

HONORING OUR FALLEN MILITARY PERSONNEL AT GLENDALE CEMETERY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. GREEN of Texas. Mr. Speaker, this weekend, in a solemn ceremony at Glendale Cemetery, families will gather to honor those who gave their lives so that future generations of Americans might live in freedom. America bows its head in thanks to our fallen heroes. With flags at half-mast, with flowers on a grave, and with quiet prayers, we take time to remember their achievements and renew our commitment to their ideals.

Across our country, Americans will be holding similar ceremonies in remembrance of those who have died under the colors of our Nation. We will remember the brave men and women whose sacrifices paved the way for us to live in a country like America. We will remember the families of our fallen heroes, and we will grieve for their losses. We will remember the men and women who are now serving in our Armed Forces.

Throughout our history, we have been blessed by the courage and commitment of Americans who were willing to pay the ultimate price. From Lexington and Concord to Iwo Jima and the Persian Gulf, on fields of battle across our nation and around the world, our men and women in uniform have risked—and lost—their lives to protect America's interests, to advance the ideals of democracy, and to defend the liberty we hold so dear.

For more than 200 years, the United States has remained the land of the free and the home of the brave. The NATO military operations in the former Yugoslavia have reaffirmed that international peace and security depend on our Nation's vigilance. Even in the post-Cold War era, we must be wary, for the world still remains a dangerous place.

This spirit of selfless sacrifice is an unbroken thread woven through our history. Wherever they came from, whenever they served, our fallen heroes knew they were fighting to preserve our freedom. On Memorial Day we remember them, and we acknowledge that we stand as a great, proud, and free Nation because of their devotion.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, in my continuing efforts to document and expose racism in America, I submit the following articles into the CONGRESSIONAL RECORD.

REPORTS: STATE OFFICIALS WILL ADMIT THAT RACIAL PROFILING EXISTS

TRENTON, N.J. (AP)—State law enforcement officials this week will grudgingly admit that state troopers unfairly target minority motorists, according to published reports.

Officials in Gov. Christie Whitman's administration told several newspapers that a

report prepared by the Attorney General's office will acknowledge that some troopers have engaged in the practice known as racial profiling.

The same officials said the state will drop its appeal of a 1996 court decision asserting that troopers demonstrated race bias in making arrests along the New Jersey Turnpike in Gloucester County.

Attorney General Peter Verniero's office said his findings on the State Police's training and practices are due out Tuesday or Wednesday.

The report is expected to confirm what civil rights activists said they have known for years.

"Racial profiling is the worst-kept secret in New Jersey," Black Ministers Council of New Jersey executive director Rev. Reginald Jackson told The Star-Ledger of Newark for Tuesday's editions. "I don't think anybody reasonable will say that it doesn't happen."

State Police leaders have consistently argued that the agency does not engage in racial profiling. The issue cost State Police Superintendent Col. Carl Williams his job earlier this year and threatens to impact the political fate of both Whitman, who is expected to run for the U.S. Senate, and Verniero, who has been nominated for the state Supreme Court.

State officials face a Wednesday deadline to decide if they want to continue their appeal of the 1996 decision in state Superior Court in Gloucester County. The court decision, which could affect dozens of pending criminal cases, found evidence of racial profiling.

The newspaper reports come one day after state officials announced official misconduct indictments against the two troopers involved in last year's controversial shooting along the Turnpike in Mercer County.

Troopers John Hogan and James Kenna allegedly made false statements on the race of motorists they pulled over. Such data was being gathered in a State Police traffic stop survey prompted by the 1996 court decision.

Authorities said the indictments against Hogan and Kenna were not directly related to their involvement in the shooting near Exit 7A. Three young minority men were wounded when the troopers fired 11 shots at their van. The troopers said the van had backed up toward them suddenly.

Lawyers for Hogan and Kenna have said the pair are being used as scapegoats in the broader debate over racial profiling. Another lawyer who often represents troopers, Philip Moran, suggested that the real blame lies with the State Police top brass.

"The problem with this is that they indict the troopers at the bottom end," Moran told the Philadelphia Inquirer for Tuesday's editions. "They don't indict the supervisors—who taught them to profile, who required them to profile, and who congratulated them for profiling."

The four occupants of the van have said they plan to file civil rights lawsuits against the troopers and the State Police.

The indictments against Hogan and Kenna may prompt courts to dismiss criminal charges against 26 minority defendants arrested by the two troopers in the past two years. Attorneys representing those suspects said prosecutors will be reluctant to call Hogan and Kenna as witnesses now that they face charges themselves.

"I don't think these cases will ever go to trial," defense lawyer John Weichsel told The Record of Hackensack for Tuesday's editions.

Sources told The Star-Ledger that the Attorney General's report will recommend sweeping reforms and continued monitoring of the State Police.

The state legislature's Black and Latino Caucus on Tuesday will host the second

round of its three-day hearings on racial profiling Tuesday in Newark.

BASE OFFICIALS INVESTIGATE RACIAL EPITHETS DRAWN ON SLEEPING MARINE

JACKSONVILLE, N.C. (AP)—Officials at Camp Lejeune are investigating allegations that three white Marines drew racial epithets on the face and arm of a black Marine assigned to their unit.

A 20-year-old black Marine whose name has not been released, reported to city police last week the other Marines wrote the words "KKK" and "nigger" on his forehead and "Go back to Africa" on his left arm as he slept in a motel room.

The Marine told police April 11 he woke up and found the scrawls on his body.

The three white Marines had left the motel when officers responding to the call arrived, "but they left behind the drawing tools apparently used as well as photos they took of the victim as he slept," said Deputy Police Chief Sammy Phillips.

An Onslow County magistrate determined the white Marines could have been charged with assault, inflicting injury and ethnic intimidation, a felony. But the victim decided not to press charges.

Instead, he asked Onslow County Magistrate Shelby Jones to contact his battalion commander.

"When he made that decision, I found no probable cause. I did tell him that if the military did not take care of it, the state would," Jones said last week.

Maj. Scott B. Jack, a spokesman on base, said the battalion commander has investigated the allegations and is considering disciplinary action.

"The Marine who was subjected to this indignity has expressed his satisfaction with the action currently being taken by his command," Jack said.

A staff judge advocate is reviewing the case to determine whether it should be turned over to the Naval Criminal Investigative Service.

All four Marines are from the same unit currently deployed with the 26th Marine Expeditionary Unit to the Mediterranean.

WACO, OKLAHOMA CITY BOMBING ANNIVERSARY KEEPS NEARLY ONE-THIRD OF JASPER STUDENTS AT HOME

JASPER, TEXAS (AP)—The school week is getting a later start for many students living near the East Texas scene of a dragging death.

Almost one-third of Jasper students stayed home, fearful that white supremacists would use the anniversary of the Branch Davidian fire in Waco and Oklahoma City bombing to stage another violent event.

Shannan Holmes sent her 8-year-old daughter, Meagan, to the baby sitter with her little brother, Monday instead of the second-grade class at Parnell Elementary.

"I just wanted the peace of mind," she told the Houston Chronicle. "There's all kinds of nasty rumors going around, but I just thought it was better to be safe. It's just one day."

Ms. Holmes said that her daughter could return to school today. Earlier this month, state officials revealed that a racist prison gang member called other like-minded individuals to gather in Jasper on the anniversary of the Oklahoma City bombing and Branch Davidian fire for "Jasper tractor pull and drag racing event."

Officials interpreted that to be a veiled reference to the June 7 murder of a Jasper black man, James Byrd Jr., whose body was found torn in two after being dragged behind a pickup truck for nearly three miles.

A pretrial hearing is scheduled today for the second of three white men accused in the murder of James Byrd Jr.

But at the Jasper County Courthouse on Monday, activity was slow. A handwritten sign taped inside the front door reminded the last person out to lock up.

An investigation found nothing to the inmate-generated threat, the school superintendent said Monday.

Nevertheless, worried parents kept 1,080 students, or 32 percent of those enrolled at Jasper's two elementary schools, the middle and high school, at home on Monday, said Doug Koebernick, superintendent of the Jasper Independent School District.

"Some parents picked up on that, so in the interest of the safety of their children, parents kept them from school," Koebernick said. "It was just rumor generated."

John William King, 24, an avowed white supremacist, was convicted and sentenced to death in February for Byrd's murder. Co-defendant Lawrence Russell Brewer, 32, faces the same fate when his capital murder trial begins May 17. A trial for the third defendant, 24-year-old Shawn Allen Berry, has not been scheduled.

DEFENSE BEGINS CASE IN TRIAL OF TWO WHITE SUPREMacists

LITTLE ROCK, ARK. (AP)—Defense attorneys for two white supremacists accused of murder and conspiracy to set up a whites-only nation have tried to deflect the prosecution's incriminating testimony by suggesting that others were responsible for the crimes.

This week, the defense gets to provide jurors a clearer view of its strategy for freeing Chevie Kehoe and Daniel Lee, both 26, of the charges in federal court.

Kehoe, of Colville, Wash., and Lee, of Yukon, Okla., are charged with racketeering, conspiracy and murder. They are accused of killing three members of Arkansas gun dealer William Mueller's family as part of the plot.

Prosecutors say the two wanted to overthrow the federal government to set up a new nation in the Pacific Northwest, resorting to polygamy, gun trafficking, armed robbery, bombings and murder to carry out their plan.

The defense, which claims Kehoe and Lee are not dangerous racists, was scheduled to begin its case today.

Defense lawyers decided to delay opening statements until after the prosecution rested, which it did last Tuesday after Cheyne Kehoe, Kehoe's younger brother, testified to what he said Chevie told him about he and Lee murdering an Arkansas family three years ago.

Federal prosecutors and defense lawyers haven't been able to discuss the case because of a gag order. But during a hearing, Lee's lawyer, Cathleen Compton, argued that the government had little physical evidence to connect the men to the crimes or show that they were part of any grand conspiracy.

"I think, without any disrespect to the court or anyone else, if these boys were in charge of conspiring to overthrow the government, we're all safe," Compton said.

Prosecutors called more than 150 witnesses and wheeled in shoulder-high stacks of exhibits. They are seeking the death penalty.

In the indictment, Chevie Kehoe and Lee are accused of the January 1996 robbery and deaths of Mueller, his wife, Nancy Mueller, and her 8-year-old daughter Sarah Powell. Other crimes mentioned in the indictment include a 1996 bombing of the Spokane, Wash., City Hall; a 1997 Ohio shootout with police that was videotaped and broadcast nationally; and the slayings of two associates.

FOUR MEN PLEAD GUILTY TO CROSS BURNING EMREDON

ALEXANDRIA, LA. (AP)—Four men pleaded guilty Monday to setting crosses afire in

front of a north Louisiana home whose white owners took in an interracial couple and their family seeking refuge from a hurricane.

Gary Delane Norman, 25; James Norris Friday, 23; Matthew Ryan Morgan, 19, and Huey Kenneth Martin, 18, all of Goldonna, admitted to a federal civil rights conspiracy.

Each faces up to 10 years in prison and a \$250,000 fine when sentenced July 21 by U.S. District Judge F.A. Little Jr. Mandatory sentencing guidelines are used in setting federal sentences, which are served without parole.

Authorities said crosses were burned in front of the house in Goldonna, where the family was staying on the nights of Sept. 27 and Sept. 28, 1998. The family had been given shelter after fleeing the approach of Hurricane Georges, authorities said.

The victims were a black man, his white wife and their children who were staying temporarily with the wife's sister after fleeing south Louisiana as Hurricane Georges approached.

The indictment alleged that one of the men said: "No blacks sleep in Goldonna."

Authorities alleged the scheme was hatched at a grocery store. After the cross was burned on the first night, a second, larger cross was built and burned the following night.

Whether a cross burning is illegal depends upon its purpose. Cross burning for ceremonial purposes is not illegal. But it is a federal crime to burn a cross for racial motives in an attempt to intimidate or oppress someone.

"While some may try to minimize this as nothing more than a prank, finding a burning cross on your front lawn in the middle of the night is no laughing matter," said U.S. Attorney Mike Skinner. "It is a tactic of federal and intimidation, and when it interferes with federally protected rights to every citizen, those responsible will be brought to justice."

BASKETBALL COACHES SUE TEXAS CITY, POLICE OVER DETAIMENT

(By Sonja Barisic)

NORFOLK, VA (AP)—A women's basketball coach, her husband and an assistant coach have filed a \$30 million lawsuit alleging racial bias after being detained by police in Lubbock, Texas.

The lawsuit filed Monday contends that the city and its police engaged in racially discriminatory behavior when they stopped Hampton University coach Patricia Bibbs, her husband, Ezell, and assistant coach Vanetta Kelso on Nov. 16.

All three, who are black, have said they believe race played a role in how they were treated when police detained them during an investigation of an alleged scam.

The suit also says police violated their constitutional rights of due process, equal protection and protection from unreasonable and illegal arrests, searches and seizures.

"The city of Lubbock and its police department have known and tolerated . . . the selection and retention of police officers who have exhibited racist attitudes toward African-Americans and other minorities," the lawsuit said.

Tony Privett, a spokesman for the city of Lubbock, would not comment.

The Bibbses and Kelso were detained outside a Lubbock Wal-Mart by officers responding to a customer's complaint that someone tried to scam her. The three were handcuffed and held for several hours.

The three were suspected of trying a "pigeon drop," where a thief claims to have found a purse with cash in it and persuades the victim to put up money for a lawyer so they can both lay claim to the cash—and then disappears with the victim's money.

Police studied security tapes from the store, determined that the Bibbses and Kelso had no contact with the shopper and said no charges would be filed.

The Bibbses and Kelso had no comment on the suit Monday, said Victoria L. Jones, a spokeswoman for the university in southeastern Virginia.

RACIAL PROFILING BILL HEADS TO HOUSE AGSTFPR

(By Adam Gorlick)

HARTFORD, CT (AP)—Two competing bills, both designed to prevent police from pulling over motorists based on their race, are making their way through the general assembly.

Sen. Alvin Penn's bill would require police officers to record their observations about the gender and race of every driver they pull over. That information would be gathered by the Chief State's Attorney's office and used to determine whether the problem, known as "racial profiling" exists.

Another bill passed to the House by the Judiciary Committee Monday does not have those requirements.

"It's an ill-fated bill," Penn, D-Bridgeport, said. "It's a compromise, and this is something you can't compromise on."

Rep. Michael Lawlor, co-chairman of the Judiciary Committee, said the bills are not at odds with each other. He said there are questions about how police officers could compile racially sensitive information about drivers without offending them or creating an avalanche of paperwork.

"By what system are you going to identify who's in what category?" he said. "we have to make it clear that its not OK to target people based on their race or ethnicity. If it is happening, lets figure out how to monitor it in a way that does not unnecessarily burden the jobs that the cops do."

Minority drivers have complained they are sometimes stopped and queried by police because of their race, especially when driving an expensive car or driving through affluent neighborhoods.

Penn, who says he was a target of profiling in Trumbull three years ago, also wants police departments to set up a system to deal with complaints about profiling. If they don't, he wants the towns to be fined.

Complaints that Trumbull police have illegally targeted black and Hispanic motorists have prompted an FBI probe.

The investigation follows complaints from minority drivers and a memo by police Chief Theodore Ambrosini suggesting officers watch for people who don't fit into the community.

MAYOR OPPOSES DESEGREGATION PROGRAM

MILWAUKEE (AP)—Racial guidelines in a court-approved desegregation plan for the Milwaukee School District ought to be abandoned, Mayor John O. Norquist said.

The Chapter 220 program was adopted in the 1970s by the district in response to a federal lawsuit to bus black children to suburban districts. Hundreds of Milwaukee white children are ineligible for the state-subsidized transportation.

The lack of opportunity for white children encourages their families to move to the suburbs, Norquist said Monday, recalling he opposed the Chapter 220 plan when the Legislature adopted it while he was a state senator.

"I don't think there should be any racial quotas," he said. Some members of the newly elected Milwaukee school board propose ending the racial guidelines. Gov. Tommy Thompson recommends the Legislature reduce the funding available to districts that participate in Chapter 220.

School administrators and the National Association for the Advancement of Colored People favor preserving the program.

More than 5,100 Milwaukee minority children attend suburban schools under the program this year while 540 suburban whites attend Milwaukee schools.

H.R. 1817: RURAL CELLULAR
LEGISLATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. GILMAN. Mr. Speaker, today I'm introducing H.R. 1817, legislation to improve cellular telephone service in three rural areas located in Pennsylvania, Minnesota, and Florida. Joining me as cosponsors are Representatives CAROLYN MALONEY and ANNA ESHOO.

Most rural areas of this country have two cellular licensees competing to provide quality service over their respective service territories. Competition between two licensees improves service for businesses, governments, and private users, at the same time, improves response times for emergency services.

Unfortunately, three rural service areas in Pennsylvania, Minnesota, and Florida do not enjoy the benefit of this competition. The Pennsylvania rural service area has only one cellular operator. The Minnesota rural service area and the Florida rural service area each have two operators, but one of the operators in each area is operating under a temporary license and thus lacks the incentive to optimize service. The reason for this lack of competition is that in 1992 the FCC disqualified three partnerships that had won the licenses, after finding that they had not complied with its "letter-perfect" application rule under the foreign ownership restrictions of the Communications Act of 1934. Significantly, the FCC has allowed other similarly situated licensees to correct their applications and, moreover, Congress repealed the relevant foreign ownership restrictions in the Telecommunications Act of 1996.

In the 105th Congress, former Representative Joe McDade, joined by Representative ANNA ESHOO and former Representative Scott Klug, introduced H.R. 2901 to address this problem. In September 1998, the Telecommunications Subcommittee of the Commerce Committee held a hearing on FCC spectrum management that included testimony on and discussion of H.R. 2901. Later that month, the full Commerce Committee incorporated a modified version of H.R. 2901 into H.R. 3888, the Anti-Slamming bill. In October 1998, the House approved H.R. 3888, incorporating a further modified version of H.R. 2901, by voice vote on suspension (CONGRESSIONAL RECORD, Oct. 12, 1998, H10606–H10615). Unfortunately, the bill died in the Senate in the last few days prior to adjournment for reasons unrelated to the rural cellular provision.

H.R. 1817 is based on the rural cellular provision contained in H.R. 3888, as approved by the House. The legislation would direct the FCC to allow the partnerships denied licenses to serve the Pennsylvania, Minnesota, and Florida rural service areas to resubmit their application consistent with FCC rules and procedures. The partnerships would pay fees to the FCC consistent with previous FCC auctions and settlements with other similarly situ-

ated licensees. To ensure speedy service to cellular customers, the FCC would have 90 days from date of enactment to award permanent licenses, and if any company failed to comply with FCC requirements the FCC would auction the license. The licenses would be subject to a 5-year transfer restriction, and the Minnesota and Florida licenses would be subject to accelerated build-out requirements.

H.R. 1817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REINSTATEMENT OF APPLICANTS AS TENTATIVE SELECTEES.

(a) IN GENERAL.—Notwithstanding the order of the Federal Communications Commission in the proceeding described in subsection (c), the Commission shall—

(1) reinstate each applicant as a tentative selectee under the covered rural service area licensing proceeding; and

(2) permit each applicant to amend its application, to the extent necessary to update factual information and to comply with the rules of the Commission, at any time before the Commission's final licensing action in the covered rural service area licensing proceeding.

(b) EXEMPTION FROM PETITIONS TO DENY.—For purposes of the amended applications filed pursuant to subsection (a)(2), the provisions of section 309(d)(1) of the Communications Act of 1934 (47 U.S.C. 309(d)(1)) shall not apply.

(c) PROCEEDING.—The proceeding described in this subsection is the proceeding of the Commission In re Applications of Cellwave Telephone Services L.P., Futurewave General Partners L.P., and Great Western Cellular Partners, 7 FCC Rcd No. 19 (1992).

SEC. 2. CONTINUATION OF LICENSE PROCEEDING; FEE ASSESSMENT.

(a) AWARD OF LICENSES.—The Commission shall award licenses under the covered rural service area licensing proceeding within 90 days after the date of the enactment of this Act.

(b) SERVICE REQUIREMENTS.—The Commission shall provide that, as a condition of an applicant receiving a license pursuant to a covered rural service area licensing proceeding, the applicant shall provide cellular radio-telephone service to subscribers in accordance with sections 22.946 and 22.947 of the Commission's rules (47 CFR 22.946, 22.947); except that the time period applicable under section 22.947 of the Commission's rules (or any successor rule) to the applicants identified in subparagraphs (A) and (B) of section 4(1) shall be 3 years rather than 5 years and the waiver authority of the Commission shall apply to such 3-year period.

(c) CALCULATION OF LICENSE FEE.—

(1) FEE REQUIRED.—The Commission shall establish a fee for each of the licenses under the covered rural service area licensing proceeding. In determining the amount of the fee, the Commission shall consider—

(A) the average price paid per price paid per person served in the Commission's Cellular Unserved Auction (Auction No. 12); and

(B) the settlement payments required to be paid by the permittees pursuant to the consent decree set forth in the Commission's order, In re the Tellesis Partners (7 FCC Rcd 3168 (1992)), multiplying such payments by two.

(2) NOTICE OF FEE.—Within 30 days after the date an applicant files the amended application permitted by section 1(a)(2), the Commission shall notify each applicant of the fee established for the license associated with its application.

(d) PAYMENT FOR LICENSES.—No later than 18 months after the date that an applicant is

granted a license, each applicant shall pay to the Commission the fee established pursuant to subsection (c) of this section for the license granted to the applicant under subsection (a).

(e) AUCTION AUTHORITY.—If, after the amendment of an application pursuant to section 1(a)(2) of this Act, the Commission finds that the applicant is ineligible for grant of a license to provide cellular radio-telephone services for a rural service area or the applicant does not meet the requirements under subsection (b) of this section, the Commission shall grant the license for which the applicant is the tentative selectee (pursuant to section 1(a)(1)) by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

SEC. 3. PROHIBITION OF TRANSFER.

During the 5-year period that begins on the date that an applicant is granted any license pursuant to section 1, the Commission may not authorize the transfer or assignment of that license under section 310 of the Communications Act of 1934 (47 U.S.C. 310). Nothing in this Act may be construed to prohibit any applicant granted a license pursuant to section 1 from contracting with other licensees to improve cellular telephone service.

SEC. 4. DEFINITIONS.

For the purposes of this Act, the following definitions shall apply:

(1) APPLICANT.—The term "applicant" means—

(A) Great Western Cellular Partners, a California general partnership chosen by the Commission as tentative selectee for RSA #492 on May 4, 1989;

(B) Monroe Telephone Services L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #370 on August 24, 1989 (formerly Cellwave Telephone Services L.P.); and

(C) FutureWave General Partners L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #615 on May 25, 1990.

(2) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(3) COVERED RURAL SERVICE AREA LICENSING PROCEEDING.—The term "covered rural service area licensing proceeding" mean the proceeding of the Commission for the grant of cellular radiotelephone licenses for rural service areas #492 (Minnesota 11), #370 (Florida 11), and #615 (Pennsylvania 4).

(4) TENTATIVE SELECTEE.—The term "tentative selectee" means a party that has been selected by the Commission under a licensing proceeding for grant of a license, but has not yet been granted the license because the Commission has not yet determined whether the party is qualified under the Commission's rules for grant of the license.

HONORING ROSE ANN VUICH

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to introduce a brief biography on Senator Rose Ann Vuich, who, for her ethical leadership, has been honored with an award in her namesake. The Rose Ann Vuich Ethical Leadership Award is designed to increase ethical sensitivity, raise expectations for behavior and acknowledge personal integrity. The first recipient of the award was Fresno County Supervisor Sharon Levy. This year's recipient is Lindsay Mayor Valeriano Saucedo.