

Suppose I told you everything that I have just said is true and that there is such a Member, that his own colleagues call him Marxist. And suppose I told you at taxpayers' expense, with honorable Air Force officers and enlisted men carrying luggage, is going to celebrate meeting with General Giap and with the so-called liberated prisoners from the tiger cages with much drinking and celebrating and hugging. That is like Tom Hayden and Jane Fonda arriving at the airport during the war. Again, if there was a declaration of war, do you think she would not have been tried for treason? What does constitute aid to the enemy? Comfort to the enemy? What is an enemy without a declared war? What is aid and comfort to the enemy? Is it leading a demonstration in a foreign country? Is it traveling to a so-called peace banquet in Moscow at the height of the war during one of the bloodiest periods of the war? Is it what McNamara did, resigning on leap year day, February 29, 1968, the single bloodiest month of the entire conflict? Does that constitute treason to say you are killing thousands of Americans and it just was not worth it and then to have other people say they were vindicated by this poisonous book that has ripped open the hearts and the memories of mothers and fathers now in their 70's and 80's and widows who have never remarried and children who are now in their 30's that were little 8-year-old children when the war ended, like Colleen Shine who testified so heartbreakingly in front of my committee on Wednesday?

My colleagues, obviously everything I am telling you is not McKinneyish; it is not Jonathan Swiftian. It is fact. I feel like Mount Saint Helens on May 17, 1980, the day before the big explosion.

I am going to get justice here. I am going to get justice for all the Vietnamese who were tortured to death in those so-called reeducation concentration camps. I am not going to forget our noble cause, as Ronald Reagan called it, to keep South Vietnam as free as South Korea, flawed but much better than a Communist tyranny.

I got an urgent release that the press conference has started without me out on the grassy triangle. I want to close by thanking the staff again. I have done this as much as anybody I guess, but you folks are the greatest to stay all night and take us through 38 votes in 3 days, amazing. It will be back to this well. I am going to seek justice.

I will tell you this: This ex-member here, now a Senator, is from a Bible Belt State. The first State through a caucus probably that will probably pick the next President of the United States. I am back in the pack. I know who will win in Iowa on Lincoln's birthday in 1996, this coming February.

I will tell you, if you are from Iowa, you know most of this material. I cannot believe what you have sent to represent your country. I hope you enjoy your Fourth of July in Iowa and New

Hampshire, because you are going to have U.S. Senators and, God forbid, the three House Members from the minority, one of them a distinguished Army captain from the D-Day period. I hope they are not toasting the terrorists and the Communist victors who brought such human rights abuse and grief to all of Southeast Asia, including Cambodia and Laos. Including Laos, where I swear to you on my honor we left live Americans behind. Three by name: Gene DeBruin, CIA; my best friend, David Hrdlicka, U.S. Air Force; Charlie Shelton, shot down on his 33d birthday, April 29, 1965, a prisoner of war, so declared until a few months ago, last prisoner of war, prisoner of war moved to presumptive finding of death without a shred of evidence. I guess I go to my grave and, if I live as long as my father at 84, that is going to be 22 more years of trying to find justice for what we tried to do in Vietnam.

I tell you now that Adm. Tom Moore is correct when he called Robert Strange McNamara a war criminal. I do not have to treat him with kid gloves, because he has never been elected to anything in his life and is not a member of this or the other body or ever has been.

I tell you that the greatest military writer extant today, Col. Harry Summers is correct when he called Robert Strange McNamara "raw evil." The only person, with all the mistakes, he even criticized the great West Pointer General Westmoreland, but he said they all made mistakes of judgment. He said McNamara was raw evil.

When a commander in chief, who avoided the draft three times, I am not using the word "dodged" although that is in my heart, who avoided the draft three times and had his draft induction day, July 28, 1969, politically suppressed, when a person like that who loses 19 rangers in Somalia without their gunships or one lousy tank, when he had four tanks at Waco, two Abrams, two Bradleys, when a person like that says he is vindicated by a war criminal, what does that make that person?

I am going to go over with the parliamentarians how I can recoup my honor from January 25 of this year, when I used the expression "aid and comfort to the enemy." I know it is in the Constitution. I know there is a technicality when war is not declared. But I am going to discuss every dictionary definition, British and American, of aid, of comfort and of what constitutes an enemy.

I will be back to relive that moment. And if the parliamentarians, who we were nice enough to hold over from the Democratic 40 years, rule against me, I will appeal the ruling of the Chair. And if I do not win a vote from my side of the Chamber, the majority, as a double chairman, I will resign from this Congress on the spot, if I do not win a vote from my own colleagues on appealing the ruling of the Chair.

When I tell you that Clinton gave aid and comfort to the enemy in Hanoi by his Moscow trip and his demonstrations in London, where they were called the fall offensive, so named by the same Communists in Hanoi that will be toasting Americans today—

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MORELLA). The Chair would caution the Member to be very cautious of any statements about the President of the United States.

Mr. DORNAN. Thank you, Madam Speaker. I know I am pushing the envelope, but then I used to fly supersonically. I will revisit this floor.

The SPEAKER pro tempore. The Chair would like to also point out for the RECORD something that the Representative does know, just to remind him, that personal references to Members of the other body, even though not mentioned by name, when it is very clear to whom the references are made, should be avoided, and this is something that had been mentioned on February 23, 1994, by the Chair.

ASSAULT ON THE VOTING RIGHTS ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Madam Speaker, yesterday the Supreme Court began the process of dismantling the Voting Rights Act. I think it is very important to note, however, that in that process it was a 5-to-4 decision. All hope is not lost. Since it was a 5-to-4 decision, I urge all Americans to take a close look at the issue from the point of view of Justice Ruth Bader Ginsburg, who offered a brilliant dissent from the majority opinion.

It is very important that we understand what Ginsburg is saying. The hope for the future lies in the following of the line of reasoning laid down by Justice Ginsburg. This decision will not stand like many other misguided Supreme Court decisions. One day we expect it to be overturned. But it is here now. It is most unfortunate. It is a very serious matter at this point.

Even with the decision of yesterday still alone, it would be a serious matter because, after all, it goes to the heart of the civil rights progress over the last 20 years. It deals with voting. It deals with representation. The Voting Rights Act has been a huge success. The Voting Rights Act by any measure has been a huge success all over the Nation at every level, whether you are talking about municipal offices or State offices, school boards, certainly at the level of Congress, representation under the Voting Rights Act has greatly increased for people of African descent, for people of Latino descent and for some other minorities also.

It has been a great success in the Congress. We now have 40 persons of African descent. If we had a numerical formula of the 435 people in Congress, if you had a numerical formula that every group should be represented in proportion to its size in the population, and we do not have such a formula, I am not asking for such a formula, but if you had such a formula, the African American population is approximately 13 percent of the 260 million Americans; 33 million people. So the 13 percent would not be, if you had 13 percent, you would have a little more than 40. Ten percent would give you 43, of course; maybe 44, but 40 is pretty close. The act has accomplished its purpose. It goes a long way in the direction of accomplishing its purpose toward giving representation which reflects the population.

So it is a serious matter to begin to roll this act backwards. Yesterday, of course, it should be remembered, the Supreme Court did not throw out the Voting Rights Act. The Voting Rights Act is not nullified. The Voting Rights Act has not been declared unconstitutional. The Voting Rights Act has been merely handicapped, strangled a little bit; the process of strangling has begun. But it is not dead. It is not destroyed.

I will talk more about that in a few minutes. If the decision with respect to the Voting Rights Act had come along, it would be serious enough, but the Supreme Court also moved on matters related to race and civil rights in this particular session to strike down the setaside contracts that the Federal Government has sponsored in the Adarand decision. The Supreme Court also backed away from school integration in a case that was also passed on.

□ 1530

The direction is to declare that the 14th amendment, the 14th amendment is for the purpose of establishing a color blind society. The 14th amendment may have that as one of its purposes, but the 14th amendment first of all, most important of all, is an amendment which was designed to bring the newly freed slaves into the mainstream of American society legally.

The 14th amendment was developed at the end of the Civil War, after the Emancipation Proclamation. There is no question, it is very crystal clear what the first intent of the 14th amendment was. The first and the most important intent of the 14th amendment was to deal with the fact that legal status as citizens must be assigned and given to the newly freed slaves. That was the one clear intent from the very beginning.

If we expand that to cover other minorities, if we expand that to cover other groups that are discriminated against, there is nothing wrong with that, of course. Interpretation can be so much broader. However, the first and most important purpose of the 14th amendment was to make it clear once

and for all, in the Constitution of America, that all of the ex-slaves were to be considered as full citizens of the United States of America.

What was the history of the Constitution before the 14th amendment? Before the 14th amendment, the Constitution was not silent on slavery. The Constitution was not silent on slavery. Unfortunately, the Constitution stated earlier that in counting for representation in the House of Representatives, slaves in the States would be considered three-fifths of a man, male slaves, of course, would be considered three-fifths of a man. After all, women did not have the right to vote, whether they were free or slave. Each male slave would be considered three-fifths of a man. That is in the Constitution.

The Constitution spoke again in the 14th amendment and made it clear that nobody should be considered anything other than a full-fledged citizen. It was done by the same people who had fought slavery. The spirit of the abolitionist was on the floor of the House of Representatives, so it is crystal clear what the first and most important intent of the 14th amendment was. The misinterpretation of the 14th amendment is at the heart of what went wrong with the Supreme Court. Justice Ginsberg clearly understands that. The other Justices choose not to understand it.

Mr. Speaker, I have been on the floor before and I have talked about the need for a truth commission. The whole dark period of slavery in the history of America has been pretty much ignored. In the textbooks, nobody wants to talk about such unpleasant things. However, slavery existed in the United States of America for 232 years. People chose to call slavery the peculiar institution. It was not an institution. Slavery was a criminal industry. Slavery was designed to exact as much labor from human beings as possible.

Some people have compared 232 years of slavery with the holocaust perpetrated by Hitler. I do not think that is an appropriate comparison. We do not need to borrow words like that. We are to give a clear designation to what happened in slavery. Slavery was an attempt to obliterate, obliterate the soul and the humanity of the African-Americans who were transported here against their will. They wanted to obliterate their souls, they wanted to obliterate their humanity, in order to make them more efficient beasts of burden, in order to make them work better, harder, and derive more profits from their work. That is what slavery was all about.

I think we need a truth commission to make the story of slavery known to all Americans. We have glossed over it. We cannot have a Nation exist in a healthy state that chooses to ignore a segment of its history that went on for 232 years. Unless we come to grips with recognizing what slavery was all about, we are always going to be making the

kinds of mistakes that the Supreme Court makes in its interpretation of the 14th amendment. We need a truth commission. South Africa has a truth commission that is set up. In Haiti they are talking about setting up a truth commission.

Horrible things happened in South Africa. South Africa was a situation where the minority population, minority white population, almost enslaved but later on forced into second class citizenship the majority black population, so South Africa, in order to move ahead, in order to progress, refused to try to punish the people who were responsible for the crimes during the era of apartheid. Instead of trying to punish them, they are trying to seek reconciliation. The process of reconciliation is being driven by a truth commission.

They said, "We cannot punish everybody. If we tried to punish everybody, we would probably end up devoting resources that would be badly needed to build the country." If we tried to punish everybody, we would probably inflame situations among groups and individuals which would only lead to more violence. It would only make it more difficult for the country to come together, so we do not want to try to punish. We do not want justice. We cannot afford justice.

What the South Africans have said is that reconciliation is more important than justice. They have gone forward. However, they said we do want the truth known. We are not going to go forward as a nation unless we have a commission that goes back and examines the crimes that were committed, and tells the story. They will name names, but nobody named, nobody found in the telling of the story to be guilty of a crime, will be punished, no matter how heinous the crime is. If it took place during the period before the new constitution came into effect, they will not punish anybody. They have decided that vengeance belongs to God. Probably only God is powerful enough to really take vengeance. It would destroy their nation if they sought justice. Reconciliation becomes more important than justice in South Africa.

The same pattern has been reproduced in Haiti. The Haitians have decided they do not have enough jails, they do not have enough courts. They cannot pursue the people responsible for 5,000 murders over the last 3 years. They cannot pursue, except to a limited extent, the people who perpetrated the crimes that were so heinous during the period of time that Jean-Bertrand Aristide was kicked out of Haiti and had to remain in exile here in the United States. They do not want to destroy their nation by using their resources to seek justice. They do not have the capacity to seek justice. They chose reconciliation, instead, because it is the only positive way to go.

However, they wanted a truth commission. They want the story told.

They want it known who did these terrible deeds, who was responsible for those awful murders and mutilations. They want this truth to be known. They will not punish anybody, but they want the truth to be known.

The United States of America needs a truth commission about slavery, about slavery and the implications of slavery for the African-American population of this Nation. The truth should be told; a full commission to look at the whole 232 years, and also to examine the 100 years after the 232 years, where slavery was followed by an oppressive effort to keep the descendants of the slaves from enjoying full citizenship; the lynchings, the murders, the systematic denial of due process.

There were laws on the books which denied the right to vote. There were laws on the books which made it clear that they did not want African-Americans to have the right to have a trade, to be able to earn a living as a carpenter, as a contractor, as a person who had a trade that they could use. They could not get licenses. They had to work for somebody else. On and on it goes. It all needs to be examined. When we are talking about affirmative action and voting rights and the necessity for special situations, we need to know the background. We need a truth commission that establishes that.

The consequences of the Supreme Court's misguided decision are great, as I said before. The Supreme Court, on the surface it sounds like common sense, of course, would dictate that, of course, America is a color blind society, and the 14th amendment for equal protection would tell you that nobody, nobody should be given any special consideration.

Common sense dictated the Dred Scott decision, the Dred Scott decision. Common sense dictated the Plessy versus Ferguson decision, which said separate but equal schools is all you need to guarantee that there is equal protection. The Plessy versus Ferguson decision endured for many years before common sense was subordinated to an interpretation of the law which clearly established the fact that you cannot have separate but equal. The very fact that they are separate means one of the two parties will not be equal. Therefore, the common sense that appears to be so obvious to certain commentators on the radio, on television, it is obvious that they could reach no other conclusion. Common sense.

Read Justice Ginsburg's decision and learn about common sense as interpreted by another scholar, by another person who is on the Supreme Court. You will find common sense is not so obvious. There are consequences that are immediate for the African-American community. The consequences are great, indeed.

The consequences of this decision by the Supreme Court mean there will be litigation. Already a district has been challenged in New York State, in New York City. The gentlewoman from New

York City, New York, NYDIA VELÁZQUEZ, her district is being challenged, and of course there will be litigation connected with that.

If any district in any part of the country is ordered to redraw its lines, of course it affects all the other districts that are nearby, so in Georgia, you will have all the districts in Georgia affected by the decision yesterday with respect to the 11th Congressional District in Georgia. In New York, if any one of the districts in downstate New York are affected, all of the districts will be impacted. They have to be redrawn.

The consequences will be great. The consequences will be great in terms of political terms, partisan political terms, because it allows a situation for a great deal of mischief. The Supreme Court has said that politics is war without blood. If politics is war without blood, then no general will pass up an opportunity to take advantage of whatever situation opens up, so the generals in the Republican Party will take advantage.

All kinds of things are about to happen in the African-American community. We have always enjoyed certain kinds of privileges in terms of certain groups have never been very popular. The public has never supported certain parties. Therefore, you can expect that people who think one way will not declare themselves to belong to a certain party, or they will not declare themselves to be conservative or to be in favor of certain kinds of policies which are detrimental to the masses of people that they represent in a given congressional district.

We can expect more subterfuge. We can expect Edridge Ames types in the political arena, pretending that they are in favor of certain kinds of policies, but using the unsettled situation to take advantage of it, and running candidates in the primary as well as in the general election; all kinds of scenarios will be unleashed as a result of this tampering with the Voting Rights Act.

There is a great challenge to the black leadership that is being set forth here. The Voting Rights Act brings it home, makes it crystal clear, that there is a state of emergency in the black community. In the African-American community there is a state of emergency. I have said this several times before on the floor of this House. The state of emergency now should be clear to everybody everywhere in the African-American community.

The state of emergency relates to the attack on affirmative action, the attack on the Voting Rights Act, the attack on school integration. Those are minor compared to the attack on the poor population of the African-American communities. African-Americans still are predominantly poor. Sixty percent of African-Americans in the United States of America could be classified as poor.

There is another marginal group that if they miss one paycheck at their job,

they will fall into the poverty category, also, so poverty and the consequences of poverty are experienced regularly by an African-American community that came out of slavery after 232 years of slavery, and found no help, no Marshall Plan. The Freedmen's Bureau that was set up was a tiny little operation for a few years, but no effort was made to help millions of people in a transition from slavery to full citizenship, so the consequences of that have come down from one generation to another. It is not surprising that they are poor.

The economic consequences have generated other problems. When people have decent incomes, they can take care of most of their own problems. When people have decent incomes they do not need welfare, public housing. When people have decent incomes, they can take care of their family problems to a greater degree.

Every family has problems: middle class, the rich, working class, poor. Everybody has problems. However, what gives the middle class and the rich great advantages is they have money that can help to deal with their problems, and they do not have to have their problems become public, a public consideration.

The black community does not have that. Large amounts, the great, predominant percentage of the African-American community are poor. There is a book that was written in the 1930's called *Black Bourgeoisie*, by E. Franklin Frazer. For many years this was a textbook for black college students and black leaders. Everybody had to read it, the *Black Bourgeoisie*. It was a scathing criticism of the mores and values of the emerging black middle class. It talked about how they were preoccupied totally with themselves, preoccupied totally with their own concerns, and they engaged in activities which were unproductive. They spent large amounts of money on consumer products in an attempt to demonstrate that they were affluent.

A number of criticisms were made, and sometimes, perhaps, maybe they were too harsh. The black bourgeoisie emerging out of the 1930's needs to be congratulated. Things were so difficult, there were so many obstacles and so many rules. You could not become, as I said before, an electrician, a plasterer. You could not be a contractor. Those people who were able to make some headway against all the oppression and all the roadblocks, they deserve credit for being able to economically improve themselves, no matter what problems they had.

□ 1545

If they were not generous and they were not magnanimous in reaching out to their communities and providing leadership, then they can be forgiven to some degree.

There was a new effort that started with Martin Luther King, however. In the 1960's, the middle class provided

the leadership which reached out to the masses of African-Americans and said, "We are all in this boat together, we all have these problems, and we are going to join to wage an assault to obtain our civil rights."

The spirit of the 1960's and the spirit of Martin Luther King that went forward was a spirit that was cradled, nurtured by the black middle class, the African-American middle class, the so-called black bourgeoisie, you might say, if you want to stay with the terminology of E. Franklin Frazier. That black bourgeoisie provided magnanimous, generous, courageous leadership in the fight to get the Voting Rights Act, to get the school integration, to end employment discrimination, to get affirmative action. They are to be applauded.

They came in large numbers to the Congress. It was clear that the congresspeople who came here and were parts of the Black Caucus were graduates from a movement that cared about the majority of African-Americans.

The danger with this present situation, one of the dangers that we will have to deal with is the fact that there will be Benedict Arnolds in great numbers. There will be large numbers of people who will masquerade as being concerned about the masses, but they will take advantage of the situation.

We may have an elected black bourgeoisie that cares only about itself, only about the deals that they can make, only about their own status, and deceives the great masses. We have a possibility of large numbers of Judas men and Judas women, betraying, deceiving. That is one of the consequences of the process that has been set in motion, the domino, rolling, in respect to the Voting Rights Act, an unsettling number of situations, making it possible for opportunists to come in.

Let me go back to the very beginning, the Supreme Court decision that set in motion all of this. I said the Supreme Court decision began the process of dismantling the Voting Rights Act. It was a continuum of an assault on civil rights legislation, civil rights laws. By itself it is dangerous enough, but in that context it is even more dangerous.

We should think very seriously about what is taking place. I think God must spend many days weeping when He observes the United States of America. God must spend many days weeping when He observes that He has given so much to this land of plenty, beautiful and spacious skies, law and order for long periods of time, no great war to devastate our cities and destroy our countryside, prosperity.

We are the richest Nation that ever existed on the face of the Earth, and the riches have not ceased. Profits are being made on Wall Street, profits are being made by corporations at a greater rate than ever before. People with jobs and wage earners are not benefit-

ing from that. There is no correlation anymore, no association between the profits made by corporations and the welfare benefits received by the working people of America.

They are downsizing and taking away jobs at the same time they are making big profits. Automation, computerization, a number of things allow them to make big profits, increase their investments, increase their activities, produce more products, while at the same time they reduce the number of jobs.

There is a problem there, but in general this is still the richest Nation in the history of the world. The Fortune 500 corporations, most of them have budgets greater than most of the nations of the world. Unparalleled wealth. Never before did such wealth exist.

God must spend a lot of time weeping when He looks at all of this that He has bestowed on the United States Of America and then look at the pettiness that is driving many of our political activities, the pettiness which makes affirmative action a critical problem. Affirmative action is not a critical problem.

Affirmative actions has not resulted in any great movement of African-Americans anywhere. They are not in large numbers in the boardrooms of corporations. They are not in large numbers, I assure you, in the top executive suites. They are not in large numbers, or any credible number, in the management structures after all these years of affirmative action, less than 30 years of affirmative action.

When you look at the statistics, it is appalling how little has been accomplished for the people who were supposed to be the first beneficiaries. Going back again to the first intent of the 14th amendment, the first affirmative action programs were designed and fashioned to deal with the descendants of slaves, to deal with the situation of righting past wrongs. But what has been accomplished? There has been no great move forward.

Consider the shoeshine boys when you go through the airports and places where people are prosperous and they pay a lot for a shoeshine. There was a time when a shoeshine boy was a stereotype and people thought most of the shoeshine boys in the country were black, black men, black boys. The shoeshine boy was a subject of humor or subject of ridicule.

But when you travel from now on, look at the shoeshine attendants in the airports. When you go to a fancy club where they are paying \$3 for a regular shine and \$5 for an executive shine, which means if you can do 4 shines per hour, for \$3 a shine, you can make \$12 an hour; for \$5 a shine, you can make \$20 an hour. That is not a bad pay.

When it was 35 cents per shine and 5 cents per shine and even \$1 a shine, most of the shine boys and the shine men were African-American, people of African descent. But if you look now,

do your own survey and you will see that not only have we not made it to the boardrooms of corporations, not only have African-Americans not made it to the executive suites, not only have African-Americans not made it to middle management, but they are declining even in the area of the shoeshine industry, because as the benefits of the industry go up, the wages go up, other people have displaced the African-Americans.

Take a look for yourself and you will see a most interesting phenomenon. If you look at waiters in hotels, it used to be predominantly expected, especially in the South, the waiters were predominantly African-American waiters, but as the standard of living has risen and the wages of the waiters have risen, you find fewer and fewer African-American waiters in the hotels.

Not only are we not in the boardrooms and the executive suites, we have not held on to the waiting jobs, waiting tables in hotels and restaurants. Take a look for yourself. Do your own survey.

Unfortunately, ladies and gentlemen, even in the professions where the black middle class has striven so consciously to try to move, there was a time when 5 percent of the teachers in America were black, were African-Americans. The percentage of teachers who are African-American has gone down. The percentage of law enforcement personnel, policemen, who are African-American has gone down. The percentage of doctors who are African-American has gone down in the last 20 years.

Not only is affirmative action not succeeding in the industrial sector, in the corporate sector, in the areas that were targeted, overall black employment, blacks climbing up the ladder in terms of wealth, in terms of responsibility in industry or in academia, it has decreased and declined.

God must be very upset and spend a lot of days weeping when He looks at so little having been done for those who need help most, and sees the outrage, and the amount of energy and effort being poured into criticism of affirmative action and criticism of those tiny, very tiny gains that have been made. As I said before, many of the gains have turned into losses.

God must spend a lot of days weeping when He sees that so much has been given to the United States of America and they behave in such petty ways. We have a history of being a country that I am sure God must appreciate a great deal and the world must appreciate a great deal.

We have been celebrating 50 years after World War II. As I watch the documentaries and get educated in greater detail than ever before about what went on in World War II, I am sure the whole world applauds the courage and the generosity, the lack of selfishness of Americans the men who died in Normandy on D-Day or the men who stormed Iwo Jima; Okinawa. All of that kind of courage and that kind of

going forward to save the world from totalitarianism and Naziism and tyranny, I am sure God must applaud a great deal.

But here we are at a point where peace reigns basically, and instead of moving on to build a new society, a society where the wealth of this great Nation can be shared, where the wealth can be used to take care of the needs of everybody, instead of moving in that direction, we have chosen to move in the opposite direction and to hunker down and begin to hoard the benefits and hoard the wealth, and begin to throw overboard a certain segment of society and say, "We don't care what happens to them. We don't really care."

As I said before, God must spend a lot of days looking at all this and be very upset that we are so petty and moving in such a negative direction so rapidly.

But all hope is not lost, because there are great things happening all over the world. The accumulation of all these great things may begin to have an impact on what is happening here in this country.

Even in this country, the Southern Baptist Church last week apologized for their position on slavery, the Southern Baptist Church, which was created as a result of a schism at the time of the Civil War. The big issue in the Southern Baptist Church was that they wanted to label African-Americans, Negroes, as being less than human and not worthy of God's blessings, that they were not to be considered in the Christian church as equals.

They apologized. The Southern Baptists apologized. They voted, large number of delegates, to apologize and to take note of the fact that the evils that were generated by slavery still exist and they must work to eradicate them. The Southern Baptists did that.

Some people say, well, their membership is declining. There is some ulterior motive. I do not care. They did it. For one glorious moment, they rose to the occasion and they admitted that they wanted to tell the truth, they wanted to be a part of the truth, they wanted to get away from the doctrine of obliteration. The doctrine of obliteration said that the African-American, the African transported here, was not a human being, and therefore they could be made beasts of burden, more efficient beasts of burden, by treating them like beasts. The Southern Baptists represent just one of those many areas where there is hope.

There is hope in the Supreme Court, too, when Ruth Bader Ginsburg writes the decision of the kind that she wrote. Justice Ginsburg took just the opposite approach of Justice Kennedy, who wrote the decision for the majority. Justice Kennedy based his ruling on the *Shaw versus Reno* case. I think the majority opinion for that was written by Justice O'Connor, with Justice Clarence Thomas, of course, supporting it in great measure.

Justice Ginsburg says that it is not common sense. It is not obvious to her,

as the law is made and the intent of the constitutional amendment is examined, it is not at all clear to her that the 14th amendment is primarily concerned with being colorblind and not concerned with remedying past wrongs, which the full legal integration of the African-Americans, the former slaves and their descendants into American life.

Let me must read a few excerpts from Justice Ginsburg's dissenting opinion. As you know, it was a 5-4 decision, and Justice Ginsburg was joined in her dissent by Justices Stevens, Bryant and Souter.

Legislative districting is highly political business. This Court has generally respected the competence of state legislatures to attend to the task. When race is the issue, however, we have recognized the need for judicial intervention to prevent dilution of minority voting strength.

□ 1600

Generations of white discrimination against African-Americans as citizens and voters account for that surveillance.

In other words, what she is saying is that we have generally kept our hands off, the judiciary has kept its hands off the reapportionment process.

There was a series of cases that established clearly that it was better to leave it to the State legislature and the only regular, systematic intervention of the courts came with the Voting Rights Act for the purpose of dealing with the problem of giving African-Americans their full voting rights and avoiding the dilution of the voting strength of minorities.

I go back to Justice Ginsburg's dissent, and I quote:

Two years ago in *Shaw versus Reno* this Court took up a claim analytically distinct from a vote-dilution claim. *Shaw* authorized judicial intervention in extremely irregular apportionments.

In other words she is saying that we started something 2 years ago when we considered the North Carolina case, *Shaw versus Reno*. For the first time we moved away from the voter-dilution concern of the Court and we moved into a new era. We moved into an area where extremely irregular apportionments, the way the district looked, or the circumstances under which the district was created, became a concern of the Court. And she does not agree, of course, that that movement was justified.

To continue quoting Justice Ginsburg:

Today the Court expands the judicial role announcing that Federal courts are to undertake searching review of any district with contours predominantly motivated by race. Strict scrutiny will be triggered not only when traditional districting practices are abandoned, but also when those practices are subordinated to, given less weight, than race.

Applying this new "race-as-predominant-factor" standard, the Court invalidates Georgia's districting plan, even though Georgia's Eleventh District, the focus of today's dispute, bears the imprint of familiar districting practices. Because I do not endorse the

Court's new standard and would not upset Georgia's plan, I dissent.

Continuing to quote Justice Ginsburg:

At the outset it may be useful to note points on which the court does not divide. First, we agree that federalism and the slim judicial competence to draw district lines weigh heavily against judicial intervention in apportionment decisions; as a rule, the task should remain within the domain of state legislatures.

Second, for most of our Nation's history, the franchise has not been enjoyed equally by black citizens and white voters.

I want to just repeat; I am quoting from Justice Ginsburg and I want to read that again:

For most of our Nation's history the franchise has not been enjoyed equally by black citizens and white voters.

To redress past wrongs and to avert any recurrence of exclusion of blacks from political processes, Federal courts now respond to Equal Protection Clause and Voting Rights Act complaints of state action that dilutes minority voting strength.

Third, to meet statutory requirements, state legislatures must sometimes consider race as a factor highly relevant to the drawing of district lines.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gallery is admonished that there should be silence in the Chamber so that the Representative may continue with this special order.

Mr. OWENS. Returning to quote Justice Ginsburg:

Finally State legislatures may recognize communities that have a particular racial or ethnic makeup, even in the absence of any compulsion do so, in order to account for interests common to or shared by persons grouped together. When members of a racial group live together in one community, a reapportionment plan that concentrates members of the group in one district and excludes them from others may reflect wholly legitimate purposes.

Therefore, the fact that the Georgia General Assembly took account of race in drawing district lines—a fact not in dispute—does not render the State's plan invalid. To offend the Equal Protection Clause, all agree the legislature had to do more than consider race. How much more, is the issue that divides the Court today.

Continuing to quote Justice Ginsburg, her dissent:

We say once again what has been said on many occasions: Reapportionment is primarily the duty and responsibility of the State through its legislature or other body, rather than of a Federal court.

Districting inevitably has sharp political impact, and political decisions must be made by those charged with the task. District lines are drawn to accommodate a myriad of factors, geographic economic, historical and political, and State legislatures, as arenas of compromise, electoral accountability, are best positioned to mediate competing claims; courts, with a mandate merely to adjudicate, are ill-equipped for this task.

Federal courts have ventured now into the political thicket of reapportionment when necessary to secure to members of racial minorities equal voting rights, rights denied in many States, including Georgia, until not long ago.