

to ensure that any rule that the Commission promulgates regarding real-time market data does not hinder access by investors to such data, and maximizes the access by investors to all market data, including real-time and delayed market data. In the absence of Commission action, the determination of whether market information is real-time market information would be left to the courts with jurisdiction over civil actions under Subsection 11A(e) to interpret the plain language of the term "real-time."

Finally, the term "market information processor" with respect to any market information is defined in Subparagraph 11A(e)(6)(C) to mean the securities exchange, self-regulatory organization, securities information processor, or national market system plan administrator that is responsible under the Exchange Act or the rules or regulations thereunder for the collection, processing, distribution, and publication of, or preparing for distribution or publication, of such market information.

Section 202: Effective Date. This section provides that the new Subsection 11A(e) shall take effect on the date of the enactment of H.R. 1858, and shall apply to acts committed on or after that date. Furthermore, no person shall be liable under Subsection 11A(e) for the extraction, sale, distribution or redistribution, or other dissemination of real-time market information prior to the date of enactment of this bill, by that person or by that person's predecessor in interest.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. THOMPSON. Mr. Speaker, in my continuing efforts to document and expose racism in American, I submit the following articles into the CONGRESSIONAL RECORD.

WHITE MAN SENTENCED TO PRISON FOR PUNCHING WOULD-BE BLACK NEIGHBOR

BIRMINGHAM, AL (AP).—A judge sentenced a white man to 2 years in federal prison and ordered him to pay more than \$30,000 for punching a black man who wanted to be his next-door neighbor.

Wendell Johnson, 33, was convicted in February of violating the Fair Housing Act by hitting Kenneth Ray Coleman, who suffered a broken nose in the assault.

"I want to apologize," Johnson, choking back tears, told Coleman during a hearing Wednesday. "I know you went through a lot of hard times because of it."

Coleman, 35 said he believed the apology was sincere and accepted it.

Johnson hit Coleman in the face last June after Coleman came to his house and asked where he could find the local water company.

Coleman testified he has since had breathing difficulties, and a doctor has recommended surgery to fix the problem. But, Coleman said, he lacks the \$3,500 for the operation.

U.S. District Judge U.W. Clemon ordered Johnson to pay Coleman \$30,911 for pain, suffering, lost wages and other expenses related to the assault. Johnson also was ordered to pay \$1,300 to the Alabama Crime Victims' Compensation Commission.

Clemon said he would consider a request to let Johnson remain free during a possible appeal.

TAFT SCORES POINTS AT MEETING WITH BLACK DEMOCRATS WITH BC-OH

(by Paul Souhrada)

COLUMBUS, OH (AP).—The honeymoon continues for Gov. Bob Taft. Taft, who smoothed relations with labor leaders last month, scored points with black lawmakers during a wide-ranging meeting over issues important to minorities.

The members of the all-Democratic Ohio Legislative Black Caucus on Wednesday asked Taft, a Republican, for more money for Central State University, a more aggressive state affirmative action program and a commitment to appoint more minorities to state agencies.

"We had a very fruitful meeting with the governor," Sen. C.J. Prentiss, D-Cleveland, told reporters afterward.

Taft impressed the group with his sincerity, Prentiss said. Taft also found the meeting useful and said he wants to meet with the group again, said spokesman Scott Milburn.

Taft was particularly interested in looking for ways to increase literacy among schoolchildren, said Prentiss, president of the black caucus. She said she told Taft that her 18-member group was concerned that the cornerstone of his literacy program—the high-profile OhioReads campaign to recruit 20,000 volunteer reading tutors—falls short of what is needed.

Milburn said Taft assured the lawmakers that OhioReads was only the first step in the governor's effort to make sure all children learn to read.

Prentiss also pressed Taft to ask lawmakers for another \$3.5 million for Central State, the only state-funded, historically black college in Ohio. The money would be used to expand the urban education program at the school in Wilberforce, for recruiting and to pay back debt from the school's financial troubles in the 1980s and early part of the 1990s.

Taft already asked for an extra \$2 million for Central State, Milburn said. He wants to meet with Central State President John Garland before making any other moves.

Taft is interested in a suggestion from Rep. Otto Beatty, D-Columbus, to study how successful minority businesses are in getting state contracts, Milburn said.

The issue of minority set-asides has been at the center of conflicting rulings recently from the Ohio Supreme Court and a federal district judge. But until the matter is decided, Taft wants to resume Ohio's programs without raising new legal issues, Milburn said.

Taft also will consider another Beatty proposal: an order dealing with affirmative action statewide.

Taft might be interested in expressing support for reaching out to women and minority businesses and encouraging them to seek state contracts, but he opposes quotas, Milburn said.

Among the other ideas suggested by the legislators:—Adding more money for education to stop the spread of AIDS, particularly among young blacks and women.

Creating an independent watchdog agency to oversee state contracts.

Making sure that minorities and inner city residents get their fair share of the money from the state's settlement with the tobacco industry.

Including more minorities in state government jobs and on state boards and commissions.

UNIVERSITY OF TEXAS ASKS COURT TO RECONSIDER ITS HOPWOOD RULING

JIM VERTUNO

(BY AUSTIN, TX (AP).—The University of Texas has asked a federal appeals court to reconsider a decision that led to the elimination of affirmative action policies at the state's public colleges and universities.

School officials asked the 5th U.S. Circuit Court of Appeals on Tuesday to reconsider its so-called Hopwood ruling.

"This case addresses one of the most important issues of our time . . . and it deserves the fullest possible hearing and a most careful decision by the federal courts," said Larry Faulkner, president of the university.

The Hopwood ruling came in a lawsuit against the University of Texas law school's former affirmative-action admissions policy.

The ruling, which found that the policy discriminated against whites, was allowed to stand in 1996 by the U.S. Supreme Court.

Former Attorney General Dan Morales then issued a legal opinion directing Texas colleges to adopt race-neutral policies for admissions, financial aid and scholarships.

Legislators asked new Attorney General John Cornyn for a second opinion. His office helped university officials write the appeal submitted Tuesday.

According to University of Texas System Regent Patrick Oxford, the Hopwood ruling left Texas at a competitive disadvantage with other public universities in recruiting students.

The appeal argues that limited consideration of race in admissions is necessary to overcome the effects of past discrimination. It also says the school has a compelling interest in a racially and ethnically diverse student body.

A state Comptroller's Office study released in January showed a drop in the number of minorities applying for, being admitted to and enrolling in some of the state's most selective public schools.

PROPOSAL WOULD MAKE OLE MISS PRIVATE

OXFORD, MISS. (AP).—A College Board member has proposed making the University of Mississippi a private institution as part of the settlement in the state's 24-year-old college desegregation case.

James Luvane of Holly Springs submitted the proposal, among others, to U.S. District Judge Neal Biggers Jr.

"Allowing Ole Miss to go private will help solve many funding problems as they exist today," Luvane said in the 10-page proposal.

Luvane said his proposal is designed to "bring closure to our state's long and painful epoch of discrimination against black citizens and historically black institutions of higher learning."

Immediately the plan drew opposition from lawmakers and Ole Miss.

"We're a great public university," said Ole Miss Chancellor Robert Khayat. "We like being a public university and can only serve the state better."

The desegregation lawsuit, known as the Ayers case, accused the state of neglecting its three historically black universities. Biggers is overseeing the desegregation of Mississippi's colleges.

Khayat said he is not familiar with any public American university ever going private.

Luvane recommended paying the Oxford college \$151 million before making it private in 2000. He recommended that the University of Mississippi Medical Center in Jackson become independent and be called the State Institute of Health and Medicine.

Khayat also opposes that and said 72 of the 73 U.S. medical centers are tied to a parent university.

"It's just ludicrous what he (Luvane) is saying," said Sen. Terry Jordan, D-Philadelphia, an Ole Miss alumnus. "They've all been state-supported and will continue to be."

David Sansing, a retired Ole Miss historian, said, "the likelihood of this happening is nil, zero."

"This plan would open up an entirely new controversy that would rage for years. I'm just astounded by it," said Sansing.

Luvane said Ole Miss' nearness to Mississippi State in Starksville "puts two of our three comprehensive institutions in a sparsely populated part of the state, causing unnecessary duplication."

Luvane also has proposed that historically black Jackson State be given a law school, pharmacy school and an air traffic control program.

NEW JERSEY CONCEDES RACIAL PROFILING EXISTS

(By Thomas Martello)

TRENTON, N.J. (AP).—Complaints that state troopers target blacks and Hispanics along the heavily traveled New Jersey Turnpike are "real, not imagined," according to a report issued by the state's attorney general.

The report, released Tuesday, concludes that even though the state police have no policy condoning the practice known as racial profiling, it does exist—and was fostered in part by ambiguous rules.

"There is no question racial profiling exists at some level," Gov. Christie Whitman said. "These findings are distressing and disturbing. Minorities deserve the assurance they will be treated no differently than any other motorist."

The report, commissioned by state Attorney General Peter Verniero, stresses "the great majority of state troopers are honest, dedicated professionals."

But the force's command structure needs to institute policy changes to end a culture that encourages using race as a reason to stop motorists, the report says.

While six out of 10 motorists stopped are white, minorities are far more likely to be subjected to searches and aggressive treatment by troopers, the report said. Statistics show that 77.2 percent of motorist searches were of blacks or Hispanics, and only 21.4 percent were of white motorists.

"Minority motorists have been treated differently than non-minority motorists during the course of traffic stops on the New Jersey Turnpike," the report says. "We conclude the problem of disparate treatment is real—not imagined."

The report came one day after two troopers were indicted on charges they falsified reports to make it appear that some of the black motorists they pulled over were white.

The U.S. Justice Department also has been investigating racial profiling allegations against New Jersey's state police. Similar accusations have been made in Florida, Maryland, Connecticut and elsewhere along the Interstate 95 corridor.

The findings in the report confirm what many civil rights activists said they have known for years.

"We do not believe that any reasonable person in New Jersey is surprised at all today to hear this acknowledgment," said The Rev. Reginald Jackson, executive director of the Black Ministers Council of New Jersey. "Now, however, comes the hard and difficult part, and that is the process ending racial profiling."

JUDGE APPROVES END TO RACE-BASED ENROLLMENT IN SAN FRANCISCO

(by Bob Egelko)

SAN FRANCISCO (AP).—A federal judge has ordered an end to 16 years of race-based enrollment in San Francisco public schools, approving a settlement of a lawsuit by Chinese-Americans who were denied admission to the city's preferred campuses.

Despite protests by blacks and Hispanics, U.S. District Judge William Orrick said racial admissions violate Chinese Americans' constitutional rights to equal treatment in choosing their schools. He approved the settlement on Tuesday.

The suit was filed in 1994 on behalf of one student who was denied admission to a magnet high school despite a high score on its entrance exam—higher than some non-Chinese students who were admitted—and by two who were turned away from neighborhood elementary schools.

The settlement repeals a limit of 45 percent of any racial or ethnic group at a single school and 40 percent at desirable "magnet" schools. Those limits were part of a 1983 consent decree, approved by Orrick, that settled a discrimination lawsuit filed in 1978 by the National Association for the Advancement of Colored People.

The district has until October to prepare a new enrollment plan for the fall of 2000 to maintain diversity in schools without assigning any student primarily because of race.

"Resegregation is inevitable," declared Robert Franklin, who said he lives in San Francisco so that his two children—a 7-year-old black girl and a 2-year-old white boy—can attend their schools. "I want to keep them in an integrated, racially diverse public school."

FORMAL CEREMONY WILL DECRY RACISM IN OREGON'S HISTORY

PORTLAND, OR (PA).—Bobbi Gary moved to Portland in 1942 and found a scene straight out of the old South.

Restaurants wouldn't seat her. Real estate agents wouldn't sell to her. And theaters would only let her sit in the "buzzard roost" seats—all because she is black.

Gary will recall those experiences when she travels to Salem on Thursday to hear Oregon's leaders formally acknowledge the state's discriminatory past.

The Day of Acknowledgment, timed to coincide with the 150th anniversary of a law that barred "negroes and mulattos" from the Oregon Territory, also will honor Gary and others who have struggled for racial justice.

Leaders of Oregon Uniting, the multiracial organization that proposed the Day of Acknowledgment, hope a ceremony formally recognizing the state's racist past will be a step toward racial healing.

Some who plan to witness the ceremony say they are ambivalent about it—pleased at the recognition, but skeptical about what it will accomplish.

"To acknowledge these things forces us to relieve them," said Carl Flipper Jr., a North Portland economist who has rented a bus for more than 30 Portland blacks who will attend the ceremony. "It's painful."

Witnesses will bring different memories to the observance in the House chamber on Thursday.

Sue Shaffer, chairwoman of the Cow Creek Band of Umpqua Tribes in Southern Oregon, will think about a massacre of American Indians outside Roseburg in the mid-1850s.

"I am hoping, and I said hoping, that events like this, days like this, acts like

this, will help to bring up a consciousness across America of the rightful place of Indian people," she said.

Peggy Nagae, a former civil rights attorney and now a diversity consultant based in Eugene, said she will think about her parents, grandparents and others in the Japanese American community who were forced into internment camps during World War II.

And she will think about Minoru Yasui, a lawyer from Hood River who dared in 1942 to test federal curfew laws placed on Japanese Americans by walking the streets of Portland after dark.

Nagae, who helped him fight his arrest all the way to the U.S. Supreme court, remembers him as one of Oregon's heroes.

"The thing that always struck me about Yasui was that he was an ordinary person who did extraordinary things," she said.

Gary, an impassioned community activist who has fought discrimination for decades, recalls the day in the '40s when she and her future husband, Fred, went to a popular Portland restaurant. At first, no one would wait on them, she said. When a waitress finally did, the couple ordered steak, the most expensive item on the menu.

But when the food came, the steak was buried under so much salt and pepper that it was inedible. Before walking out, she scolded the waitress over the restaurant's obvious attempt to discourage them from returning.

Now a great-grandmother of two, Gary continues to fight battles on behalf of African Americans, children and the elderly. A saying that hangs on her dining room wall captures her resilience: "Good things come to those who wait. But they come a lot sooner to those who act."

It is that spirit that will propel her to Salem on Thursday. "This is not exactly a joyous occasion," she said. "It is something I feel is late in coming. But I'm glad to see it."

STATEMENT OF FINANCIAL DISCLOSURE

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. SENSENBRENNER. Mr. Speaker, through the following statement, I am making my financial net worth as of March 31, 1999, a matter of public record. I have filed similar statements for each of the nineteen preceding years I have served in the Congress.

ASSETS

REAL PROPERTY

Single family residence at 609 Ft. Williams Parkway, City of Alexandria, Virginia, at assessed valuation. (Assessed at 600,000). Ratio of assessed to market value: 100% (Encumbered): \$601,300.00.

Condominium at N76 W14726 North Point Drive, Village of Menomonee Falls, Waukesha County, Wisconsin, at assessor's estimated market value. (Unencumbered): 90,600.00.

Undivided 25/44ths interest in single family residence at N52 W32654 Maple Lane, Village of Chenequa, Waukesha County, Wisconsin, at 25/44ths of assessor's estimated market value of \$675,200: 383,636.36.

Total real property: \$1,075,536.36.