U.S. flu vaccine supply when their manufacturing facility failed to meet safety standards. That was for the

conventional flu. Imagine what would happen if we lost half of our Tamiflu supply in the middle of an avian flu outbreak. And yet, at the cusp of a potentially far more devastating avian flu epidemic, we are about to repeat our mistake. But there is a solution. Compulsory licensing.

HHS has the authority to issue a compulsory license to get rid of this dangerous shortage by allowing other companies to make Tamiflu. Roche would get compensation. That authority exists specifically to prevent the most predictable scenario—a pharmaceutical company holding a drug hostage when it is needed to protect public health, in order to increase profits. That is exactly what we're seeing here.

Roche revenues increased 17% last quarter. Tamiflu sales more than doubled to \$215 million in three months. They expect to make almost \$1 billion from Tamiflu sales this year. Of course they would want to hang on to this monopoly. Their ultimate responsibility is to their shareholders, not to the public.

We have heard a lot of promises from Roche that they are willing to negotiate with other companies to sublicense production, but I have not heard anything about a firm agreement to do so. Roche can keep fees too high in order to make it unprofitable for an outside company to manufacture Tamiflu. They can stipulate, and have indicated their willingness to do so, that any Tamiflu made by a company other than Roche would not be available for sale in the U.S. In other words, they can continue to restrict world supply.

And to top it off, the administration boasts that it wants to throw a billion dollars into buying anti-virals. But the drugs aren't there. There's nothing to buy and, as it stands, there won't be anything to buy in the near future. We may not have that kind of time. But the administration is still sitting on its hands while Roche's profits skyrocket and Tamiflu production does not. This is a clear choice of profits over public health.

As you know, Secretary Leavitt, last month nine of my colleagues and I sent you a letter requesting compulsory licensing. We have given Roche plenty of time to act appropriately and they have failed to do so. In order to protect public health, we must issue a compulsory license for Tamiflu immediately.