

than simply adopting an adversarial frame of mind.

Maurice Rosenberg will long be remembered as one of this century's legal giants. His contributions to the field of jurisprudence will be lasting and will guide scholarly thought for decades to come. I extend my sincerest condolences to his family in the wake of their tremendous loss.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

#### CANADIAN FOOTBALL LEAGUE CHAMPION BALTIMORE STALLIONS

Ms. MIKULSKI. Mr. President, my hometown of Baltimore has always been a great sports city. We have a tradition of excellence in baseball with the Orioles, and last summer we celebrated the magical endurance streak of Cal Ripken, Jr.

I am proud to say that a new chapter in our tradition of sports excellence was written on November 19, 1995. The Baltimore Stallions defeated the Calgary Stampeders for the Canadian Football League's championship, the Grey Cup. The Grey Cup is the ultimate achievement in the CFL, and it will now reside in the United States for the first time in the 106-year history of the league.

To win the Grey Cup, a team must combine tremendous athletic ability with leadership, and come together as a team. Last year the Stallions gave the fans their best effort, but came up short for the CFL championship. This year was going to be different. The Stallions came back with renewed intensity and desire. Their goal was to bring the Grey Cup to Baltimore, and they worked until their dream became a reality.

The Stallions' victory gives Baltimore three championships in three professional football leagues. The Stallions join the National Football League's Colts and the U.S. Football League's Stars as Baltimore champions.

I want to extend my congratulations to the owner of the Stallions, Jim Speros, and his dedicated players and coaches. They truly deserve this championship, and they have made Baltimore proud.●

#### IRONY ABOUNDS AS RETIRED OHIO SENATOR BEMOANS BROWNS' FATE

● Mr. SIMON. Mr. President, there is no one with whom I have served in my years in Congress for whom I have greater respect than Senator Howard Metzenbaum, our former colleague from Ohio.

One of the few issues where we differed was on the antitrust exemption for professional baseball.

The recent moves of professional football teams, particularly the movement of the Cleveland Browns to Baltimore, suggests that the antitrust ex-

emption for baseball may be a very good thing for professional sports, as well as the communities involved.

Recently, a veteran sports writer for the Chicago Tribune, Jerome Holtzman, had a column about movement of the Browns and its relationship to antitrust baseball. I ask that this be printed in the RECORD. In fairness, I should add that the Chicago Tribune owns the Chicago Cubs, but I have no reason to believe that Jerome Holtzman is not writing from conviction.

The column follows:

[From the Chicago Tribune, Nov. 21, 1995]

IRONY ABOUNDS AS RETIRED OHIO SENATOR  
BEMOANS BROWNS' FATE  
(By Jerome Holtzman)

Put in a call Howard Metzenbaum, the recently retired Democratic senator from Ohio, and had only one simple question.

After years of attempting to rid baseball of its antitrust exemption, what were his thoughts about his beloved Cleveland Browns moving to Baltimore?

"It's horrible," Metzenbaum said from his office in Pompano Beach, Fla. "It's a travesty. No community was more supportive of its team than the fans in Cleveland. I was back in Cleveland for one day and the feeling of outrage is unbelievable. And I've lived in Cleveland all my life—78 years."

Certainly, he understood the Browns are able to pick up and hotfoot it to Baltimore because the National Football League does not have an antitrust exemption.

"That argument can be made," he conceded.

Yet, as the chairman of the Antitrust Committee of the Senate Judiciary Committee, he helped introduce legislation that sought to repeal baseball's exemption.

Doesn't he see the irony?

He is losing his hometown football team and if baseball didn't have antitrust protection, Cleveland also would have lost its baseball team. The Indians would have flown the coop years ago.

"I can't argue that," he replied. "They could have been moved."

He launched into a meaningless panegyric about the difference in ownership today compared with years ago:

"There are not the same kind of owners that were in the field yesteryear. Now, you're talking about multimillionaires who have a plaything. Before, it wasn't a question of making money. It was the pride of having a team in your community. Much of that doesn't exist anymore."

It certainly seems that way. But the senator is naive. If he had read up on baseball history he would discover most owners have been motivated by money, beginning with the 1869 Cincinnati Red Stockings, baseball's first professional team. To increase attendance, the owner encouraged the players to open with a song:

"We are a band of baseball players  
From Cincinnati City;  
We come to toss the ball around  
And sing to you our ditty;  
And if you listen to the song  
We are about to sing,  
We'll tell you all about baseball  
And make the welkin ring.  
The ladies want to know  
Who are those gallant men in  
Stocking red, they'd like to know."

The only owner in my time who appeared mostly to be a gentleman sportsman was the late Philip K. Wrigley, the longtime caretaker of the Cubs. He didn't need the money

because the gum business kept him and his family in vintles.

Metzenbaum was asked if, in his opinion, anything could be done to prevent the Browns from moving to Baltimore?

"The league won't do much," he acknowledged. "If push comes to shove they'll probably be able to move the team."

But if professional football had the exemption, the carpetbaggers couldn't move their franchises at will. They couldn't transplant without the approval of a majority of their fellow owners. And so the owners jump around like flies, forever devouring the sweetest fruit, a movable feast.

In the last 13 years, the Oakland Raiders have navigated a round trip—to Los Angeles and back to Oakland. The Los Angeles Rams are now in St. Louis. The Baltimore Colts are in Indianapolis. The Phoenix Cardinals were previously based in St. Louis. The Houston Oilers are enroute to Nashville. And the shameless Mike McCaskey, president of our Bears, is threatening to relocate to Gary.

I can't resist mentioning all the baseball bashing since the players' 1994 strike that forced cancellation of the World Series. But which is preferable? A temporary baseball shutdown, with replacements on the field, or no team at all?

Because of its exemption, the baseball map is unchanged since 1972 when the Washington Senators were allowed to move to Texas. In the 23 years since, the San Francisco Giants were denied a ticket to St. Petersburg, Fla. Minnesota's jump to Tampa was aborted, as was the White Sox to Denver, Oakland to Denver and Seattle to St. Petersburg.

The Pittsburgh Pirates and Cleveland Indians, when both were in poverty—the Pirates have yet to escape from the poor-house—repeatedly have sought greener fields. But they were ordered to stay put and could be sold only to local ownership groups. The Houston Astros now are threatening to move to somewhere in Virginia. Will they get permission? I doubt it.

"Fortunately, because of the events of the last four months everyone seems to better appreciate our position," said acting commissioner Bud Selig. "In all the times I have testified in Washington, and especially before Sen. Metzenbaum, I emphasized the exemption has been good for our fans. It has enabled us to stabilize our franchises."

I mentioned that I was planning to speak to Metzenbaum, formerly baseball's No. 1 congressional nemesis.

"Oh," said Selig, "send him my best regards. And be sure to tell him that in the 26 years I've been in baseball the Indians tried to move out of Cleveland at least four times."●

#### TRIBUTE TO CHARLES GOMILLION

● Mr. HEFLIN. Mr. President, Charles Goode Gomillion, who passed away on October 4 at the age of 95, will go down in history as the leader of the struggle to bring political power to the black majority of citizens in Tuskegee, AL. The case Gomillion versus Lightfoot ultimately yielded a landmark U.S. Supreme Court decision on the issue of redistricting. The decision in the case is also recognized by legal scholars as a major step forward in the dual causes of civil and voting rights.

Charles Gomillion will long be remembered as a pioneer who took a firm stand on principle and by so doing paved the way for major advances in the cause of equality. His legacy is

that of social progress; his political moderation and temperament present an outstanding example of how to work within the constitutional system to effect positive change. I extend my condolences to his family.

I ask that a New York Times article on the landmark remapping case be printed in the RECORD.

The article follows:

[From the New York Times]

CHARLES GOMILLION, 95, FIGURE IN LANDMARK REMAP CASE, DIES

(By Robert McG. Thomas, Jr.)

Charles G. Gomillion, who led the fight that brought political power to the black majority in Tuskegee, Ala., with the assistance of a landmark Supreme Court case that bears his name, died on Oct. 4 at a hospital in Montgomery, Ala. He was 95 and until his recent return to Tuskegee had lived the last 25 years in Washington and Roebling, N.J.

Mr. Gomillion, a native of Edgefield, S.C., had a long and distinguished career as a sociology professor and dean at Tuskegee University, but it was his role as a civic leader that made Charles Goode Gomillion a footnote to constitutional legal history in 1960.

As the president of the Tuskegee Civic Association, an organization he had helped found in 1941, he was the lead plaintiff in a suit that successfully challenged a blatant act of gerrymandering designed to exclude all but a handful of black voters from municipal elections.

Alarmed by a voter registration drive led by Mr. Gomillion's organization, the Alabama Legislature redrew the town's boundaries in 1957, leaving Tuskegee University and all but a handful of black families outside the city limits.

What had been a perfect square was now a 28-sided figure that some likened to a snake and others to a sea dragon. Whatever the trope, the lines had been so skillfully drawn that although as many as 12 black voters remained inside a city that once had 5,400 black residents, not a single one of the city's 1,310 white residents had been excluded.

Mr. Gomillion and 11 other association members filed Federal suit seeking to bar Mayor Philip M. Lightfoot and other city officials from enforcing the state statute on the ground that it was a transparent effort to circumvent the 15th Amendment's voting guarantees. Two lower courts, citing a 1946 Supreme Court opinion by Justice Felix Frankfurter, ruled that such state action was beyond judicial review.

When the case, *Gomillion v. Lightfoot*, came before the Supreme Court in 1960, Justice Frankfurter, describing the new configuration as "an uncouth 28-sided figure," found otherwise and so did all eight of his colleagues.

Deftly distinguishing *Gomillion*, from the 1946 case, which involved Congressional districts of unequal population in Illinois, Justice Frankfurter said the Tuskegee case involved "affirmative action" by legislature that "singled out a readily isolated segment of a racial minority for special discriminatory treatment."

He and seven other justices said that a statute that had the effect of disenfranchising black voters would be a violation of the 15th Amendment. Justice Charles E. Whittaker, suggesting that there would be no disenfranchisement since the excluded former Tuskegee residents could vote in county elections said it would instead be a violation of the 14th Amendment.

The case was sent back to District Court and the next year Judge Frank M. Johnson Jr. declared the statute was indeed unconstitutional.

The former city limits were restored and within years the black majority has taken over both the city and county governments, much to the consternation of Mr. Gomillion, who served for a while on the school board.

A soft-spoken moderate who had worked quietly to enlist the support of liberal-minded white allies in Tuskegee, he was dismayed when a plan to integrate local schools was sabotaged by Gov. George C. Wallace. The Governor ordered the schools closed, creating such rancor that white residents created a private school, black radicals swept Mr. Gomillion and other moderates aside and in turn white families fled. Today, only a handful of white families remain in Tuskegee.

As his dream of a truly integrated community, with black and white leaders working together for the common good, died, Mr. Gomillion, who retired from Tuskegee in 1970, left, too.

Although his moderate approach was rejected by a majority of the black voters, at least one of the former radicals now regrets it.

"The man was right," Otis Pinkard said yesterday, recalling that he had once led the faction that opposed the Gomillion approach. "We should not have run all the white families out of town."

Mr. Gomillion is survived by a daughter, Gwendolyn Chaires of Roebling; three grandchildren; three great-grandchildren, and one great-great-grandchild. •

#### ON THE RETIREMENT OF LAUREN F. OTIS

• Mr. MOYNIHAN. Mr. President, I rise today to wish great congratulations to Lauren F. Otis, who retired Thursday, November 30, 1995, after 28 years of dedicated service to the city of New York's department of city planning.

Mr. Otis has been with the department of city planning since 1967, the last 11 as chief urban designer. In this capacity, he has acted as a consultant to the chairman and the city planning commission on a variety of urban matters while developing comprehensive studies of the five boroughs of New York City as an overall framework for individual projects. Prior to becoming the chief urban designer, Mr. Otis was a key member of a team of architectural professionals who developed new zoning and regulatory approaches for the development of Midtown Manhattan and the Wall Street area. Some of his individual urban design highlights include Times Square, the Citicorp Center and the Sliver Building zoning amendment.

A graduate of Harvard College and Harvard University School of Design, Mr. Otis served in the U.S. Navy Civil Engineer Corps from 1955-58 before moving to architectural design, working as a staff architect for I.M. Pei & Partners before joining the city of New York.

In addition to Mr. Otis' work in the department of city planning, his patronage of New York City's cultural spirit as mayor's representative to the New York City Art Commission between 1982 and 1992, the last 7 years as vice president, and as a representative to the New York City Historic Properties Fund deserves recognition.

Mr. President, I hope my colleagues will join me in wishing him the best of luck in his much deserved retirement. •

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

#### SOCIAL SECURITY DISABILITY WAITING PERIOD

• Ms. MIKULSKI. Mr. President, I rise today to make my colleagues aware of a very unfortunate situation involving Social Security disability benefits.

In our law, there is a 6-month waiting period before a Social Security disability applicant can receive payments. If a person is diagnosed with a deadly disease, and is eligible to receive Social Security disability, that person must wait 6 months before the payments arrive. This waiting period often comes at a time in a person's life when treatment must begin immediately. Many of these people simply cannot afford to wait. Far too often, the results of this forced waiting period are financial devastation for families.

One of my Maryland constituents, Mitchell Berman, was stricken by a terrible illness which required full-time care in a nursing home. Mr. Berman and his wife, Marjorie, were forced to sell nearly everything they owned to cover the health care costs. By the time Mr. Berman's payments began to arrive, it was too late; they had spent much of their life's savings. Mr. Berman's disease was not curable, and I am very sorry to say that he has died.

To honor the memory of her husband, Marjorie Berman has started her own crusade to make lawmakers and families aware of the financial effect the waiting period can have. I salute Marjorie Berman for her courage and her steadfast devotion to her husband.

Earlier this year, I encouraged the Senate Finance Committee to explore this issue. In today's political climate, I know that funding for many programs is being cut back and eligibility for some programs is being tightened.

But I encourage my colleagues to take a close look at this issue and ask if the Social Security disability waiting period is serving a useful Government purpose and responding to the needs of people. I also ask my colleagues to listen to the stories of their own constituents who have been affected by this waiting period and have not been able to get the help when they need it. I think my colleagues will find that the waiting period does not serve the needs of people. •

#### THE PROS KNOW WHY PRISON FAILS

• Mr. SIMON. Mr. President, I would like to draw my colleagues' attention to an op-ed written by Coleman McCarthy in the September 9, 1995, Washington Post.

In discussing prison policies, Mr. McCarthy draws an important distinction between professional and amateur