

committee and transmitted to the Speaker in the form of a Section 302 Status Report.

(2) The committee authorizes the chairman, in consultation with the ranking minority member, to transmit to the Speaker the Section 302 Status Report described above.

#### *Rule 26—Activity report*

After an adjournment of the last regular session of a Congress sine die, the chair of the committee may file any time with the Clerk the committee's activity report for that Congress pursuant to clause (1)(d)(1) of rule XI of the Rules of the House without the approval of the committee, if a copy of the report has been available to each member of the committee for at least 7 calendar days and the report includes any supplemental, minority, or additional views submitted by a member of the committee.

#### MISCELLANEOUS

#### *Rule 27—Broadcasting of meetings and hearings*

(a) It shall be the policy of the committee to give all news media access to open hearings of the committee, subject to the requirements and limitations set forth in House Rule XI, clause 3.

(b) Whenever any committee business meeting is open to the public, that meeting may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, in accordance with House Rule XI, clause 3.

#### *Rule 28—Appointment of conferees*

(a) Majority party members recommended to the Speaker as conferees shall be recommended by the chairman subject to the approval of the majority party members of the committee.

(b) The chairman shall recommend such minority party members as conferees as shall be determined by the minority party; the recommended party representation shall be in approximately the same proportion as that in the committee.

#### *Rule 29—Waivers*

When a reported bill or joint resolution, conference report, or anticipated floor amendment violates any provision of the Congressional Budget Act of 1974, the chairman may, if practical, consult with the committee members on whether the chairman should recommend, in writing, that the Committee on Rules report a special rule that enforces the act by not waiving the applicable points of order during the consideration of such measure.

### SUPREME COURT DECISION ON VOTING RIGHTS

The SPEAKER pro tempore [Mr. PEASE]. 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, I want to talk primarily today about the Supreme Court decision with respect to voting rights in New York City. They have of course come down with a decision in New York that obeys the Supreme Court decision and the precedent it set. So the courts have ordered that one district, the district of my colleague, the gentlewoman from New York [Ms. VELÁZQUEZ], the 12th Congressional District of New York, be redrawn; and the courts have said this must take place by July 30. The legislature has until July 30 to redraw the district.

I think that this process has been going on for some time now. We understood that the Supreme Court, when it made its decision on the Georgia case and the North Carolina cases and the Texas case, all those cases let us know that it was almost inevitable that eventually some district in New York that was being challenged would be struck down and the district that has the oddest shape of course was the 12th Congressional District, presently held by Congresswoman VELÁZQUEZ.

We knew it was coming but nevertheless my neighbors seemed very alarmed. In the surrounding area, people are alarmed. The whole city is alarmed, asking questions as if this was a brand new situation. So for that reason, I find it important to comment. I have been on about four radio stations, and the kinds of questions I receive show that previous discussions of this matter, and I have spoken on the floor at least twice about the Voting Rights Act and the implications of the Voting Rights Act, the reason for the Voting Rights Act, the justice of the Voting Rights Act, but at home it has not come through because they did not feel it concerned them. It was in Georgia, North Carolina, Texas, Louisiana, recently Virginia. Now it has come home to New York.

So it is important, and I think that the fact that Congresswoman VELÁZQUEZ is appealing the decision is important. She knows that the likelihood that that appeal will be upheld, the likelihood that her appeal will receive success is very slim. She wants to make the point that the decision has come down, and it is a district court ruling in a matter that they consider consistent with the Supreme Court and the inevitability of that is one thing but the justice of it is another.

It is not just that the Supreme Court that set the process in motion was wrong, that it was a 5 to 4 decision. Any 5 to 4 decision should be questioned and requestioned. The morality of it, the legality of it, all should be questioned, and she did not want to accept that.

So we set in motion a process of having a dialog in New York that should have been going on all along because there is something more at stake here than just the redrawing of lines at one time. The whole act, the Voting Rights Act and the essence of the Voting Rights Act is now in jeopardy because the principle applied to congressional districts is also to be applied to State legislative districts and also city council districts and any other jurisdiction of the government, same principles would be applied. So it is a matter that deserves extensive discussion.

Now, in the process of this discussion, I want to also talk about a few other things that seem unrelated but I intend to put them together, I assure you. I want to talk about some good news that has taken place in the past 24 hours. The Swiss Government announced that they were going to set up

a \$5 billion fund to compensate or to help victims of catastrophes, especially victims of human rights violations, such as victims of the Holocaust. Let me just make it clear that this is a Swiss Government taking this action, following an action that was previously taken by the Swiss banks. The Swiss banks already established a fund, I think, of 100-some million dollars, a fund to directly compensate victims of the Holocaust.

Now the Swiss Government, the President of Switzerland has gone further, and that act of reconciliation is what I want to talk about. Where does reconciliation come in the process of evaluating the justice or injustice of the Voting Rights Act?

□ 1615

What is the Voting Rights Act all about? Why was the Voting Rights Act, why is the Voting Rights Act being questioned on the basis of race, on the basis of its denial of equal rights?

Justice Sandra Day O'Connor argues in the majority opinion that we cannot draw a district with predominant consideration of race. That violates the equal protection clause in the 14th amendment.

What Justice Sandra Day O'Connor does not tell us is that the 14th amendment is not about equal protection for everybody in a colorblind society. The 14th amendment is about a remedy of slavery.

The 14th amendment came about as a result of the need to take care of the long pattern of injustices established in 232 years of slavery. And when the Civil War was fought and finally won, Congress had to pass first the 13th amendment, which freed the slaves. Abraham Lincoln freed a certain segment of the slaves in the Emancipation Proclamation, but he did not free all the slaves and it was not a constitutional matter.

A President can issue an Executive order. When he goes out of office, the Executive order no longer applies. So the Emancipation Proclamation did not free the slaves permanently. It was the 13th amendment.

Following the 13th amendment was the 14th amendment, which talked at great length about slavery. Most people think the 14th amendment is a little line about equal protection under the law. That is only one tiny part of the 14th amendment. The 14th amendment is about slavery and certain steps that the Government had to take to remedy the effects of slavery and to deal with the people who are now the descendants of slaves.

So the Swiss Government's action is a process of reconciliation dealing with what they did not do 50 years ago, 50 years ago when the Nazis invaded most of Europe. The Nazis subjected the Jews to the Holocaust, 6 million people being wiped out. They stole their money and their goods and so forth. A lot of the gold and the money of Jewish victims of the Holocaust ended up in

Switzerland. It was generally understood for the last 50 years that that had happened. Only now is Switzerland, under great pressure, finally beginning to deal with that.

And I would like to applaud the positive step taken by the Swiss Government. Was it justice? I doubt it. It is at least a positive step in the process of reconciliation. And I will come back to that.

Most important of all, I would like to show how the Truth and Reconciliation Commission of the South African Government is a model that even America ought to take a look at, because we have all these leftover problems resulting from 232 years of slavery and we are not able to deal with the problems in an effective, honest, and just way unless we admit that there was a great crime committed; unless we admit that there was a great problem created for 232 years; that the descendants of African slaves for 232 years they were enslaved and they have some problems and the Nation owes them something and we ought to talk about that.

We ought to talk about what we are going to do to rectify those problems. And even before we get to rectifying the problems, let us at least tell the truth about it. Let us at least have a national exploration of what it meant to have 232 years of slavery, 232 years where people could not acquire wealth, 232 years where there was an attempt to obliterate the humanity of a certain group of people in order to make them more efficient and effective as beasts of burden.

I am repeating myself. I have said this a couple of times on the floor before. But I think it is important to review these things, because in New York they are just beginning to wake up to the fact that we have a problem with respect to the Voting Rights Act. A lot of the people I talk to, and a lot of people who called into the radio shows said, well, it is only fair that we not consider race, that we not consider color. We should have a colorblind society.

It is hard to deal with that discussion unless we deal with history. Now, I am not a historian. I majored in mathematics. I was never that fond of history, but I have as I have grown older begun to understand and appreciate the power of history. And history is what civilization is all about. If we do not remember history, or respect history or learn from history, then we are not able to build a civilization. We cannot deal with truth unless we have it in the context of history.

So the South African Truth and Reconciliation Commission seems like it is a long way away from the Voting Rights Act and it does not seem related. It may seem like it is not related to the Swiss Government action today, but it is all a part of what I want to talk about today.

I want to go further and talk about beyond the Voting Rights Act; that there is a need for a whole lot of other

actions and activities of Government that now will never take place unless we begin to look at the impact of 232 years of slavery, and, after that, about 150 years of special discrimination, oppression.

The fact that the reconciliation process is gaining momentum, the fact that the reconciliation process is now accepted, beginning to make an impact, an imprint on our overall world civilization is very important.

It may be that the steps being taken are only tiny steps, but what was the liberation of Haiti all about? The liberation of Haiti was accomplished because we made promises that we would not punish, we would not seek justice, we would just seek the truth and reconciliation. Punishment of the people who had thrown out the legal Government of Haiti and terrorized the people for 3 years; our Government said that should not take place. And Aristide and the Government of Haiti agreed. We will not emphasize punishment, we will emphasize reconciliation.

What happened in Bosnia? We had to have some agreement among the fighting parties that they would not pursue justice over reconciliation. Yes, there is a clause which says that war criminals will be sought, but the definition of war criminals makes it pretty clear we are talking about a very tiny amount of people. Most of the people who participated in the terror, in the war crimes, and the devastation of the Balkan countries involved, the old Yugoslavia, parts of Yugoslavia, they will not be punished. We are pursuing reconciliation there.

The Swiss Government's action is another act of reconciliation. In Uganda, where they massacred a half million people in a short period of time, one tribe after another, we are trying to pursue reconciliation. Reconciliation is being pursued in Uganda, but the courts are holding forth, cases are being tried, they are trying to get the truth of what happened. It is important before they go forward.

What I am saying is that unless we have a bedrock of truth on which to build the future, building the present and future gets kind of wobbly. We threw away the Voting Rights Act and said no group should be treated in a special way. Well, we moved from the Voting Rights Act to the set-asides. Set-asides for minorities and women have now been discouraged by the Supreme Court because that is treating a group in a special way.

The Supreme Court did say that the Federal Government had a right to pursue any remedies it wanted to with respect to past injustices. So Federal set-asides were accepted, whereas local set-asides would only be accepted if they proved there was immediate discrimination or past discrimination that could be proved. It was a complicated way of diluting the understanding that if there are injustices that have gone on for a long time, Government has a duty to try to correct

and adjust the situation in order to compensate for those injustices.

The German Government is made up of people who are living and breathing now, citizens paying taxes, many of them were not alive during the Nazi era, yet the Germans have steadfastly paid reparations to certain identified Jewish victims of the Holocaust.

The Germans have had to pay for a number of other things, because a nation is considered a continuing body and we do not drop whatever is happening because it was a group called the Nazis or the Gestapo. The German Government has to assume that responsibility.

The Swiss Government of today was not the Swiss Government that was there when they capitulated to the Germans and they acted in concert with the Germans in the looting of certain fortunes and a number of things that went on, which the Government of Switzerland is not even acknowledging today, but they are saying we understand something went wrong and today we are going to move forward and try to, in the spirit of reconciliation, do something positive.

The principle of special treatment to deal with special past crimes, special past injustices, special past investigations is what I am talking about: special treatment in the Voting Rights Act, special treatment we need in the emergency funding of education right now.

The same people that were victimized by 232 years of slavery are the descendants of those people, and they are the ones being victimized in our big cities right now. They are being victimized because children are being forced to go to school in buildings that are unsafe. Not only are they not conducive to learning but the buildings have asbestos problems, they have lead poisoning problems, they have problems of overcrowding which affects the psyche as well as the physical health of children. Those things are going on right now in America.

The need to deal with that on an emergency basis and understand that there is a need to do that because the situation results from past injustices and past failures must go forward.

There is a need for more empowerment zones. We came up with a good solution, which the Republicans and Democrats both bought into, when the President proposed that we have empowerment zones in big cities and also in rural areas where we have a large amount of poverty. The empowerment zone concept was considered a great step forward because it combined the private sector effort with the public sector effort.

When empowerment zones were first proposed, the number 50 was the magic number. For a long time they talked about 50 empowerment zones. A good idea that everybody endorsed then, and it is a good idea still to endorse. But we went from 50 empowerment zones on the drawing board down to 9

empowerment zones when they finally enacted the legislation, 6 in the big cities and 3 in rural areas.

The President began to talk during the election of our increasing the empowerment zones from 9 to 20, which we thought was still too few, but in his State of the Union Address he fell back from 20 to talking about 6 additional empowerment zones.

So empowerment zones are part of an effort to correct past injustices, part of an effort to deal with the special problems created by oppression and the victimization of people. And empowerment zones should be pushed forward and expanded. We need more of them and we need them now, not a trickle-down approach where by the year 2000 we may have 20. We need to deal with the problem right now.

Empowerment zones rightly focus on the poorest areas in the country. We have to prove poverty. In my district we have census tracts, which are the census tracts from which most of the children with asthma come. They are the census tracts from which most of the children who have not graduated from high school come. They are the census tracts which have the largest numbers of people in the prisons in New York State.

There is a correlation between extreme poverty. We have census tracts with a large number of low-income housing developments. Low-income housing developments are there because people need housing, but it groups people in low income and there is a correlation between the low income and the low education. There is a correlation between the crime rate and the health problems. Clearly, it qualifies for an empowerment zone.

There is no problem once we get the opportunity. But if we only have nine empowerment zones in the whole country and only six of those empowerment zones are urban areas, and the other gentleman from New York, CHARLIE RANGEL, was the author of the bill, so he has the one in New York City, in Harlem, which is a long way from Brooklyn. Just across the river in psychological terms, but Brooklyn, NY, is part of New York City. It has 2.5 million people, 2.5 million people.

If it was a separate city, it would be the fourth or fifth largest city in the country. We have problems there which are concentrated. And if the empowerment zones were to be distributed in an equitable and just manner, we would get an empowerment zone. I have told my constituents this is the No. one priority on my agenda, an empowerment zone.

But in the process of trying to get an economic empowerment zone, we are up against the philosophy that seems to be prevailing that we should not give special treatment to people in need. That same philosophy that mitigates against the Voting Rights Act, mitigates against the set-aside laws, is now operating in anything where we propose to help people in great need,

except of course in the case of earthquakes, floods, and hurricanes.

When we have storms or natural disasters, we immediately rush to the aid of people. We have appropriated like \$8 billion in aid to California in the last 3 years, \$6 billion for Florida, and \$6 billion for Midwestern States for floods. Florida suffered from hurricanes.

□ 1630

We quickly respond and understand people are in special need when natural disasters occur, but 232 years of slavery and the byproducts of that, the poisonous legacy of that, we do not want to consider. So we need emergency education funding, we need economic empowerment zones, we need workfare to end and have Federal job creation programs instead of putting people on workfare, which is a prelude, a prerequisite for a new kind of slavery because you are working people for less than minimum wage, no fringe benefits, dehumanizing them. Workfare becomes a prelude to slavery if it has no opportunity at the end, if there is no job training promise, if there is no attempt to build a situation in the economy where jobs will be available, public sector jobs are not being created. Then you are moving in a direction of slavery.

Mr. Speaker, the cruelty of the welfare reform and the immigration reform is coming home to my district. My office is packed with people, old people who have been in this country for 20 or 30 years, for one reason or another did not become citizens, no chance now that they are going to be able to meet the requirements, pass the tests, answer the questions. They are going to now have to starve because they cannot get food stamps, they cannot get any benefits, SSI is closed to them. They cannot get into nursing homes when they get sick. All of that goes down the drain.

The cruelty of it is unnecessary. Perhaps the average American citizen would not sit still and accept this if they understood what it is all about in terms of the legacy of injustices and past failures and how that produces a large number of people in this kind of condition.

As I said before, I want to talk primarily about the Voting Rights Act and its impact on New York City in terms of the need to draw new lines and the implications of the fact that the courts have now chosen to abandon any special considerations in the drawing of those lines, special considerations that are needed with respect to race.

So I have a potpourri of things I am throwing in here that all relate back to the same subject. I go a little further, I would like to call attention to the fact that the Chinese criticize human rights violations in America today. Some of us have voted year after year that we should not have most favorable trading status with China because China on a massive scale violates

human rights. They have got more humans in China, so they can violate rights on a scale that makes everybody else appear to be playing games. When you have more than 1 billion people and you violate human rights, you are violating quite a number of humans, the rights of quite a number of humans.

So China has been criticized, but the present administration, our administration, the Democratic administration, and I think the leadership of the Republican Party also approves it. They place trade and business first, and they keep certifying China and allowing it to have most favorable nation status.

Mr. Speaker, China is not grateful for the fact that we criticize them but still give them the most favorable nation status. They have now fought back and they are criticizing the United States for violating human rights. They say we violate human rights by not providing for food, clothing and shelter for all the people, for health care for all the people, for jobs for all the people. China has slapped back at the United States. They have even gone so far as to criticize our election process.

The latest criticism of China is that we are allowing people to buy elections, that the large amounts of money that go into our elections constitute bribery. That is the charge of the Chinese. I think that we should take note. Although I do not agree with the Chinese, I think our arrogance in criticizing the rest of the world should be tempered. There are a lot of problems wrong here. We need to take a close look at ourselves.

What I am saying is that that is what we need in order to put in perspective problems relating to voting rights, problems related to appropriations for education, appropriations for jobs, economic development, problems related to our fantastic hostility toward the poor as expressed in welfare reform, immigration reform. We need to take a step back and take a look at the richest nation that ever existed on the face of the Earth and say to ourselves, how are we really behaving.

A truth and reconciliation commission would help us do this. If we understood ourselves and understood the history of this Nation and how it did not come into being automatically, by some magic process and waving of the hands of God, there were a lot of things done right by our Founding Fathers, and there were a lot of things done wrong in the economic sector. Slavery was an engine that built the Nation, helped to build the Nation economically. The wiping out of large portions of the Native American population also helped to build a new Nation economically, but it was built on the blood and bones of people who did not deserve what they got.

So we need to take a step back and look at our history and evaluate it. Ken Burns has a documentary that played a couple of weeks ago on Thomas Jefferson. Thomas Jefferson was a

very complex man, also a very great man, a giant; so ordinary people are not expected to be able to really understand the psyche of Thomas Jefferson fully. He was the kind of individual who comes only once or twice or a few times in a century. He was equivalent in politics to Einstein in science as far as I am concerned.

Mr. Speaker, if there had been no Thomas Jefferson, I do not think there would be an America as we know it today. We would have a very different constellation. So Thomas Jefferson ranks with Lincoln, competes with Lincoln as the greatest American President in my opinion. Perhaps Lincoln is greater because he acted decisively in very complicated, trying circumstances, and Thomas Jefferson acted decisively in some times but he backed away from many other battles; and that may be the difference. But historians have ranked Presidents, and I think Jefferson, Roosevelt, Lincoln, they all rank in the top three, one way or another.

Jefferson certainly was a great President. Jefferson, however, did have slaves. He was a southerner. He was a plantation owner. Jefferson also, documents show, had a 38-year love affair with one of his slaves named Sally Hemings. Sally Hemings is sort of blotted out of history, but researchers have reconstructed enough about her to let us know that she had a relationship with Jefferson for 38 years. I think a truth and reconciliation commission would help us to unearth that, and we would benefit a great deal. It is a love story that I think needs to be told, the story of Sally Hemings and Thomas Jefferson. It would help the Nation a whole lot to know exactly how this great man, why this great man maintained a relationship with a slave woman for 38 years. If that could happen, I do not think it should be seen as something to be hidden or something to be proud of. Obviously it was no passing passion. Obviously it was no exploitation of one human being over another. You do not do that for 38 years.

Obviously Sally Hemings was a very exceptional person even though history has blotted out a lot of what she was, and we do not know because certain Jefferson letters and documents are mysteriously missing, et cetera. But Ken Burns' documentary on Jefferson has titillated a lot of discussion. Certainly my interest, which started like 10 years ago, in Thomas Jefferson has been renewed. This is a part of our history that a Truth and Reconciliation Commission should take a look at. We may be proud and learn a lot from an examination of the intimate life of Thomas Jefferson as well as the rest of his life.

I think that factual history has a major role in this process of reconciliation. Factual history would make us understand more about what 232 years of slavery meant. Factual history, as we examine the facts more closely, if

we funded a commission and they looked at it more closely, you might understand what I mean when I say that 232 years of slavery was an obliteration process, an attempt to obliterate the humanity of a set of people to make them more efficient as workers, as beasts of burden. The facts of history would help us understand that. The facts would lead us to do some of the things that have been done recently in the study of the children of Romania.

In Romania, the Communist Government of Romania decided that children were better off raised in orphanages. Large numbers of children were put into orphanages. They could have found families in many cases for them, but it was a policy of the Government: Maximize the number of children in orphanages; let the State raise them.

What you have is a kind of small Holocaust related to little children. Large numbers of American families have attempted to adopt some of those Romanian children since the wall went down in Romania and the dictator who started all this was executed by the people of Romania. They have gone in, large numbers of Americans wanting to adopt children. In many cases the children were physically beautiful, a little malnourished and pathetic looking but physically beautiful, and they have run up against a very interesting problem. Many of them have found when you try to transport children of Romania into America, give them the nurturing and do everything that a parent could do, and most of these are middle-class people because it costs about \$10,000 to go through the process of getting them adopted, so they have some means. They take care of the kids very well. They run up against the problem of the children cannot do certain things, that something has happened to them that makes it impossible for them to relate in the usual human ways. Some of the parents have had to give up the children, have just found that it is impossible.

Psychiatrists have been brought in to study the situation. They have actually taken photographs, taken x-rays of the brains of the children. They have found a pattern where parts of the brain atrophy, they shrink because of the lack of human contact. These people were put in places where they were in pens. They had only other children there of their same age, very little human contact except to feed them. And often they were not fed on time and deprived. But the big thing is the lack of the human contact has led to a condition that can be documented. The brains have been affected on most of the children.

There are a few exceptions, which is a testament to the human spirit and the human endurance that is there, but the majority of them are in a situation where they do not come back. You cannot deal with the problem that the brain has already shrunk. They have documented evidence of this. I saw it

on public television. I watch a lot of public television, and I saw it. They actually had the graphs and the charts, the picture of the brain, et cetera.

I asked myself, what happened to the brains of all these slave children who were put in situations where they were taken care of in the same way, only in worse conditions. They did not have pens. They were put on dirt floors. They were put on floors that in the wintertime only were covered with straw. They were fed like pigs. They would put the milk and the cornbread together and spread it in a trowl the way they feed pigs. They went through all these kind of inhumane conditions, they were sold back and forth from their parents, all kinds of things happened. What if we were to really get a thorough documentation of what that phenomenon was like and then begin to understand what impact it had on generations, to have all those babies who became adults, who went through that process.

Mr. Speaker, how much of that is a part of the problem that we are experiencing? And what a great thing it was that the human spirit of most African-Americans who are alive today, they are still alive because their ancestors overcame those kinds of conditions. But that is just one horrendous example. Why do we not have an economic study of what it means to have a slave family, 232 years ago, that is about seven or eight generations we are talking about. And each generation, because they are slaves, cannot pass anything on to the next generation.

There have been studies that show clearly that most wealth in America has been accumulated from inheritance. One generation passes money down to the next. They invest that or they find ways to expand on that, they pass it down to the next. So wealth in America is primarily, and probably all over the world, is primarily the result of inheritance. Bill Gates is a great exception. There are a number of people who have sort of broken out of the mold, made billions of dollars due to technological advancements. They are very fortunate. But in general, studies have shown that wealth is a product of family, inheritance.

Two hundred thirty-two years went by where African-Americans and their descendants inherited zero. Nothing. They are different from the immigrants who came here who might have had a suitcase full of clothes. You had wealth if you came with a suitcase full of clothes.

□ 1645

The African Americans came, and an attempt was made to deprive them not only of everything they had—they were automatically deprived of every physical thing they had, but their language was considered a problem. So they were divided up in ways which placed people who spoke different languages together in order for them not to be able to generate conspiracies. They were in every

way deprived of any heritage, traditions, folkways, mores. All that was deliberately blotted out.

So what if we really studied that seriously, had a commission which had some funding, and were to see the impact of it? What impact would that have on our policy making, our attitudes toward policy making? We might discover some good things, you know, in the process.

There was an article I read recently which talked about the south's hidden heritage. We discovered some positive things and some of the stereotypes that we have might be overcome, because there was an article that was in the New York Times on February 16 of this year, 1997, by Eric Foner. I picked it up and I saw the name Eric Foner, and I was very interested in the article because I have a book in my office by Eric Foner. It is a study of mulattoes, the mulattoes and the impact of mulattoes, the offspring of the slave holders, the slave owners and slave women, and he has a long catalog of various mulattoes and what happened to them and their impact, et cetera.

So Eric Foner's name attracted my attention. He is a teacher at Columbia University, teaches history there, and he is also the curator of an exhibition at the South Carolina Historical Museum. At Columbia University, New York, he is a teacher, but he is a curator of an exhibition at the South Carolina Historical Museum. That is an odd combination which I found very interesting. And his article is about the south's hidden heritage.

If we had a truth in reconciliation commission we might find out things like this, and they may contribute a great deal to the dialog and the reconciliation process. He points out in his article, which I will not read in great detail, but he points out that Mississippi, which is often singled out as being an example of the worst race relations and the worst historical—historically the worst of the slave States, that Mississippi had more Mississippians who fought for the Union than for the Confederacy. That is an interesting fact, it is an odd fact; it is a fact, I think, which if it was placed into the hopper of a reconciliation process may do some good, you know.

He points out that during the Civil War 200,000 African Americans, most of them freed slaves, fought in the Union Army. Tens of thousands of Mississippi slaves were recruited in the Union forces. Several thousand whites from Mississippi also fought under the stars and stripes. In fact more Mississippians fought for the Union than for the Confederacy.

And he goes on to talk about other Civil War monuments in the south that celebrate the south's history one way or another. He talks about the fact also that Gen. James Longstreet, a famous general for the Confederacy, General Longstreet has no monuments to him in any southern towns because after the war was over General Longstreet

supported rights for the newly freed slaves, so his name up to now is mud among his compatriots in the south.

A truth in reconciliation commission might appreciate that fact, might unearth the achievements of General Longstreet after the war, and it might lead to General Longstreet being a positive force in a dialog and the development of reconciliation in America.

What am I going on with this potpourri for? It is all about trying to make the point that the Supreme Court decision on the Voting Rights Act is a landmark decision, it is a dangerous harbinger of things to come. If we do not deal with the distorted notions behind it, the philosophy of it, and understand what it is all about, we are in danger of losing other kinds of policy institutions.

We fought hard for certain institutions to be put in place. We fought hard to get the Voting Rights Act, we fought hard to end segregation in the schools, we fought hard to get set-asides established so that in Government contracts a small percentage, a tiny percentage of contracts were awarded to minorities and to women. A lot of that is being rolled back. Affirmative action is being challenged, and a lot of the same arguments that are used by the Supreme Court in its promulgation of this wrong decision are used in all of those cases, that America should be a colorblind society.

Everybody is equal. Therefore you cannot take steps to remedy anything on the basis of past injustices. You must treat everybody equally. That may be a dream that will take place some day, but it is not a fact and a reality now, and the fact that we close our eyes makes the process of building a great Nation more difficult. We may have serious problems if we continue to go down this road, but we will not acknowledge that schools in inner-city communities which have the greatest bulk of the descendants of African slaves need special help. Empowerment zones in inner-city districts need special help to create jobs and create opportunity. We cannot run away from that responsibility.

In the Supreme Court decision, I think I pointed out Supreme Court decision that was related to the Georgia case, and was used as the backbone and the ultimate decisionmaking as within the context of the Supreme Court decision for all other cases, including the recent case of New York. NYDIA VELAZQUEZ's 12th District has been subjected to the same reasoning that was used in the Georgia case, and therefore at this point I want to go back to a statement I made on this floor before:

The Georgia case was a case decided by a five to four configuration. Five members voted for it, and four members voted against it. Ruth Bader Ginsburg wrote the opinion for the minority; Justice Kennedy wrote the opinion for the majority. Justice Kennedy based his ruling on another case which

said that you can not have any consideration of race when the Government is involved. Justice Ginsburg challenged this and said this is not so self-evident, it is not common sense. It was not obvious to Justice Ginsburg, and I will repeat what I said on the floor before:

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

Let me read a few excerpts from Justice Ginsburg's dissenting opinion directly. Quote:

Legislative redistricting is a highly political business. This court has generally respected the competence of State legislators to attend to the task. When race is the issue, however, we have recognized the need for judicial invention, the judicial intervention, to prevent dilution of minority voting strength. Generations of white discrimination against African Americans, as citizens and voters, account for that surveillance.

In other words, the courts did get involved with redistricting after hundreds of years of, say, you know, we are not going to draw lines. Legislatures can do a better job with that. They got involved only because there was an injustice that continued from one generation to another in representation for minorities, in most cases for the descendants of African slaves.

In other words, what she is saying is that we have generally kept our hands off the judiciary. The judiciary kept its hands off the reapportionment process. There was a series of cases that established clearly that it was better to leave the State legislatures alone to do this, and the only regular systematic intervention of the courts came in the case of the Voting Rights Act. They upheld the Voting Rights Act as being constitutional originally and proceeded for a long time to accept it and support it.

We reauthorized the Voting Rights Act for 25 years. I think it has about 15 more years to go because the Congress, after having tested it, reauthorized it 2 or 3 times for 2 years, 4 years, 5 years; finally decided to reauthorize it for 25 years. But to quote Justice Ginsburg again:

Two years ago in *Shaw versus Reno* this court took up a claim analytically distinct from a vote dilution claim. *Shaw* authorized judicial intervention in extremely regular reapportionments.

To continue quoting Justice Ginsburg:

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

race. Applying this new race as predominant factor standard, the court invalidates Georgia's districting plan even though Georgia's eleventh district, the focus of today's dispute, bears the imprint of familiar districting practices. Because I do not endorse the court's new standard and will not upset Georgia's new plan, I dissent, says Justice Ginsburg on the occasion of the court case that set the precedent for what has been decided now in New York. NYDIA VELAZQUEZ would not have been ordered to redraw lines in this case, if the court had not ruled on the Georgia case in this manner.

To continue quoting justice Ginsburg:

We say once again what has been said on many occasions. Reapportionment is primarily the duty and responsibility of the State through its legislature or other body rather than of a Federal court. Districting inevitably has sharp political impact, and political decisions must be made by those charged with the task. District lines are drawn to accommodate a myriad of factors geographic, economic, historical and political, and State legislatures as arenas of compromise, electoral accountability, are best positioned to mediate competing claims. Courts with a mandate merely to adjudicate are ill equipped for this task. The lines have been redrawn in New York City, have been ordered redrawn because the court which is ill-equipped with the task is interfering with the process, and they have never done that before. She points out geographic, economic, historical, political and number of factors go into drawing the lines of a district, a congressional district, State Senate district, assembly, all under the same process. It is a political process.

BARNEY FRANK offered the other day when I was looking for examples of strangely shaped districts, oddly shaped districts that have nothing to do with the Voting Rights Act, BARNEY FRANK offered his district. It is one of the oddest shaped districts in the country. It is in Massachusetts. Had nothing to do with the Voting Rights Act. Historically there have been stranger creatures drawn as districts than anything that we have seen put forward in these voting rights act cases, but suddenly esthetics becomes important. The odd shape, if it had something to do with race maybe, requires strict scrutiny.

I quote Justice Ginsburg again. Federal courts have ventured now into the political thicket of reapportionment when necessary to secure to members of racial minorities equal voting rights, rights denied many States including Georgia until not long ago. The 15th amendment which was ratified in 1870 declared that the right to vote shall not be denied by any State on account of race. That declaration for many generations was often honored in the breach. It was greeted by a near century of unrelenting and ingenious defiance in several States including Georgia. The defiance in Georgia and several southern States was open, well known, poll tax, lynchings of people who tried to assert their right to vote. You wanted to vote at one point, you had to recite the constitution without stopping. In one State they require that you tell how many bubbles there are in a bar of soap. They came in with

all kind of ridiculous questions for black voters who were seeking to vote.

So that is legendary. We know about that. What you do not know is that in places like New York, New York City with a large black population, they have for years, for many decades, drew lines where they went to the black community and put the pin down in the middle of the community so that a large black community would be a part of four different districts. They would have no power in any one of those four districts because they are only a small part of all those districts. It was a pattern repeated over and over again in big cities like Philadelphia, Chicago, all across the country.

□ 1700

So the politicians had the power to do that and they did it and they were allowed to do it.

The 15th amendment, ratified in 1877, said the right to vote shall not be denied by any State on account of race. That declaration for many generations was offered under the breach. After a brief interlude of black suffrage enforced by Federal troops but accompanied by rampant attacks against blacks, Georgia held a constitutional convention in 1877. Its purpose, according to the convention's leader, to quote the convention leader of the Georgia Constitution in 1877, was to fix it so that the people shall rule and the Negro shall never be heard from. This is part of the history that Justice Ginsburg quoted in order to deal with the Georgia case.

She continues, in pursuant of this objective, Georgia enacted a cumulative poll tax requiring voters to show their past as well as current poll taxes paid. One historian described this tax as the most effective bar to Negro suffrage ever devised.

In 1890, the Georgia General Assembly authorized white-only primaries. Keeping blacks out of the Democratic primary effectively excluded them from Georgia's political life. The victory in the Democratic primary in those days was tantamount to election.

Early in this century Georgia Governor Hoke Smith persuaded the legislature of Georgia to pass the Disenfranchisement Act of 1901. As late as 1908, they passed the Disenfranchisement Act of 1901. True to its title, this measure added various property, good character and leadership requirements that as administered served to keep blacks from voting. This result, as one commentator observed 25 years later, was an absolute exclusion of the Negro voice in State and Federal elections.

I am citing all of this to let my colleagues know that this is the Georgia case that is the decisive case, the basis for striking down districts in Virginia and Texas, in Louisiana and Florida, and now in New York City. If my colleagues want to know the history, if my colleagues want to know the other side, this is the other side argued by Justice Ginsburg. She did not agree

with Justice O'Connor, she did not agree with Justice Clarence Thomas, and she wrote a brilliant statement that every person in New York who is concerned about justice ought to read.

Disenfranchised blacks have no electoral influence; hence, no muscle to lobby the legislature for change, and that is when the court intervened. She is saying that the court intervened and the Voting Rights Act was created because the processes were being used to exclude and to oppress a particular group. It was a violation of the 15th amendment.

Justice Ginsburg makes it quite clear that the equal protection clause does not rule out extraordinary measures being taken by the Federal Government to deal with past wrongs and to compensate for what happened in 232 years of slavery and the period of disenfranchisement that followed. She argues, Justice Ginsburg argues, with the basic principle that is established by Justice O'Connor in *Shaw versus Reno*, she argues against that principle; she does not accept that premise.

But then Justice Ginsburg moved to another area and she showed that the 11th Congressional District that was being challenged in Georgia had better lines, less crooked lines, less strange lines; the shape was better, more rectangular than most of the other Georgia districts.

So the district of the gentlewoman from New York [Ms. VELAZQUEZ] has been called the Bullwinkle district in New York. It is called the Bullwinkle district because it looks so strange; somebody says it looks like Bullwinkle. It is a big joke. But I assure my colleagues that throughout history there have been many Bullwinkles and Bullwinkle's relatives that never have been challenged. We also know that right now across the Nation, of the 435 districts drawn, some of the strangest safe districts have nothing to do with the Voting Rights Act, they have nothing to do with race.

So I come back to my original concern. People of New York, people of my district understand this Voting Rights Act is in jeopardy; the fact that a colleague of mine has been ordered to redraw her district. The question has been asked many times, how will this affect you? It will affect me immediately because I have some boundaries with the gentlewoman from New York [Ms. VELAZQUEZ]. I am on the boundary of people who do have boundaries with her. So they may, in the process of redrawing the district, impact upon my district as it is now.

There are several plans that have been proposed, very modest plans. Some involve adjustments where they move the lines around a bit and a few districts will be impacted and that is it. That is one scenario. The problem could be resolved with the simple scenario of adjusting lines in a few districts. Another scenario is that since the State legislature has ordered the redrawing of all of the lines; not all of

the lines, but redrawing of the lines for her district, the State legislature can choose, if they wish, to redraw all of the lines in the whole State. They have that option. They can choose to draw lines as far away as several thousand miles, in Buffalo, on the border of Canada if they wish. They have that option. Being told by the courts to redraw lines mean they have an option.

Some people in the State legislature, powerful people, the Governor is powerful, the majority leader in the senate, they are powerful Republicans, they may try to get revenge on the Democrats who won in districts that were primarily Republican, who had a large percentage of Republicans, and they may try to draw boundaries in ways which impact on those districts. Some Democrats may choose to want to make some adjustments and get even with some of their enemies by redrawing some lines somewhere.

Mr. Speaker, the scenario that does not make sense is also possible. It does not make sense to do that. The wild scenario of drawing lines throughout the State is one possibility. The scenario of common sense is to just make adjustments downstate in the area of New York City.

Now, I say all of this because it is important if people have questions, they want to know is my district in jeopardy? Why am I concerned about this? I am not concerned primarily because it impacts on my district at all. I am concerned about the future of the Voting Rights Act. I am concerned about the principle of effective Government policies to focus on problems that exist as a result of past Government behavior, past wrongs that were done, past official policies.

When the Constitution was written and they made slaves, they did not even refer to slaves. They said other individuals would be counted as three-fifths, other Indians would be counted as three-fifths of a man. We enshrined in the Constitution a grave error, and the policy decision, the wrong policy decision was perpetrated from then on.

We failed to include in the Declaration of Independence the long section that Jefferson wrote condemning slavery. It was taken out as a compromise. So we failed again in our public policy to deal with the problem. Later on, Jefferson attempted to pass a bill which banned slavery in all of the States that would be added to the Union and it lost by 1 vote in Congress. It lost by 1 vote. We failed in public policy again. It went on and on until you have the blood bath of the Civil War.

So we have a responsibility to correct the results, the by-product of past Government failures. What the Swiss are doing finally, in their offering of a fund for \$5 billion is saying that we accept some of that responsibility in the case of what happened with the Jews in the Second World War. The Swiss are setting a great example.

I was speaking to some bankers this morning at a breakfast and I said,

look, you bankers who worry so much about the Community Reinvestment Act and the small amount of money you put into big cities and minority neighborhoods, you worry about every penny and you nickel and dime us to death. Why do you not look at the example now being set by the Swiss? Why not have the American millionaires and the tremendous amounts of accumulation of American wealth in America respond to some human needs in America in the same way the Swiss now begin to respond? It took the Swiss 50 years.

Switzerland is a beautiful little country; I have been there twice. It is amazing how clean it is, how orderly it is; law and order is fantastic in Switzerland. Switzerland has a very educated population. In Switzerland the people dress nicely, they look nice and they act nicely, but that does not govern morality. There is no correlation between sanitation and cleanliness and morality.

They behaved abominably. They behaved like the worst of humanity by operating in cahoots with the Germans to take the wealth of all of these helpless people. They denied entry into Switzerland to people who were running from the terror of the Holocaust. They did terrible things. Some people have said, well, they have \$5 billion they are now willing to put up. That is not enough. They want justice. Let us calculate how much they have earned and all the money they stole and make them pay up.

I do not think we should ask for justice, it has taken so long to this point. Reconciliation is greater than justice, reconciliation is more important than justice. Justice we may never have. Steps have been taken toward reconciliation; let us accept those steps.

I think I have said before that sometimes it seems that civilization is not going forward. Terrible things have happened in a nation like Germany, with large numbers of educated people, leaders, the history of producing the greatest musicians in the world, the greatest scientists, the greatest mathematicians. A nation like Germany created also some of the greatest crimes against humanity on a scale that no other set of terrorists have ever been able to accomplish in the world.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SCHIFF (at the request of Mr. ARMEY) for today and on March 8 on account of official business.

Mr. STRICKLAND (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. DREIER (at the request of Mr. ARMEY) for today and tomorrow on account of personal reasons.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legis-

lative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. NORTON) to revise and extend their remarks and include extraneous material:)

Mr. SKAGGS, for 5 minutes, today.

Ms. MCCARTHY of Missouri, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

(The following Members (at the request of Mr. LAHOOD) to revise and extend their remarks and include extraneous material:)

Ms. GRANGER, for 5 minutes, today.

Mr. PAPPAS, for 5 minutes, on March 6.

Mr. ROHRBACHER, for 5 minutes, today.

Mr. SCARBOROUGH, for 5 minutes, today.

Mr. GIBBONS, for 5 minutes, on March 6.

Mr. SMITH of Michigan, for 5 minutes, today and on March 11.

Mr. FORBES, for 5 minutes, on March 6.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HORN, for 5 minutes today.

(The following Member (at the request of Mr. OWENS) to revise and extend his remarks and include extraneous material:)

Mr. KASICH, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. NORTON) and to include extraneous matter:)

Mr. VENTO.

Mr. MILLER of California.

Mr. CONDIT.

Mr. SERRANO.

Mr. WEYGAND.

Mr. KUCINICH.

Ms. HARMAN.

Mr. TOWNS.

Mr. LEVIN.

Mr. BENTSEN.

Mr. WAXMAN.

Mr. BERMAN.

Mr. ABERCROMBIE.

(The following Members (at the request of Mr. LAHOOD) and to include extraneous matter:)

Mr. BILIRAKIS.

Mr. SMITH of New Jersey.

Mr. PORTER.

Mr. GOODLING.

Mr. GOSS.

Mr. PORTMAN.

Mr. THOMAS.

Mr. GILMAN in two instances.

Mr. DEAL of Georgia in two instances.

Mr. GOODLATTE.

Mr. COOK.

Mr. PACKARD.

Mr. CALLAHAN.

Mr. WOLF.