

we will have a whole new range of options, debates and issues and new directions that we can talk about and that, I think, is going to be very exciting. I thank the gentleman for doing this special order and thank him for allowing me to participate.

Mr. NEUMANN. Mr. Speaker, I want to close out my time this evening by paying tribute to so many people that are involved in this, from our families and kids who spend time without us so this can get done, to all the people across this Nation who elected a group of people in 1995 that were going to come here to Washington, change what was going on, provide the Nation with a balanced budget, lower taxes, and Medicare restored.

That is what this is all about, and I want to close tonight by paying tribute to all the people that have been involved in this process.

GENERAL LEAVE

Ms. WATERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order this evening.

The SPEAKER pro tempore [Mr. METCALF]. Is there objection to the request of the gentlewoman from California?

There was no objection.

#### CIVIL RIGHTS TRIBUTE TO FORMER SUPREME COURT JUSTICE WILLIAM J. BRENNAN, JR.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from California [Ms. WATERS] is recognized for 60 minutes.

Ms. WATERS. Mr. Speaker, I rise this evening to begin a special tribute by the members of the Congressional Black Caucus for the late Justice William J. Brennan, Jr., one of the most influential and visionary jurists in our Nation's history.

Before I take time, I would like to yield the first of this hour to one of the leaders of the Congressional Black Caucus, who immediately upon the passing of Justice Brennan said it was important for the Congressional Black Caucus to take this floor and pay tribute to, give honor to the man who assisted this Nation in our civil rights efforts.

With that, I would like to yield to the gentleman from Florida, [Mr. ALCEE HASTINGS].

Mr. HASTINGS of Florida. Mr. Speaker, I am deeply grateful to the chairwoman of the Congressional Black Caucus, the gentlewoman from California, Ms. MAXINE WATERS, my good friend, for yielding to me to begin this special order this evening.

Today, many of us in the Black Caucus and others of our colleagues here in the House and in the other body had the good fortune to be able to go the homegoing celebration of Justice Brennan. Because of the lateness of the

hour, a significant number of our colleagues who wanted to be with us have seen fit to contribute their remarks in the RECORD, and they did, in fact, including the gentlewoman from Florida, Mrs. MEEK, and the gentlewomen from Texas, Ms. EDDIE BERNICE JOHNSON and Ms. JACKSON-LEE, as three that I know.

Mr. Speaker, I rise today to pay special tribute to the life and career of former Supreme Court Justice William J. Brennan, a man who, and I might add I learned today for the first time that that "J" stood for Joseph, a man who epitomized the word "liberal."

As I stand today, I am kind of propelled by the question, what is a liberal? Often we hear that here in this body, the question put, what is a liberal? And we hear it in negative terms when one is identified in that manner.

As I confront with my colleagues the myriad assaults on the liberal causes of equality and justice, and the homilist today, the Reverend John O'Hara, at Saint Matthews Church, at the funeral of Justice Brennan, cited the fact that not only did he stand for equality and justice, but he also brought to that civility. These ideas which most of us in the Black Caucus and many Members of this body have devoted entire careers pursuing, this question then is obviously of paramount importance.

What is a liberal? There are a lot of definitions. Let me offer one. A liberal is someone who is guided by principles of fairness and equality and civility, even when such principles are unpopular. A liberal is someone who stands up for justice and fairness regardless of public opinion. A liberal fights for the rights of individuals, no matter their social, economic, racial or religious circumstance, and often because of them.

A liberal believes that the U.S. Constitution was adopted to expand, not limit, individual freedoms. A liberal would give her or his life to eliminate all forms of second-class citizenship, understanding that until all are free, none are free. Justice Brennan was a liberal, Mr. Speaker.

As a member of the Congressional Black Caucus, a lawyer and a former judge, I am especially proud to honor this distinguished jurist. It is apropos that I rise today. Justice Brennan's belief in the ideal of one person, one vote, and his relentless support of the protection of voting rights for all Americans directly led to a fairer reapportionment of congressional districts.

As I look around this body when it is in full bloom, which more accurately reflects the American people today than it did half a decade ago, I am reminded of the quote, and I learned today at the funeral that the Justice had asked the homilist, Reverend O'Hara, to make sure at his funeral that it be short; and, No. 2, that they play some Latin songs. I did not know of his fondness, and so I looked up a quote: "Si monumentum requires circumspecte." If you would see his monument, look around you.

Justice Brennan's monument is all around us in this great country, and he, through his legacy, has contributed to the diversity of this great body. In the area of civil rights, Justice Brennan joined the late Justice Thurgood Marshall, his judicial soulmate, as the court's most outspoken advocates for affirmative action.

We are about to undertake that debate here. And it would be healthy if all of our colleagues had had the good fortune to read some of the 1,360 opinions that William Joseph Brennan authored as a member of the United States Supreme Court.

For example, in *United States Steel Workers of America versus Weber*, Justice Brennan wrote that it would be ironic "if a law triggered by a Nation's concern over centuries of racial injustice and intended to improve the lot of those who had been excluded from the American dream for so long, prohibited all voluntary race-conscious efforts to abolish racial segregation and hierarchy."

Justice Brennan understood that we still, in America and in the world, live as persons infected with various forms of racism and prejudice. Mr. Speaker, he understood that the only way to remedy the evils of the past would be to take affirmative action to eliminate its ugly and devastating impact on those today.

As all of my colleagues in the Black Caucus who come today to pay tribute to this giant have fought for equality and fairness under the law, I fought for it along with my colleagues, from the courthouse to the statehouse and in the U.S. House. I was certainly, as all of our colleagues are in this Nation, saddened by the departure of Justice Brennan from the court.

Today, however, I remain encouraged that his legacy of individual freedom will be evanescent. As someone who had an opportunity to practice under those decisions, I, for one, am grateful for his legacy.

I must pause briefly, Mr. Speaker, to thank the chairwoman of the Congressional Black Caucus and the members of the Congressional Black Caucus for their efforts here this evening to honor Justice Brennan. I have already pointed to the appropriateness of this special order.

The chairwoman immediately set in motion the request for the Black Caucus and all our colleagues to have this opportunity to recognize a giant who helped all Americans. Justice Brennan shared our ideals, our principles, and our hope for a colorblind society. He shared our vision for racial equality and social justice and, indeed, civility. He believed as we do in the supreme dignity of every individual.

We will continue to build upon that vision as we in the Black Caucus and in Congress fight for the rights of every American, especially the poor, as Justice Brennan did; the disadvantaged, as Justice Brennan did; and the mistreated, as Justice Brennan did. As

long as people are treated unfairly, as long as people sit on death row, as long as there is one person who deserves another chance or just a better chance at the American dream, the spirit of William Joseph Brennan will be with us, and for that we, as a Nation, are in his eternal debt.

Today, in a magnificent organ recital during the course of the procession to his place of committal, the Schola from Requiem in paradisum was "May the angels lead you into paradise; may the martyrs receive you, and lead you into the holy city of Jerusalem. May the choir of angels receive you, and with Lazarus, who was once poor, may you enjoy eternal rest," Justice Brennan.

Ms. WATERS. Mr. Speaker, I would like to take the first portion of my remarks to thank the gentleman from Florida who so eloquently expressed our fine appreciation for Justice Brennan. I think it could not have been done better, and I am delighted that the gentleman from Florida [Mr. HASTINGS] saw fit to immediately call me and focus us on the fact of the death of Justice Brennan, and to say that the Congressional Black Caucus must indeed take the leadership in paying tribute to this giant of a human being.

□ 2030

He said to me, this is important that we take this leadership; and I immediately understood why. Justice Brennan represented our struggle, he represented our hope for what America could be and what it should be. And so, I open this special tribute this evening and I share this time with other members of the Congressional Black Caucus who are here and some who have left their statements, and I do so with great pride.

Justice Brennan was laid to rest this afternoon. However, he placed an indelible mark on many of this Nation's laws. The famous Brennan decisions serve as the underpinnings and guideposts for the advancement of civil rights in this Nation. During his 34 years on the United States Supreme Court, Justice Brennan was described as "the chief strategist behind the court's civil rights revolution."

Justice Brennan was considered a liberal. We heard the gentleman from Florida [Mr. HASTINGS] pay tribute to liberalism. How proud I am, also, this evening to pay tribute to this liberal. Liberals have been demonized by those who set out to limit the power and the ability of the poor, to limit the power and the ability of people of color and people who are powerless, limit the ability of all of these to be active decisionmakers and participants in this democracy.

This democracy has set forth in the Declaration of Independence, which states, and I will remind folks as I quote this, we hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain inalienable rights,

that among these are life, liberty and the pursuit of happiness.

Justice Brennan was a student of the Constitution and a believer in the Declaration of Independence. He cherished first amendment rights, and he acted on his beliefs. He worked hard to construct the arguments and convince his fellow justices that this could and should be a Nation that protects the rights of all individuals and groups. He actively worked to make the Constitution a vibrant living document. He called the Constitution, and I quote him, "a sparkling vision of the dignity of every individual."

Witness the great Brennan decisions. Baker versus Carr, 1962. This case allowed Federal courts to hear constitutional challenges to the way States drew their legislative districts. The case forced reapportionment of previously discriminatory districts and enforcement of one-person one-vote principle.

NAACP versus Button, 1963. This case struck down a State law that prevented civil rights organizations from soliciting plaintiffs for desegregation cases stating that such restrictions violated the first amendment right of association. What a great decision.

Do my colleagues understand that literally what the State has said was we do not care how much someone has been discriminated against, we do not care how representative this is of wrongs in our society; you cannot go out and solicit and find them and get them to be a plaintiff. Thank you, Justice Brennan.

United Steelworkers of America versus Weber, 1979. This case ruled that Federal anti-discrimination law does not prevent employers from adopting voluntary race-conscious affirmative action programs.

Well, we are in a great debate in this Nation about affirmative action. In a matter of days, perhaps, and certainly if not in a matter of days, when we come back in September, we will be fighting in the Brennan way against an attempt to turn this decision on its head. We will be fighting against a bill that will attempt to do away with all affirmative action. And it has been branded a civil rights role acting in just the opposite way that Brennan intended affirmative action to operate.

Furman versus Georgia, 1972. This case invalidated State death penalty laws as cruel and unusual punishment. I know, it is not political to be against the death penalty. People do not want to run for office for re-election without trying to make the people believe that they are absolutely protecting them by supporting the right for a free people in a democracy to kill in the name of justice.

Well, I suppose the death penalty is riding high now and it is very unpopular to be against the death penalty. I submit to my colleagues, a society that attempts to right wrongs by doing worse than the person they would point to that committed the wrong is a soci-

ety headed in the wrong direction. A State, a Nation that kills in the name of justice will be held accountable for that in so many ways.

Metro Broadcasting versus Federal Communications Commission, 1990. This case upheld minority preferences for FCC broadcast licenses. Some people say, "Well, what is important about that?" I will tell you what is important about that. As we watch attempts now by the rich and the powerful to buy up everything, radio stations, television stations, what happens when you have the powerful owning the voices that you hear on radio and television able to talk to people day in and day out, expressing certain points of view, without any real opportunity to hear the minority point of view, to hear the other point of view?

In a democracy, we should never allow monopolies, the rich and the powerful, to have control of our airwaves, to have control of what our children hear, to have control of what goes on in every household. It is one of the most dangerous things that could happen in a democracy.

We live in a democracy where we ought to feel free enough and strong enough to let everybody say what they need to say. But if minorities do not have the right to own, do not have the ability to own, do not have the capital to own, you will shut down the voices oftentimes of opposition. And so this was a powerful decision.

It is quite clear that Justice Brennan was a rare and talented human being whose clarity of thought and commitment to justice and equality guided his work and his vision for America.

Justice Brennan will long be remembered. The legacy of Justice Brennan will not be lost or simply overturned or forgotten. His work was too profound, too impeccable, too undeniable. No matter the attack on liberalism, no matter the winds that blow toward the right, in the final analysis, the humanity demonstrated by his leadership can stand tall and strong against the most inhumane attacks, the most intolerant voices, the most misguided and ignorant in our society who would have the powerful just trample on the rights of the powerless and the majority simply ignore the pleas of the minority.

Justice Brennan, you make me so proud to stand here tonight branded a liberal. It is because of you and the powerful in high places who served with principled dignity and who continue to serve with principled dignity that I am able to be here in the hallowed halls of Congress imploring my colleagues to serve as you served, care as you cared, and to do as you did, serve all the people all of the time, upholding the Constitution of the United States of America and fighting for justice and equality for all.

Mr. Speaker, I yield to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, I want to congratulate the chairman of the Congressional Black Caucus and others of

my colleagues that saw fit to hold this special order as a tribute to Justice Brennan. His funeral was held today, and I think that the tributes to him will go on for a long time to come.

I think it is important to note that one of the people who spoke at his funeral today said that his passing represented an end of the era, that the era of liberal government and liberal court opinions was over. I do not agree. I think that one important thing about this tribute is to hold up and let the general public see in a highly visible manner what that era was all about through the opinions of Justice Brennan.

Justice Brennan has not really been given due credit for a number of things that he has accomplished, and many people do not realize the scope of his opinions. They are very much in harmony with the basic beliefs of Thomas Jefferson, very much in harmony with the very dramatic gesture of Abraham Lincoln in setting the slaves free, very much in harmony with the belief that individuals have certain inalienable rights.

He struck at the heart of an attempt to corrupt that process by refusing to go along with the States' attempt to cling to power for rural areas, unpopulated or slightly populated areas, and use the compromise that had been made at the time of the founding of our own Constitution.

Our Constitution is based on a compromise. We had a Senate and House of Representatives, the House of Representatives based on population and the Senate was a compromise. That body established that any State, no matter how small the State was or what the population of it was, any State would have two Members. And State legislatures were using that kind of reasoning to justify various formulas for holding on to power without a one-man, one-vote situation.

And of course, Justice Brennan, kind of late in the life of our Nation, I think it was 1966, that late in the history of the Nation, he applied the common sense of the Constitution that if we are really equal, then we cannot allow a situation to be perpetuated at the State level where the balance of power was maintained by a minority through this kind of playing with the notion that we could have two Houses and State legislature and one could not follow the rule of one man, one vote in terms of population.

So he had the guts to deal with it in 1966. And somehow no one has bothered to challenge it since then. The power of the common sense of it, the harmony of it with the thinking of the Founders and the whole thrust of our Constitution was so great, that has not been challenged. The one-man, one-vote theory definitely is there and in place.

There is another very fundamental decision that he made which very few people have talked about and very few people may even know that he had anything to do with it, but I think it is

very much indicative and relevant of our present era, where we tend to put people down. All men are created equal. All Americans are equal. But, somehow, lately we have been looking at welfare recipients or poor people, or people who have not made it, as not being exactly equal. And there is a raging debate right now about WEP workers, people who are on welfare, people who must go to work in order to work off their welfare grants, them not being equal enough to be able to have representation. They cannot have an organization and that organization talk to the people in Government who put them to work. They cannot have an organization which says we need gloves if we are out in the park picking up all kinds of trash and we need some kind of gear on our heads if we are out there in the sun or we need some brightly colored jackets if we were working in areas where the trash is heavy, we need the same things other workers need.

□ 2045

Nobody can even have a conversation in the New York WEP program because they are not allowed to organize and they are not allowed to have spokespersons, because, after all, they are not protected by the labor laws. We just had a fight here on the floor, not on the floor but we had a fight here via negotiations, where an attempt has been made to take away the protection of the Fair Labor Standards Act and take away the minimum wage, or any of the things in our labor law which applies to workers is going to be denied to welfare workers who have to go to work. We have just beaten that back temporarily. I understand it is taken out of the budget bill and the tax package that we will be voting on in a few days.

But it is very interesting that Brennan ruled, in a case which has not been that celebrated, he ruled that if you are going to take away the welfare benefits from somebody, you have got to give them a hearing. That is not known. In 1970, as late as 1970, an opinion for the court in *Goldberg versus Kelly*, a case little known by the general public. In that case he declared that it was a violation of the 14th Amendment guarantee of due process of law for a State to cut off a welfare recipient's benefits without a hearing. Something as simple as a hearing, an individual deserved.

As a prescription for governmental behavior, the holding in *Goldberg versus Kelly* appeared modest enough, but the opinion proved to be a watershed of constitutional interpretation, a key building block to what came to be known as the due process revolution. A series of decisions that followed erected a constitutional shield for the ordinary citizen against the arbitrary or standard misuse of governmental power in many contexts.

In 1987, in a New York speech which he entitled "Reason, Passion and the Progress of the Law," Brennan talked about the importance of a simple re-

quirement that government officials meet a citizen face-to-face before taking adverse action. I end with this quote by Justice Brennan:

"Due process asks whether government has treated someone fairly, whether the individual's dignity has been honored, whether the worth of an individual has been acknowledged. If due process values are to be preserved in the bureaucratic state of the late 20th century, it may be essential that officials possess passion: The passion that puts them in touch with the dreams and disappointments of those with whom they deal, the passion that understands a pulse of life beneath the official version of events."

His opinion in *Goldberg versus Kelly*, he said, can be seen as injecting passion into a system whose abstract rationality had led it astray, and he applied those same principles to the death penalty. To the very end he was opposed to the death penalty because that individual on death row also deserved the same kind of passion, the same kind of interaction with society as a whole, as an individual who deserved equal treatment.

Ms. WATERS. Mr. Speaker, I yield to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Speaker, first of all let me commend and congratulate the gentlewoman from California, chairperson of the Congressional Black Caucus, and the gentleman from Florida [Mr. HASTINGS] for putting together this tribute. I rise today and join with my colleagues to pay tribute to one of this Nation's finest justices, one who has a progressive reputation and one who has demonstrated that you can be relevant and you can hold true.

Justice Brennan departed this life Thursday, July 24, at the age of 91. While he may have physically departed, he leaves a legacy that will endure for generations to come. Through his personal and professional life, Justice Brennan effected change and affected the lives of people in a real way. Justice Brennan was an ordinary man who possessed extraordinary courage, tenacity, and perseverance.

He was appointed to the Supreme Court in 1956 by then President Dwight Eisenhower. At the time of his appointment, America was engulfed with the question of what to do about civil rights and equal rights for blacks, Hispanics, women and other minorities. He dared to be different despite the dictates of the times. In his daring to be different, he lifted the lots of poor people, minorities, and the disenfranchised. He challenged the Constitution to live up to its ideals of equality and justice for all people.

He saw the law not as an abstraction but as a weapon to protect individual liberties. In speeches he often urged State courts to thrust themselves into a position of prominence in the struggle to protect people of our Nation from government intrusions on their individual freedoms.

In his 34-year tenure on the Supreme Court, he wrote more than 1,300 opinions which helped to significantly change the landscape of constitutional law. Some of his legendary opinions include *Baker versus Carr*, the landmark 1962 opinion that opened the doors to reapportionment of legislatures and congressional districts under strict one person, one vote standards. This decision reshaped politics and broadened participation in democracy. In 1964 he authored *New York Times versus Sullivan*, which enhanced First Amendment protections for press critics of public officials. And in 1970 he authored *Goldberg versus Kelly*, which required States to give welfare recipients notice and a right to a hearing before their welfare benefits could be cut.

Justice Brennan was a strong advocate of affirmative action and equal participation for everyone in America. Although he went to one of the elite schools of America, he was a very common, caring, sensitive, down-to-earth man of reason. His life was an embodiment of love, liberty and law. He was a champion of the underdog. He saw beyond Jim Crow segregation, discrimination, and saw an America that could live up to its promises of equal justice under the law. His ability to build consensus and help safeguard freedom broadened the circle of equality for every single American.

And so it is indeed my pleasure to join with all of my distinguished colleagues who have already so eloquently stated the case that when it comes to equality, justice, and the fight for freedom, no man, no woman could be Justice Brennan's peer.

Ms. WATERS. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, let me first of all thank the chairlady of the Congressional Black Caucus, keeping the theme of the Caucus since its inception, the conscience of the Congress, to call this special order, this special program tonight after the call from our former distinguished Federal jurist, the gentleman from Florida [Mr. HASTINGS] who in his judicial thinking immediately responded by requesting that this special order be held, and for him we are very thankful.

We are here tonight to celebrate the life of William Joseph Brennan, Jr. Last Thursday, Mr. Speaker, this country lost a bold and spirited champion of civil liberties. The city of Newark, NJ lost a warm and generous son. Justice William Joseph Brennan, Jr. stands today as one of the most beloved and respected jurists ever to sit on the high court in this Nation. As the great Chief Justice Earl Warren once remarked, "In the entire history of the court, it would be difficult to name another justice who wrote more important opinions."

I was deeply moved this morning at St. Matthew's Church here in Washington where the funeral services were conducted for Justice Brennan and

there were very moving tributes by the President of the United States, Justice Douglas, Justice Souter, William Brennan III, other members of the clergy and his family. Yet this prodigious man whom we laid to rest today at Arlington Cemetery traced his childhood roots back to a simple 3-family house in the Vailsburg section of my hometown of Newark, NJ.

Born on April 25, 1906, William Brennan grew up, one of eight children, in a large Irish-Catholic family. His father William Sr. shoveled coal at the old Ballantine Brewery, a place I knew well, Mr. Speaker, as I would later work there myself in that factory where many of the working families of Newark had the privilege to work.

William Sr. worked at the brewery until 1917 when he was chosen as the union representative for all of the workers at the brewery, giving William Sr. an early start in city politics.

As a young boy, young William Jr. lived on Parker Street which as he later described in the Newark Star-Ledger divided the people of means in the neighborhood. With Park Avenue on one side, the big money, he said, was on the other side of Bloomfield Avenue, he recalled. I also lived close to him in the North Ward on that other side of the dividing line.

While his father worked at the brewery, William Jr. attended the Alexander Street Elementary School and then went on to Barringer High School, the same high school that I attended many years later. We heard of Justice Brennan, at that time an outstanding lawyer, as one of the outstanding graduates of our high school. While he was in high school, he worked many odd jobs, worked on weekends to help his father make ends meet for a family of many mouths and little money.

After graduating from the Wharton School of Business and the Harvard Law School, the future justice returned home to Newark in the midst of the depression to practice labor law at the forerunner of what is now one of New Jersey's oldest law firms, Pitney, Harden & Skinner. He helped in the process of creating a new constitution for the State of New Jersey in 1948 and a year later was named to the State Superior Court.

In 1952 our Republican Governor, at that time Alfred Driscoll appointed him to the State Supreme Court where he sat with the famed Arthur Vanderbilt. Finally, in 1956, another Republican, this time President Dwight D. Eisenhower, selected William Brennan, Jr. to sit on the Supreme Court of the United States.

The city of Newark, while it feels a deep sense of loss today at the departing of a beloved native, also feels a great sense of pride at the monumental achievements of this man who never forgot his roots. Over 34 years and through eight successive Presidents, Justice Brennan stood as a voice for those without a voice of their own on the highest tribunal of justice in this

land. He believed in interpreting the Constitution as a living charter of human rights, dignity, and self-determination, and thus he believed that it was precisely the most vulnerable, forgotten and castoffs within our society for which its protections were designed. He reshaped the contours of American constitutional law by time and time again forging new consensus on the court in defense of minorities, immigrants, death row inmates, political protesters and the poor. His decision in *Baker versus Carr* as we have heard already established Federal constitutional jurisdictions over legislative apportionment, helping to establish the principle of "one person, one vote" and countermanding the process that had traditionally led to discriminatory racial gerrymandering in the drawing of electoral districts. Today we have 38 Members of the House of Representatives as a result of Justice Brennan in those early days.

□ 2100

His decision in *New York Times versus Sullivan* defended the right of the NAACP to criticize southern segregationists and established a standard of uninhibited, robust and wide open debate in the American body politic.

Finally, before a shift in the composition of the Court overturned it, his decision in *Furman versus Georgia* initiated a 4-year moratorium on the imposition of the death penalty in America, ruling that capital punishment simply did not comport with human dignity.

The life of Justice William Brennan, Mr. Speaker, will long stand as a profound testament to the power of well-articulated thoughts and ideas to ally the forces of reason behind the passions of the human heart and thereby to change forever the course of society. But his career also reminds us, as the framers of the Constitution warned, that the cost of liberty is a struggle of eternal vigilance.

Even in his lifetime Justice Brennan saw many of his important achievements rolled back by an increasing conservative majority on the Supreme Court, a majority that underestimates the need for vigilance in the defense of liberty. "We do not yet have justice for all who do not partake in the abundance of American life," wrote the late justice.

Just this past year we are still striving towards that goal and doubtless it will be an eternal quest. Therefore, Mr. Speaker, as we celebrate the life of a great man and grieving his passing, let us realize his quest as our quest and push America always onwards toward the realization of the most noble promise of liberty and human dignity.

Ms. WATERS. Mr. Speaker, I yield to the gentleman from Illinois [Mr. RUSH].

Mr. RUSH. Mr. Speaker, first of all, I want to thank the chairwoman of the Congressional Black Caucus for yet another example of her sterling and illuminating leadership, her commitment

to the cause of freedom, justice and equality here in America, and let me also extend my thanks to the gentleman from Florida [Mr. HASTINGS], whose spirit and whose words today certainly pay tribute in a most eloquent way to Justice Brennan. The gentleman from Florida [Mr. HASTINGS] certainly embodies the spirit of Justice Brennan, and I say thank you for this special order.

I rise today to pay tribute to the late William Joseph Brennan, Jr., former Supreme Court Justice. Mr. Justice Brennan's progressive voice was heard for 34 years on the Court, spanning eight Presidential administrations. He was widely recognized as a chief strategist behind the Court's civil rights revolution. Most, if not all, Americans have been touched by the legacy of Justice Brennan's rulings.

His vision was that the essential meaning of the Constitution was not found in the past but in the current everyday life of America. He championed human rights, he championed individual rights beyond what was spelled out in the text of the Constitution. He called the Constitution, "a sparkling vision of the supreme dignity of every individual." I repeat: "a sparkling vision of the supreme dignity of every individual." He used it as a tool for social justice and racial equality.

Justice Brennan's litmus test for offering legal protection was simple. His litmus test was whether the bill of rights explicitly prevented him from doing so. My, my, what a simple yet profound litmus test.

He always favored the individual and put the burden on the Government to show that something in the Constitution disallowed protection.

Justice Brennan and his friend, colleague, and as mentioned earlier, judicial soul mate, Justice Thurgood Marshall, were often outvoted, and they were usually on the defensive. Though he was frequently in dissent, his role on the Court transcended that of a defender of the liberal faith. Term after term he defied the odds in his ability to pull together majorities, though often narrow majorities, for sustaining or even advancing the principles in which he so strongly believed.

In civil rights cases Justice Brennan's decisions enforced schools' desegregation plans, upheld affirmative action programs designed to help minorities overcome past discrimination and sought to ensure constitutional equality for women. Additionally, his rulings established rights for welfare recipients and illegal aliens and created the one-man, one-vote rule for representation in voting districts which is indeed a landmark opinion which, as stated earlier, opened the doors for so many to be seated in this Chamber today.

My predecessor, former Congressman from the first district of Illinois, former appeals judge and former White House Counsel, Abner Mikva, defined what he called a Brennaness as one

who influences his colleagues beyond measure. A Brennaness is one who influences his colleagues beyond measure.

His ability to bridge differences through good will distinguished Justice Brennan's career on the high Court. Justice Brennan had an unmatched ability to build a consensus. His knack for compromise and his ability to hold legal decisions that were acceptable to his colleagues regardless of their judicial philosophies was and is his legacy.

Although he never served as Chief Justice, Justice Brennan was a pivotal force in his three plus decades on the Court. He authored milestone opinions and was a prime mover behind many others. When he did not prevail, his voice in dissent was strong and illuminating.

Justice William J. Brennan, Jr., should be and will be remembered for the enduring constitutional principles he so fervently championed during his three plus decades on the U.S. Supreme Court.

Again, Mr. Speaker, I am honored, privileged and pleased to be a part of this special order honoring our friend, our champion, the former Supreme Court Justice William Joseph Brennan, Jr., and again I thank my colleagues.

Ms. WATERS. I yield to the gentleman from Florida [Mr. HASTINGS] to enter something into the RECORD.

Mr. HASTINGS of Florida. I thank the gentlewoman, and I ask that at the appropriate stage the Mass of Christian Burial of Justice Brennan be included in the RECORD.

That said, I would like to thank the gentlewoman and all of our colleagues, those who are here and those who entered their written words into the RECORD commemorating this great justice.

I said earlier that it was important that we take at least from the program the presidium that was offered, and I read it.

At the beginning of today's funeral for Justice Brennan the Ludwig van Beethoven tune "Ode to Joy" was sung in the entirety of its four refrains. Because of the lateness of the hour I wish to commend to all who are listening the final of the refrains.

Mortals join the mighty chorus, Which the morning stars began;  
God's own love is reigning o'er us, Joining people hand in hand.

Ever singing, march we onward, Victors in the midst of strife;

Joyful music leads us sunward, In the triumph song of life

This gentleman sang a mighty tune for all of us.

Ms. WATERS. Mr. Speaker, I would like to thank all of the members of the Congressional Black Caucus who are here this evening and those who submitted statements for the RECORD.

I again would like to thank the gentleman from Florida, Congressman HASTINGS for his foresight and his vision and helping to get us all here to make sure we do what we must do.

There are those who will look at us and say, "So they are there celebrating this liberal justice and I guess they must all be liberals." And sometimes, because again liberals have been demonized, people do not know what a liberal is. They do not look behind the label to try and discover the philosophy of those of us who come to this House and implore our colleagues to do the right thing by all human beings.

We are a people whose people were brought to these shores in slavery. We are a people whose ancestors were tarred and feathered and hung without a court. We were a people whose ancestors did not have an opportunity to offer a defense, no one to speak up. We are a people who were not able to access jobs and opportunities.

Our history is such that we have to have champions, and they came from many directions. Of course, everybody knows of the great histories of the African Americans who fought and died. Many people do not know the great histories of those who were not African Americans, such as Justice Brennan, who joined us in this struggle for justice, equality and freedom. They do not know that he was driven by the ideals embodied in the Constitution and the Declaration of Independence, those great documents that helped to drive a people to these shores seeking justice and freedom from the mother land of Great Britain.

And so when we take to the floor to honor him and to praise him, we cannot be anything but liberal in thought, liberal in philosophy. It is that kind of philosophy and thinking that have gotten us and our people to this point in history.

We wish it was all over and we did not need to have to struggle. We wish we did not have to sit here and stand here and wish that we could get some more Justice Brennans on the Court. We wish we did not have to be worried about a Canady bill. We wish we did not have to be worried about some of those who sit on the Supreme Court today. But we must, and what must be understood, because of who we are, from whence we came, because of our love for freedom, our love for justice and equality, we will not go away. We will be fighters and struggling in this cause for as long as we breathe.

If someone else said "You don't have to do this; we'll pay you not to do this; we'll give you all the riches in the world if you would just shut up," we could not do it if we wanted to.

Thank you, Justice Brennan, for joining with the many who love this country, who love those great documents that have held us in good stead. We honor you this evening and we do it proudly. Thank you for being a liberal.

MASS OF CHRISTIAN BURIAL—THE HONORABLE WILLIAM JOSEPH BRENNAN, JR., APRIL 25, 1906—JULY 24, 1997

(Tuesday, July 29, 1997, Cathedral of Saint Matthew the Apostle, Washington, DC)

FAITH IN ORDINARY PEOPLE

"The Dream though old is never old, like the Poor Old Woman in Yeats' play *Cathleen Ni Hoolihan*:"

"Did you see an old woman going down the path?" asks Bridget. "No, I did not," replies Patrick, who had just arrived after the old woman left. "But I saw a young girl" he said, "and she had the walk of a queen."—The Honorable William Joseph Brennan, Jr.

#### MINISTERS OF THE LITURGY

Reverend Milton E. Jordan: Principal Celebrant.

Reverend John T. O'Hara: Homilist.

Reverend Monsignor W. Ronald Jameson: Rector of the Cathedral.

Priests of the Cathedral, Visiting Priests: Concelebrants.

Reverend Mr. Ulysses S. Rice, Reverend Mr. Lawrence C. Gordon, Reverend Mr. Bart Merella: Deacons.

Reverend James D. Watkins, Reverend Charles V. Antonicelli: Masters of Ceremonies.

Associate Justices of the Supreme Court of the United States: Honorary Pallbearers.

Law Clerks to Justice Brennan: Richard Arnold, Owen Fiss, Merrick Garland, John McInespie, Daniel O'Hern, Daniel Reznick, E. Joshua Rosenkranz, Clyde Szuch, Paul Washington: Pallbearers.

Hugh Brennan, Nancy Brennan: Lectors.

William Joseph Brennan IV: Reader of the Intercessions.

Mary Anne Gaffney, Constance Phelps: Giftbearers.

Extraordinary Ministers of the Eucharist of the Cathedral.

Seminarians of the Archdiocese of Washington, Altar Servers of the Cathedral: Servers.

Ushers of the Cathedral: Ministers of Hospitality.

Jay R. Rader, Cathedral Organist, Conductor; Jennifer Muller, Cantor; Ann Kramschuster, Assistant Organist; Members of the Cathedral of Saint Matthew the Apostle Choral: Ministers of Music.

#### THE ORDER OF CELEBRATION

##### *Prelude*

Jesu dulcis memoria (Jesus, the sweet thought of you)—Tomás Luis de Victoria.

O taste and see.—Ralph Vaughan Williams.

##### *Entrance Procession*

Joyful, Joyful, We Adore You.—Henry Van Dyke; Ludwig van Beethoven; Tune: Ode to Joy:

Joyful, joyful, we adore you, God of glory, Lord of love;

Hearts unfold like flowers before you, Opening to the sun above.

Melt the clouds of sin and sadness; Drive the dark of doubt away;

Giver of immortal gladness, Fill us with the light of day!

All your works with joy surround you, Earth and heav'n reflect your rays,

Stars and angels sing around you, Center of unbroken praise;

Field and forest, vale and mountain, Flowery meadow, flashing sea,

Chanting bird and flowing fountain, Praising you eternally!

Always giving and forgiving, Ever blessing, ever blest,

Wellspring of the joy of living, Ocean depth of happy rest!

Loving Father, Christ our brother, Let your light upon us shine;

Teach us how to love each other, Lift us to the joy divine.

Mortals join the mighty chorus, Which the morning stars began;

God's own love is reigning o'er us, Joining people hand in hand.

Ever singing, march we onward, Victors in the midst of strife;

Joyful music leads us sunward In the triumph song of life.

#### INTRODUCTORY RITES

Greeting and Sprinkling with Holy Water. Opening Prayer.

#### LITURGY OF THE WORD

##### *First Reading*

##### *Responsorial Psalm*

##### *General Intercessions*

#### LITURGY OF THE EUCHARIST

##### *Preparation of the Altar and the Gifts*

##### *Preface Acclamation*

##### *Memorial Acclamation*

##### *Great Amen*

From Mass of Creation by Marty Haugen.

#### COMMUNION RITE

##### *Lord's Prayer*

##### *Sign of Peace*

##### *Breaking of the Bread*

##### *Agnus Dei*

##### *Music During the Communion Procession*

How lovely is thy dwelling place—from Requiem by Johannes Brahms.

##### *Prayer After Communion*

##### *Eulogies*

#### FINAL COMMENDATION

##### *Invitation to Prayer*

Song of Farewell: Come to His Aid—Dennis C. Smolarski, S.J., Louis Bourgeois; Tune: Old Hundredth.

Come to his aid, O saints of God;

Come, meet him, angels of the Lord.

Receive his soul, O holy ones;

Present him now to God, Most High.

May Christ, who called you, take you home,

And angels lead you to Abraham.

Receive his soul, O holy ones;

Present him now to God, Most High.

Give him eternal rest, O Lord.

May light unending shine on him.

Receive him now, O holy ones;

Present him now to God, Most High.

I know that my Redeemer lives;

The last day I shall rise again.

Receive him now, O holy ones;

Present him now to God, Most High.

##### *Prayer of Commendation*

#### PROCESSION TO THE PLACE OF COMMITTAL

In paradisum—from Requiem by Gabriel Fauré.

May the Angels lead you into paradise;

may the martyrs receive you,

and lead you into the holy city of Jerusalem.

May the choir of Angels receive you,

and with Lazarus, who was once poor,

may you enjoy eternal rest.

##### *Postlude*

Carillon—Louis Vierne.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this evening to express my deepest regrets for the loss of a legal giant. Supreme Court Justice William J. Brennan, Jr. His life, and his legacy of tireless public service, are forever encapsulated in the brilliant discourse of his many seminal legal opinions. Justice Brennan's opinions were penned with the keen mind of a social framer, a man dedicated to the proposition of crafting a better society for all, that would be shaped faithfully by the strokes of justice. Brennan was appointed to the Supreme Court by President Eisenhower in 1956, and with such, Justice Brennan began an unprecedented judicial record of unwavering liberal activism.

From *Baker v. Carr*, 369 U.S. 186 (1962), the case that forever placed the concept of "one man (person), one vote" in the psyche of American popular culture. To the unfailing standard for all cases testing the tort of defa-

mation, *New York Times v. Sullivan*, 376 U.S. 254 (1964), Justice Brennan, did not simply help to shape the laws that govern our lives, but rather he formatively shaped the lives of the people affected by the law. New York versus Sullivan, at its time, was a hotbed of political controversy about a young, African-American minister in the South named Martin Luther King, Jr., and how his followers were trying to combat social injustice in the press through the criticism of prejudiced public officials. Brennan's opinion did not simply protect people from frivolous defamatory suits, but it helped to protect a delicate social movement, driven by the desire to establish the equal rights and treatment of all Americans without exception.

Baker versus Carr, a case which contains another seminal Brennan opinion, is no different in this regard. The case also asserted the necessity of individual liberty operating in equilibrium with social equality at a critical time in our history. These were the kind of decisions that could have caused a lesser man or woman to shrink before the awesome possibilities and implications that a case like this could hold for our Nation and its unresolved future. But Brennan, in these times, was our solid rock, the indefatigable defender of American liberty. It was for these reasons that Lawrence Tribe of the Harvard Law School called Brennan, "The Chief architect of the Federal judiciary's protection of individual rights."

Although like Thurgood Marshall, many of us remember that his final years on the Court were filled with a acerbic dissents, only time itself will truly allow us all to appreciate this great man and the magnitude of his social contribution. But let me be one of the first to say, as an African-American, as a woman, as an American, thank you, Justice Brennan, thank you for all of us. You are one of the few that it can be said about, that your life made the world, particularly this country, a better place to live in.

Mrs. EDDIE BERNICE JOHNSON of Texas.

Mr. Speaker, I rise today to ask my colleagues to remember and reflect upon the life of a great leader. His faithful service to the judicial system and to our Nation's citizens benefited the lives of those he came in contact with and the Americans that were affected by his landmark decision makings. He played a pivotal role in the Brown versus Board of Education bringing an end to the falsely named separate but equal political and economic status for African-Americans. I speak of none other than the Honorable Justice William J. Brennan, a man who secured his place in the pantheon of this Nation's greatest Supreme Court Justices.

Overcoming the stigma and prejudice that came with being born to an immigrant family, Justice Brennan began his service to the community as a humble laborer. Through hard work and perseverance he became an influential labor leader and the city commissioner of public safety. After graduating in 1931 from Harvard Law School, he began practicing law in Newark, NJ, before being named to the State's judiciary system. His excellence and commitment to justice placed him on the New Jersey Supreme Court, where he faithfully served before being nominated to the Supreme Court by President Eisenhower.

Those who knew Justice Brennan admired him as a man of great principle and an unwavering commitment to the welfare of all citizens, regardless of race, creed, gender or economic

status. His legal theories and writings provided the foundation for the most progressive aspects of our present-day legal system. He will be remembered as a man whose sole responsibility was defending the rights of all individuals, including the poor, the disenfranchised and the vulnerable. Justice Brennan fought for the rights of those individuals who did not have a voice in the legal system, and who were subject to inequitable treatment in our country's courts.

I am deeply grateful to Justice Brennan for his years of hard work and struggle, particularly during his latter years on the Supreme Court when his voice was one of the few that cried out against reactionary judicial activism. Justice Brennan's legacy is epitomized by the Frederick Douglass quote, "Without struggle there is no progress." Thanks to the dedication of Justice Brennan to truth and justice, we are making progress in perfecting our system of justice and individuals are realizing something that is rightfully theirs—justice. Goodbye and God speed, Justice Brennan.

Mrs. MEEK of Florida. Mr. Speaker, Justice Brennan served on the Supreme Court for 34 years, from 1956 through 1990. By the general public he is remembered for his concern in protecting the rights of individuals who were not powerful. I will speak of that in a moment. But first I want to speak about him as a person.

I never met the Justice, but I think I would have liked him as a person. Let me give you one anecdote about him as a person. His office had a manual, and one item in the manual concerned the Justice's coffee. It said that every morning one clerk should prepare a cup of decaffeinated coffee with no milk or sugar and give it to him at 9 a.m. Every day he would say "wonderful." One day the office coffee machine broke, and so the Justice and his clerks went to the cafeteria to get morning coffee. The Justice poured himself a cup of caffeinated coffee and put milk and sugar in it. His clerks said they thought he liked his coffee decaf black with no sugar. And he replied, "no. I always take it this way." He had never told anyone in his office for more than 8 years about how he really wanted his coffee.

His decisions were controversial when he wrote them. Now they are accepted as being obvious. Look at just two of them.

In 1962, in *Baker versus Carr*, he changed the political landscape by declaring that Federal courts could review State legislative decisions on the boundaries of legislative districts so that everyone's vote would get equal weight in the legislative process.

Look at the facts as presented in that case. Since 1901 the Tennessee legislature had rejected every legislative attempt to change the boundaries of its own legislative districts. During that 60-year period Tennessee's population had grown and its distribution among the counties had shifted.

In 1946 the Supreme Court had decided, in *Colegrove versus Green*, that Federal courts should not enter the "political thicket." So the lower Federal court told the Tennessee plaintiffs that the Federal courts could not help them.

Justice Brennan persuaded six of his colleagues that the lower Federal court was wrong to throw out this particular case. He said that the failure to adjust the Tennessee political boundaries to reflect the changes in population since 1901 violated the equal protection clause of the 14th amendment.

We know that the rich and powerful have their interests amply represented in the legislative process. All that the poor have is their vote. Letting the legislature set the boundaries for its own districts, without anyone looking over their shoulder, perpetuated the balance of political power from long ago.

Let me turn now to the second example of his concern for those without political power. In 1970, in *Goldberg versus Kelly*, his opinion for the Supreme Court held that welfare beneficiaries could not lose their benefits without first getting both a notice telling them why they would lose their benefits and a hearing where they could present their side of the conflict.

This city is full of lawyers and lobbyists who make sure that no wealthy person or corporation loses his Federal benefits without first being able to present his case—even if that takes years of litigation. Justice Brennan merely said that poor people should have some of the same rights as the wealthy. Yet back in 1970 this notion was so new that he could only persuade four of his colleagues—a bare majority of the Supreme Court.

In conclusion, Mr. Speaker, these two decisions were, when they were made, controversial. But now we realize that they improved the quality of life for ordinary people, and the Nation did not come apart. In fact, the Nation is stronger because of Justice Brennan's having served this country.

Mrs. CLAYTON. Mr. Speaker, last week, this Nation suffered a great loss.

And because of that loss, those who favor freedom and believe in individual rights and civil rights will not soon recover.

However, while we lament the loss of Justice William Brennan, Jr., we also rejoice in his life—a life during which he spent more than three decades on the United States Supreme Court.

This son of Irish-Catholic immigrants, Justice Brennan worked as a waiter to pay for his last year of law school.

Born of modest means, he refused to accept mediocrity. He had hopes and dreams. He had goals. He had vision. He dared to be different and determined to make a difference.

His classmates at a Newark, NJ, public school complained that because he took home so many of the academic awards, there were none left for others.

His zeal for learning and his zest for excellence carried him through college—the University of Pennsylvania—and Harvard Law School, and those qualities characterized his entire legal career.

But, despite his Ivy League education, he never lost touch with the average person.

To him, every ordinary person was special, and every special person was ordinary.

Perhaps it was because his father once worked as a coalheaver in the brewery, or because matters of concern to labor were central to his upbringing, but Mr. Justice Brennan had a way with words that gave life and meaning to the Constitution of the United States.

It was Brennan who authored the important and far-reaching decision in the case of *Goldberg versus Kelly*, the welfare reform mandate of the 1970's.

Congress can learn much from that 30-year-old decision.

In *Goldberg*, the Court rules that even those on welfare were entitled to due process rights—even those on welfare had the same Constitutional protections as everybody else.

We could have used Brennan's wisdom and insight when we considered welfare reform.

He also wrote the Court's opinion in *Johnson versus Transportation Agency*, a decision that brilliantly outlined the need and value of affirmative action.

But, I remember him most for the case of *Baker versus Carr*.

In North Carolina, my State, some argued to the Court where Brennan spent much of his adult life that the very document that gives us rights—the United States Constitution—somehow takes those rights away.

Sometimes, Mr. Speaker, I wonder, what the Court would do with the redistricting cases if it still had the magnetism, the persuasiveness, the foresight, the imagination, the ability to see beyond what is immediately in front, that Mr. Justice Brennan, the author of the principle of one person, one vote had.

I wonder what the state of Federal elections would be today if the Supreme Court still had among its Justices, the very man who believed and convinced a majority of others, that traditional practices must give way to individual principles.

Mr. Speaker, Mr. Justice Brennan distinguished himself as a jurist, making his mark in many places, leaving his permanent imprint on the sands of time.

Tirelessly, he was a role model for role models, and a champion for all.

He has left us, but I believe he has gone to another place, not to quit, but to fight another fight, to write another opinion, to run another race.

Mr. Justice Brennan, we will miss you, but, we know you will not be far away. Your written opinions, like the philosophy shared with you by your father, will one day inspire another Justice of your fabric, of your intellect, of your quality.

□ 2115

#### THE BUDGET AGREEMENT AND THE SITUATION FOR ORGANIZED LABOR AND WORKING FAMILIES UNDER THE 105TH CONGRESS

The SPEAKER pro tempore [Mr. METCALF]. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, today, July 29, is being celebrated as a day when a bipartisan compromise reached its climax in the 105th Congress. We have agreement on a tax bill, an agreement on an expenditure bill, and probably before we recess on August 1 we will vote on those two agreements, and there is a great deal of joy in both the majority and minority camp about this. I am not certain that I join the celebration wholeheartedly. There are some great disappointments. But nevertheless, it does demonstrate that it is possible to achieve a bipartisan consensus on some very complex matters.

We must remember that the majority party closed down the Government in 1995 over the matter of the budget and the tax package. The Speaker's statement that politics is war without blood was on everybody's lips at that time. We went to war.