TRIBUTE TO PAMELA ANAGNOS LIAPAKIS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mrs. MALONEY. Mr. Speaker, today I rise to pay tribute to Pamela Anagnos Liapakis. Pamela, recently featured in Time Magazine as America's most politically influential and successful trial lawyer, has been named HANAC's 1996 Woman of the Year.

Pamela Liapakis should serve as an inspiration to women throughout the Nation. She served this year as president of the Association of Trial Lawyers of America. She has served as president of the New York State Trial Lawyers Association, and is currently a trustee on the boards of the Rosco Pound Foundation, the Civil Justice Foundation, and ATLA PAC, and LAW PAC, the Federal and State political action committees of the trial bar.

Her accomplishments have won her numerous accolades, including the 1994 National Organization for Women Woman of Power and Influence Award, the 1994 ORT Jurisprudence Award, the 1993 United Jewish Appeal Trial Lawyer of the Year Award, the 1993 Young Adult Institute Advocate Award, and the 1991 Freedom Award from the Institute of Jewish Humanities.

I ask all of my colleagues to join me today, Mr. Speaker, in paying tribute to Pamela Liapakis, an extraordinary Greek-American. She has received the respect and honor of the American legal community by fighting to protect and preserve the individual rights of average citizens. I ask my colleagues to join me in honoring the most recent achievement of a truly remarkable career.

HONORING DOW CHEMICALS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. BENTSEN. Mr. Speaker, I rise to congratulate the Dow Chemical Co. of La Porte, TX, which has been named the 1996 Industry of the Year by the Deer Park Chamber of Commerce. Dow will be honored at a luncheon on November 21, 1996 for their outstanding work in the production of polyurethane chemicals and for their commitment to teamwork, safety and environmental protection. Dow is the fifth largest chemical company in the world and manufactures basic chemicals and plastics.

Along with being a world leader in chemical production, Dow has not lost its focus on safety and environmental protection. I commend their goal of eliminating all injuries and preventing adverse environmental and health impacts. Fundamental to the accomplishment of these impressive achievements have been the 500 employees and contractors in La Porte. The company's commitment to teamwork has encouraged a worker management respect which stresses personal freedom and growth to allow for innovative decisionmaking at all levels of the operation.

Mr. Speaker, many times in the 104th Congress we have talked about how American industry needs to continue to be innovative to maintain their position in the world economy. Dow Chemicals in La Porte, TX, exemplifies this innovation and is model for all companies.

DR. VICTOR GRECO, 147TH PRESIDENT OF PENNSYLVANIA MEDICAL SOCIETY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. KANJORSKI. Mr. Speaker, I rise today to bring an important event to the attention of my colleagues. On October 19, 1996, Dr. Victor Greco will be installed as the 147th president of the Pennsylvania Medical Society at a ceremony in Hershey.

Dr. Greco's résumé is long and distinguished. His many accomplishments throughout his long career in medicine began with his graduation from Jefferson Medical College in Philadelphia in 1951. He interned at Philadelphia General Hospital and spent his residency at Jefferson.

By 1963, Dr. Greco was chief of surgery at St. Joseph's Medical Center in Hazleton, PA, his hometown. Following this he became chief surgeon at State General in Hazleton. During his career Dr. Greco has been a member of the advisory council to the Director of the National Institutes of Health, vice chairman of the board of trustees of the Pennsylvania Medical Society, and a member of the State Board of Medicine appointed by then Governor Casey. Dr. Greco was also nominated to serve on President Clinton's National Health Board and was asked to serve on Speaker GINGRICH's Medical Care Reform Advisory Committee.

During his many years of practice, Victor Greco was responsible for developing the first prototype cancer screening clinic in the country, which is still operated by the National Cancer Institute. Dr. Greco trained under Dr. John H. Gibbons, professor of surgery at Jefferson Medical College and Hospital, and assisted in the development of the heart and lung machine. He was a member of the operating team that performed the first successful case of open heart surgery in the world in 1953. He was chairman of the Pennsylvania State Board of Medicine in 1994 and is now president elect of the Pennsylvania Medical Society.

Mr. Speaker, Dr. Greco's medical accomplishments speak for themselves and are a testament to this outstanding and distinguished surgeon. I am proud to have a close personal friendship with this accomplished man. It is with the greatest pleasure and pride that I rise today to bring just a few of these accomplishments to the attention of my colleagues. I send my heartiest best wishes to Dr. Victor Greco on his new leadership position in the Pennsylvania Medical Society and join with his lovely wife Mary Jean, his family and his many friends in congratulating him on this achievements.

CALIFORNIA CIVIL RIGHTS INITIATIVE

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Ms. WATERS. Mr. Speaker, the State of California is in the middle of a crucial debate on the future of affirmative action. The so-called California civil rights initiative will be voted on this November 5.

I call to my colleagues' attention the following testimony of Professor David Oppenheimer of Golden Gate University. He prepared this statement on behalf of several California branches of the American Civil Liberties Union. I think it greatly enhances the discussion on this most important public policy issue.

STATEMENT OF DAVID B. OPPENHEIMER

INTRODUCTION

Thank you for giving me the opportunity to submit testimony on behalf of the three ACLU affiliates from California. Since its founding in 1920, the ACLU has had as its primary concern the protection of those civil liberties provided by the United States Constitution, and particularly the liberties protected by the Bill of Rights and the Post-Civil War Amendments. The right to be free of government sponsored race and sex discrimination is central to the opportunity of all Americans to fully participate in our system of democratic self-governance. It is because these rights are imperilled by the CCRI that we wish to address this Committee.

It is no secret that our country has a long and shameful history of discrimination against women and racial, religious and ethnic minority groups. Our very foundation as a nation was dependent on the right of our citizens to own human beings of African descent. Our Constitution required amendment in the wake of the Civil War to establish for the first time under our laws that African Americans were entitled to the same rights as white citizens. It was only in this century that women were first enfranchised, and only late in this century, with the passage of the 1965 Civil Rights Act, that we began to enfranchise African Americans in a meaningful way.

Despite the aspirations of most people, our legacy of discrimination is being felt today. Many believe the reason for continuing discrimination is no longer the virulent diseases of race-hatred and misogyny, but the far more well-hidden problems of unconscious discrimination and sterotyping. Whatever the sources, the effects are plain to see. Highly disproportionate numbers of women and minority group members are poor, hungry and ill-housed. Women and minority group members earn substantially less, and own substantially less, than similarly educated, similarly qualified, white men. Over forty years after *Brown* v. *Board of Education* most black children attend segregated schools that are far inferior to the national or local standard. Even among those African Americans fortunate enough to become successful members of the American middle class, discrimination is a constant companion.

Dr. Martin Luther King told us in his last sermon that he had been to the mountaintop and seen the promised land. We have not yet arrived in that promised land.

AFFIRMATIVE ACTION TODAY

Because of the glaring inequities caused by contemporary discrimination, many state and local governments have made the policy

decision to act affirmatively to counteract discrimination and create true equality of opportunity. Some have done so because their leaders believe it is the right thing to do. Some have done so to avoid litigation. Some have done so as a condition of receiving federal funds. Whatever their motivation, if they have met the strict limits placed on affirmative action programs by the Supreme Court, they are fully within the laws and Constitution of this country.

''Affirmative action'' is a term much used, yet much disputed as to its meaning. In discussing affirmative action, I find it useful to distinguish the four kinds of voluntary affirmative action programs currently used by state and local government. They are:

(1) anti-discrimination programs, such as anti-harassment training, sensitivity training, or diversity training; (2) outreach, recruitment and counseling programs, directed at increasing the number of women or minority group members applying for jobs, promotions, contracts, or school admissions; (3) self-study programs, in which employers or schools study their applicant flow data, admissions decisions, and retention statistics, in order to determine whether they are engaging in discrimination, and sometimes adopt goals and timetables to measure progress in eliminating discrimination; and, (4) preference programs, which range from set-asides to tie-breakers to ''one factor in many'' programs.

There is a fifth form of affirmative action program, quotas, which, in the affirmative action context, operate as participation floors for women or minority group members. Quotas are not permitted in voluntary affirmative action programs. They are only permitted when approved or ordered by a court as a remedy in a discrimination lawsuit.

Voluntary preference programs, including set-asides, are rarely permitted; they are allowed only as a remedy to discrimination, and only in unusual circumstances as a matter of Constitutional law. Our Constitution puts strict limits on the authority of any unit of government to consider race or sex in its decision making. It is only within these strictly defined limits that sex-based or race-based decision making is permitted, but when these limits are adhered to, the Supreme Court has made it clear that such decision making is Constitutionally proper. In the *Croson* case, and again in the *Adarand* case, the Court held that governmental affirmative action plans that permit race-based or sex-based selections are only permissible if: There is strong evidence that the government adopting the affirmative action program has itself discriminated against the group now being assisted, and that the discrimination has resulted in that group being currently underrepresented in the area addressed by the affirmative action program; the affirmative action program reaches no further than the discrimination it is intended to counteract; the program is limited to the selection of persons or firms fully qualified for selection; the program operates with goals or aspirations, not quotas; the program is limited in time so that it will expire once its goals have been met; and the program does not require the lay-off or termination of existing employees, or the recision of current contracts.

Under the authority of the *Croson* decision, the City and County of San Francisco held hearings in 1988 to determine why so few of its contracts were with firms owned by women or minority group members. At that time approximately 95% of the dollar value of the City's contracts were with white male-owned firms. The hearings uncovered systemic discrimination in the contract bidding process, leading to a comprehensive affirmative action program. Eight years later, approximately 15% of the City's contract dollars go to firms owned by women or minority group members, while 85% continue to go to white male-owned firms.

The San Francisco plan has received provisional approval from the United States Court of Appeals. Similarly, the County of Santa Clara, whose largest city is San Jose, has adopted a voluntary affirmative action program to increase its hiring of women and minority group members which has been approved by the United States Supreme Court. Despite the fact that these plans have been approved by the federal courts, they will become illegal if CCRI is passed.

AFFIRMATIVE ACTION AND THE CCRI

CCRI has two substantive clauses. Clause (a) prohibits certain conduct by state and local government. Clause (c) permits certain forms of sex discrimination.

Clause (a) provides: ''The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.''

Clause (c) provides: ''Nothing in this section shall be interpreted as prohibiting bona fide qualifications based on sex which are reasonably necessary to the normal operation of public employment, public education, or public contracting.''

In addition, CCRI provides at Clause (e) that ''Nothing in this section shall be interpreted as prohibiting action which must be taken to establish or maintain eligibility for any federal program, where ineligibility would result in a loss of federal funds to the state.''

SOURCE OF CLAUSE A

The initiative's authors have stated that their language is based on the Civil Rights Act of 1964. Section 703(a) of Title VII, the analogous section of the 1964 Act, provides:

''It shall be an unlawful employment practice for an employer [or other covered entity] to * * * discriminate against any individual with respect to his * * * employment because of such individual's race, color, religion, sex, or national origin.''

There are a number of significant differences between Clause (a) of CCRI and Section 703(a) of the 1964 Act. The most important is CCRI's prohibition of ''preferential treatment.'' Also significant is CCRI's applicability to ''groups'' as well as individuals, and CCRI's substitution of ''ethnicity'' for ''religion.''

CCRI AND THE PROHIBITION OF ''PREFERENTIAL TREATMENT''

The full meaning of the prohibition of ''preferential treatment'' must await analysis by the courts. The phrase is one without preexisting legal meaning; it is not a term of art used in civil rights law. In interpreting it, courts will be primarily guided by two principles. First, since it is assumed that all phrases do have meaning, and since it is used in conjunction with a prohibition of ''discrimination,'' it must mean something different from discrimination. Second, since it is not a legal term of art, is should be given its ''plain meaning.''

On a first read, one might expect that if CCRI passes, its broadest impact will be on preference programs such as the Santa Clara and San Francisco programs. This may not prove to be true. Pursuant to clause (e), CCRI will prohibit such voluntary programs only if their elimination will not affect eligibility for federal funds. If CCRI passes, some communities may successfully argue that their programs are necessary to remain in compliance with federal regulations requiring federal funds recipients to refrain from discrimination. This is a particularly potent argument for those communities that have complied with Croson by studying their own behavior, if they have concluded that their own discrimination is the cause of a current underrepresentation.

It other communities, affirmative action plans are likely to be abandoned. But here again, if they have done Croson studies, we should expect that federal lawsuits will be filed using the data collected in the study to prove that the government has engaged in intentional discrimination. CCRI cannot limit the remedies available under federal law for a violation of the federal civil rights laws. Thus, where the evidence justifying the plan is sufficient to sustain a judgment, the federal courts will require the plans to continue. The net effect is that in many communities the existence of affirmative action plans will be unchanged, but the authority to govern the plans will pass from elected officials and civil servants to federal judges.

IMPACT ON SELF-STUDIES/GOALS & TIMETABLES

In the area of self-studies, and the related area of goals and timetables, CCRI will again have less impact than one might expect. Most self-studies conducted by state and local government are required by federal law. Executive Order 11246 requires employers receiving federal funds to conduct self-studies as a condition of their funding. When such studies reveal an underutilization of women or minority employees compared to the available pool of qualified applicants, the employers are required to adopt goals and timetables designed to increase the number of women and minority employees until they mirror the available selection pool. As a result, state and local governments must utilize self-studies and must adopt employment goals and timetables for women and minorities in order to receive federal funding. Since most publicly funded self-studies and goals and timetables are required as a condition of federal funding, they too are protected by clause (e), and CCRI is unlikely to have a substantial impact on self-studies or goals and timetables.

IMPACT ON OUTREACH, RECRUITMENT AND COUNSELING

It is in the area of outreach, recruiting and counseling that CCRI may have its greatest impact. If programs directed at recruiting or counseling women or minority group members are considered a form of preferential treatment, these programs will violate CCRI. This is the position taken by the California Legislative Analyst. In the OLA's report to the Attorney General analyzing the meaning and fiscal impact of CCRI, the Analyst wrote:

''This measure would eliminate affirmative action programs used to promote the hiring and advancement of women and minorities for state and local government jobs, to the extent these programs involve 'preferential treatment.' . . . In addition, the measure would eliminate a variety of public school (kindergarten through grade 12) and community college programs such as counseling, tutoring, student financial aid, and financial aid to selected school districts, where these programs are targeted based on race, sex, ethnicity, or national origin. . . . The measure would eliminate a variety of programs such as outreach, counseling, tutoring, and financial aid used by the University of California and California State University to admit and assist students from 'under-represented' groups.''

Unlike preference programs, or self-studies and goals and timetables, there is no federal mandate for the various outreach, recruitment and counseling programs affected by CCRI. As a result, outreach, recruitment and

counseling programs will truly be eliminated if the initiative passes. Examples of such programs include: programs run by the University of California to inform students at minority high schools of the admissions requirements at UC; programs run by the University of California and the California State University to enrich the academic programs at minority high schools; programs run by the University of California and the California State University to encourage minority students to attend college; programs run by the University of California and the California State University to encourage middle school and high school girls to consider careers in math and science; programs run by the state and/or by local governments to inform woman-owned and minority-owned businesses of the criteria for applying for government contracts; programs run by the state and/or by local governments to inform woman-owned and minority-owned businesses of opportunities to bid on government contracts; programs run by the state and/or by local government to inform women and/or minority group members of employment, career or promotional opportunities in government; and programs run by the state and/or by local government to assist women and/or minority group members in establishing their own businesses or applying for government employment.

IMPACT ON ANTI-DISCRIMINATION PROGRAMS

In the area of anti-discrimination and diversity promotion programs, it is difficult to assess how much of an impact CCRI will have. For example, many government employers have anti-harassment training programs designed to prevent sexual harassment in the workplace. An argument could be made that such programs constitute preferential treatment for women. It seems unlikely that a court would agree, but it is certainly not out of the question. The same would be true of programs designed to teach racial tolerance.

CCRI AND THE OPERATION OF PUBLIC EDUCATION

One substantial area outside of affirmative action will be affected by CCRI. Because it reaches all operation of public education, CCRI is expected to have a major impact on education programs which are not concerned with affirmative action but which do consider race, ethnicity or gender. The existence of university women's centers, for example, will probably be deemed a violation of CCRI. College or university programs designed to serve the needs of, or appeal to, minority students are also vulnerable. These could include counseling programs, social programs, or educational programs. It would almost certainly apply to programs like a black students' union, and might extend as far as community college classes in English as a second language, which are designed for people who are not of U.S. national origin.

In primary and secondary education, there are many voluntary desegregation programs which CCRI would ban. The California Legislative Analyst has concluded: ''The measure could eliminate some or all voluntary desegregation programs operated by school districts.'' Among the savings predicted by the OLA are the costs incurred by all magnet schools, which the OLA views as a form of ''preferential treatment.''

A third area in the operation of public education within CCRI's purview is the consideration of race, sex and ethnicity for special recognition or accommodation. For example, many school districts inadvertently scheduled the first day of school in 1994 to coincide with the Jewish holiday Rosh Hashannah. In Northern California, a number of civil rights and Jewish community groups lobbied school district administrators to change the opening day in order to permit Jewish students to attend the first day of school without violating their religious observation. A series of federal civil rights cases have recognized that for the purpose of the civil rights laws the Jewish people are a race. In addition, Jews may be considered an ethnic group. As a result, under CCRI, such preferential treatment for Jews would be unconstitutional. Similarly, a school's decision to recognize certain ethnic groups through school assemblies, pageants, learning themes, or other diversity awareness programs may constitute preferential treatment based on ethnicity.

CCRI'S EXTENSION OF NONDISCRIMINATION LAW FROM INDIVIDUALS TO GROUPS

One of the foundations of American civil rights law is that all rights are held by individuals. For good or for ill, there are no civil rights held as group rights. Thus, the 1964 Civil Rights Act applies only to discrimination against individuals. As a result, an important barrier in discrimination lawsuits is the issue of standing; if an individual cannot allege personal harm, she cannot bring an action. Even in class actions, the group is defined as a group of individuals who have suffered individual harm.

Somewhat surprisingly, however, CCRI prohibits discrimination against and preferential treatment for not only individuals, but also groups. This may provide its most significant impact. For example, it appears that under CCRI any African American may bring a discrimination claim against a local government asserting race discrimination against blacks, even if she was in no way affected by the discrimination. Similarly, any person who wants to challenge an affirmative action program as granting preferential treatment may do so, as long as she is not a member of the group receiving the preferential treatment. Since the government is usually assessed legal fees if it loses a civil rights suit, we may expect an explosion of litigation if CCRI passes.

CCRI, SEX DISCRIMINATION, AND THE CALIFORNIA CONSTITUTION

In 1971, the California Supreme Court interpreted the California Constitution to prohibit sex discrimination by the government unless the government could prove a compelling purpose which withstood strict scrutiny by the court. The phrase ''strict scrutiny'' is sometimes described as ''strict in theory, fatal in fact'' because it is virtually unheard of for any government action to survive such scrutiny. It is because of this decision that the California Constitution is said to have a de facto Equal Rights Amendment.

Clause (c) may do substantial damage to the protection now offered California women under the Constitution. The language of the clause was taken from the Civil Rights Act of 1964, which provides at Section 703(e)(1):

''It shall not be an unlawful employment practice for an employer to hire . . . any individual . . . on the basis of his religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.''

In the 1964 Act the BFOQ exception applies only to employment, and even then only in cases involving an ''occupational'' qualification and only to cases brought under the Act, not cases brought under the Constitution. In interpreting the language under the 1964 Act, the Supreme Court has held that the State of Alabama could refuse to hire women guards at its maximum security prison because the presence of women would encourage the male inmates to attack them. The Court was particularly concerned that the guards would provoke sex offenders in the prison population, but explained that ''there would also be a real risk that other inmates, deprived of a normal heterosexual environment, would assault women guards because they were women.'' The Court has also suggested that differential hiring policies for women with young children might constitute a BFOQ if ''such conflicting family obligations [were] demonstrably more relevant to job performance for a woman than for a man.''

CCRI expends upon this allowance of sex discrimination in two critical areas, both of which are presently untested. First, the Supreme Court has ruled that the limitation to ''occupational'' qualifications is a criminal limitation. By dropping the limitation to ''occupational'' qualifications, CCRI extends the permitted kinds of sex discrimination which will now be permitted. Second, the BFOQ limitation in the 1964 Civil Rights Act is limited to employment discrimination. CCRI permits BFOQ sex discrimination in education and contracting as well as employment.

If CCRI passes, it will become the primary provision of the California Constitution regarding sex discrimination by government; as such it will probably be held to overrule or amend the current interpretation of the Constitution. Thus, sex discrimination by government in the areas of public education, employment and contracting will only be illegal if the discrimination is not ''reasonably necessary to the normal operation of public employment, public education, or public contracting.''

In the area of employment, clause (c) will foreclose independent sex discrimination actions under the Constitution, limiting them to the provisions of federal law. It is difficult to assess how broad an impact this will have. In the area of government contracting, contracts may be let to male-owned companies, or (perhaps more likely) companies that only hire men, when it is deemed reasonably necessary that men alone do the work. The most obvious application will be in California's fastest growing industry, corrections. In public education, the clause again may make possible sex-segregated activities which would otherwise be deemed discriminatory. Because the concept of a bona fide qualification based on sex has no precedent outside the area of employment, it is difficult to predict how far the clause will reach. Nonetheless, it clearly opens the doors to discrimination which is now impermissible under the California Constitution.

SUBSTITUTION OF ETHNICITY FOR RELIGION

It is not clear why the drafters of CCRI, who claim to have tracked the language of the 1964 Civil Rights Act, substituted ''ethnicity'' for ''religion.'' But presumably religious discrimination by the government will remain illegal under the California and United States Constitutions' ''free exercise'' clauses, while religious preferential treatment will remain illegal under the ''establishment'' clauses. Since the initiative fails to define ''ethnicity'' it will have to be read as meaning something other than ''national origin'' (which is also delineated). Given the broad reading currently given to ''national origin'' this may prove difficult.

CONCLUSION

It appears that the greatest impact of CCRI will be in three areas: (1) outreach, recruiting, and counseling programs targeting women and minorities; (2) higher education programs assisting women and minority students; and (3) primary and secondary education programs designed to promote voluntary desegregation. The initiative is likely to have no effect on quotas and little effect on preferences or goals and timetables. In the few cases where quotas are permissible they either are or will be ordered by

federal courts, which are outside the scope of the initiative. In the most of the limited number of cases where preferences are permitted, federal lawsuits will probably be filed to move the authority for the preferences from local government to the federal courts. Most public goals and timetables are adopted to maintain eligibility for federal funding, and will thus be exempt from CCRI. But outreach, recruiting, counseling, assistance and voluntary desegregation programs are not tied to federal funding, and are thus most vulnerable to CCRI.

THE 85TH ANNIVERSARY OF THE REPUBLIC OF CHINA

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. KING. Mr. Speaker, October 10 marks the anniversary of the birth of the Republic of China [ROC]. On this occasion, I wish to send my greetings and congratulations to the leaders on Taiwan, especially to President Lee Teng Hui.

For many years Taiwan has been a loyal trading partner of the United States. Its people participate in and fully subscribe to the principles of freedom and democracy. They have worked with the United States on issues ranging from endangered species to trademark infringements. Taiwan is our friend and ally.

One of the ways the United States can help Taiwan is to make sure the ROC has an easy transition into the World Trade Organization [WTO]. Without question their economic status and legal system more than qualify them for membership. The only reason Taiwan has not been admitted to the WTO is the strong objection of the People's Republic of China. While the United States formally recognizes the PRC, we must not allow our relations with the 21 million people on Taiwan to be compromised by the demands of the PRC, and if it were not for the situation with the PRC, they would be a member today. The United States should work to assure the ROC its rightful place at the table in the WTO. Better relations between the U.S. and the PRC must not come at the expense of the 21 million people on Taiwan who must depend on the United States to help promote and defend their interests.

Mr. Speaker, Taiwan is fortunate to have Dr. Jason Hu as the new representative in Washington. Dr. Hu formerly served as the head of the Government Information Office. He replaced Benjamin Lu who has returned to Taipei to serve as an advisor to the President. I also want to take this opportunity to note that several solid officials from the Taipei representative office here in Washington will be returning to Taiwan at the end of the month. Dr. Lyushen Shen, and his colleague Mr. James Huang, have served their country admirably during their time here in Washington.

The October 10 celebration marks the continuance of the friendship between our two countries, as well as the founding of a nation. Again, I congratulate Taiwan on the occasion of its National Day.

ESCANABA ESKYMOS CENTENNIAL

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. STUPAK. Mr. Speaker, on October 25, 1996, the Escanaba High School Eskymos football will be celebrating its 100th anniversary. In September of 1897, Escanaba won its first game against St. Joseph Catholic School. It was not the type of football we think of today.

At the turn of the century the usual procedure for organizing a football team was to find a ball, improvise some equipment and find an open field. Most of the uniforms were handmade. What little padding the players had was soft and sewn into their jerseys, and headgear was almost non-existent. Most times the games were arranged by students, as faculty regarded football as a waste of time which interfered with their education. Players would improvise and quarrel over which rules to follow. It was a fast-paced and brutal sport.

Michigan high school football traditionally revolved around fierce rivalries. As documented in 1994 by Michigan History Magazine, Michigan football fans witnessed, the beginning of one of the greatest rivalries and most exciting games in Michigan football history when Escanaba met Ishpeming in 1901. Escanaba played in Ishpeming, a small northern Michigan mining community, and during the second half, two linemen began fighting. Then the two coaches stormed onto the field, followed by fans from both sides, bringing the game to a halt. Police were forced to restore order. Conceding defeat, the Escanaba players walked off the field with 12 minutes left to play, saying that they feared for their lives.

In 1903 Escanaba won its first Upper Peninsula championship and went on to challenge for the State championship title but coming up a little short against Benton Harbor.

Escanaba would rebound to win the State championship in 1904, and again in 1907. In 1908 the Eskymos were 5–0, but the lower Michigan champions from Ann Arbor refused to acknowledge or play the Eskymos for the State championship. By such an unsportsmanlike tactic, Ann Arbor wound up becoming the State champions.

In 1910 the Escanaba Eskymos won eight games against other Upper Peninsula teams, outscoring their opponents 131 points to 10. Escanaba won the Upper Peninsula championship but Detroit Central High School would not play Escanaba for the championship and erroneously, Detroit would hold the State title that year.

Until formal playoffs began in 1975, there would be no more championship games between Upper Peninsula and Lower Michigan teams.

In 1920 Escanaba beat Ishpeming 103 to 0 and one of the star backs on the tam put his name into the record books. Marmaduke ''Duke'' Christie scored 10 touchdowns and 6 extra points for a total of 66 points in one game. This record stands today in Michigan record books as the most points in one game for an individual player.

Beginning in 1962, the Eskymos were coached by Jerry Cvengros, a native of Ironwood, a graduate of the University of Wisconsin and a letterman in football. Coach Cvengros would go on to coach the Eskymos for the next 23 years and set the all-time winning record for the Eskymos. His teams won 79 percent of their games, won the Upper Peninsula football title nine times, and became runner-up in class A high school football in 1979. They would not lose a single game in 1981 en route to winning the Class A State Title.

Escanaba's last title was in 1989 as the Upper Peninsula football champions. In the 99 years that Escanaba has fielded a football team their all-time record of 512 games puts them in third place for all high schools in the State of Michigan.

This October 25th, the Escanaba Eskymos will host the Menominee Maroons for the 100th meeting of these two long-time rivals.

Mr. Speaker, Members of the U.S. House of Representatives, please join with me in congratulating all Escanaba Eskymo team members, coaches, teachers and fans, past and present, on 100 great seasons! The Eskymos have continued to display their devotion to the game, their sportsmanship and pride in their school teams. The Escanaba Eskymos and their outstanding record of success have made a lasting impact on their community, the Upper Peninsula, the State of Michigan and this Nation. We wish them continued gridiron success!

TRIBUTE HONORING ELYRIA UNITED METHODIST CHURCH

HON. PAUL GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and salute a church in my area. This year, Elyria United Methodist Church in Elyria, OH, will celebrate the 100th year of its founding.

Located in Northern Ohio, the church was founded in 1896. Many of the same family names are still in the congregation 100 years later. The vision at its founding a centennial ago was to be a church where people live with God and work for the communal good.

The same vision is true today. The church building has been a source of civic pride for many years and the stately design of the building solidifies its place as a local landmark. A monument such as this does not survive on structure alone, however. The building is a testament to the dedication of the congregation in preserving links to their heritage.

Mr. Speaker, as the church marks its 100th year of service, we commemorate the past and celebrate the future. A new generation continues the exemplary record of community service and pride that distinguishes Elyria United Methodist. I ask my colleagues to join me in honoring this special church.

HONORING KMEX–TV CHANNEL 34 ON THE OCCASION OF ITS 34TH ANNIVERSARY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. TORRES. Mr. Speaker, I rise today in honor of Univision and KMEX–TV, Channel