

Mr. COBURN. And that means we have to be honest about what the numbers are. We cannot use this as a political tool to win a political race. We have to be honest. This should be above politics. This should be above, about keeping our commitment to our seniors, and making sure we ensure a future for the working people today, and making sure we ensure the opportunity for our children and grandchildren for tomorrow. I believe we can do that, but it is going to take political courage. It is going to take the courage of statesmen, not politicians, to come up here and do that. The American public is going to have to measure whether or not we did that or not.

Mr. SANFORD. Mr. Speaker, I would say again, and I do not want to go off the subject, which again is rightly focused on honesty in accounting, and that is if we, as my colleagues know, if we have to borrow money to get to run the surplus that we are running, most folks would say we are not running a surplus and therefore it is important to do something about spending. That is the primary thing we are talking about.

But tied to that again is this issue of Social Security, and I think it is so important that when we look at security for Social Security, of the available choices which are cut benefits, raise taxes or grow the investment at a higher rate than we are growing at, that we simply take a page out of the Federal book, if my colleagues want to call it that. Because everybody from a senator to a janitor here on Capitol Hill has the option of going into basically a 401(k) plan, a savings plan, and in that plan they have got a limited number of investment choices. One can have a Treasury fund, a corporate bond fund or an equities fund; and with all that, nobody can put all their eggs in one basket, nobody can go out and say, I have got a hot stock tip from my brother-in-law, and I think I am going to invest my Social Security money in that or, in this case, their thrift savings money in that. Nobody can say, I hear the Singapore derivatives are a hot investment right now; I think I will go into that. It is all very much controlled, and what is interesting about that, as a result, there are no horror stories of janitors on Capital Hill losing everything that they have.

So I think it is important that we look at the idea of putting to work what Einstein called the most powerful force in the universe, and that was this power of compound interest.

As my colleagues know, there was this woman a couple years back, and I do not know if my colleagues remember the story, a woman by the name of Oseola McCarty, and she was from Hattiesburg, Mississippi, and yet she ended up on the front page of the New York Times, not for axe murdering a cousin or a nephew, but for a great reason, and that was she went down to the local university and said, I would like to help out. And she was a woman of very

humble means. She had never made a lot of money over her lifetime. In fact, she had washed clothes over the bulk of her lifetime.

So, therefore, the people at the university figured, yes, she is going to make us a cloth doily or a napkin, maybe something that she has hand-made. Instead, she strokes them a check for about \$100,000. They are flabbergasted, and the reporter there from the New York Times is asking:

How in the world did you do this?

And she says:

Well, I just put a little bit away over a long period of time.

Mr. Speaker, that power of compound interest is something that we ought to take advantage of when we look at cures for Social Security.

Mr. HOEKSTRA. If the gentleman would yield, I think, and also as we take a look at it, I do not think there are any proposals here that are saying take all of the Social Security money and do that with all of the Social Security funds. It is most of the proposals, if not all of them, are very modest proposals to take advantage of the exact benefit that the gentleman is talking about, and they all have structured in them protections for the individuals who will be on Social Security so that they will not get less money than what they get today but will have the opportunity to earn higher returns and have a higher payout when they get to be 65 or 67.

Mr. SANFORD. And, most significantly, I think they would keep in place the safety. The key issue with Social Security is safety of Social Security. If we were to draw a financial pyramid, the safest investments ought to be there at the foundation, if my colleagues will, of the investment, and Social Security is that foundation.

So I think the most important thing is the safety, and I go again straight back to what Alan Greenspan, Chairman of the Federal Reserve, said:

If we leave the money in Washington, political forces will probably find a way to get their hands on that money, which is what has been happening for the last 30 years.

Mr. HOEKSTRA. If the gentleman would yield, I just want to make one point that I do every time.

I have had a lot of meetings with seniors in my district because I wanted to start with seniors because I want to make it very clear to them that what we are talking about. We are not talking about, if you are getting a Social Security check today, we are not talking about changing their system. As my colleagues know, they are not going to next month or next year get a letter saying, you know, you have got this money and you have to figure out how to invest it in these kinds of things. No. If they are on Social Security and they are getting a check today, we are not messing with that.

What we are doing is we are talking about how we are going to save Social Security for our kids and for our

grandkids, and it will be a transition process. It is not going to affect you. It is probably not even going to affect people who are 60 years old today. It is going to affect the people who are younger than that who are going to have time to understand any changes, will be a dialogue with them. We will process through these types of changes, and we will not jeopardize their Social Security either. But for the people who are getting a check today, it is not going to change.

Mr. COBURN. We are about to run out of time. I just want to leave the American public with something that Martin Luther King said in his last speech at the National Cathedral. He said that cowardice asks the question, is it expedient? And we have seen a lot of expediency in this body through the years. And he said vanity asks the question, is it popular? And we have seen a lot of things done because they are popular but not necessarily good for the Social Security system or not good for the future of our children. But he said conscience asks the question, is it the right thing to do?

The debate this year about the budget and about Social Security cannot be based on expediency, cannot be based on popularity. It has to be based on what is right and best for all three generations concerned.

I want to thank the gentlemen for sharing this time with me, and I hope we can do it again.

SALUTE TO A. LEON HIGGINBOTHAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this Congress is an honorable place; and our biggest challenge, of course, is to ensure the people's wants and desires are our first priority. In this very historic place have been major debates: the decision to move into World War II, the Korean confrontation, the Vietnam war.

But the mighty issues of the 1960s, post Brown versus Board of Education, and the civil rights marches and the march on Washington in 1963; I might imagine that there were emotional debates around the Civil Rights Act of 1964 and the Voter Rights Act of 1965.

It is fitting in recognizing this honorable place and those enormous challenges that we met that we bring attention to a gentleman who throughout his life played a pivotal role in changing the lives of so many Americans. He was part of that debate, although he was not a Member of the United States Congress. His words, his opinions, his convictions were all interwoven in the success stories of what we ultimately accomplished, those who served in the United States Congress during that time frame.

We lost him last year.

So it is my honor to be able to rise today and salute A. Leon

Higginbotham, a warrior, a jurist, an intellectual giant, a committed American; most of all, a lover of the Constitution. And I believe today, as we proceed to honor him, we will find enormous inspiration no matter what side of the aisle we may come, Democrats or Republicans, Independents, in what he stood for and how he loved this Nation.

I know that his wife and best friend, Evelyn Brooks Higginbotham, misses him greatly. To her I say, and her children, Karen and Nia, Stephen and Kenneth, who are listening today, watching today, this is not done out of a sense of officialdom, but it is a privilege, it is an honor to be able to salute this great American and to commemorate him in the CONGRESSIONAL RECORD, for he has touched so many lives.

I am going to start, and as I start I want to make note of the fact that one of his employees, if I might say, one who joined him in so many fights, has joined me on the floor of the House, the gentlewoman from the District of Columbia (Ms. NORTON). By the way, his wife looks forward to the tribute of which she will be organizing this coming April. She is excited about it and looks forward to it.

□ 1630

Let me begin, and then I will yield to the gentlewoman from the District of Columbia. This is, I think, the best way to introduce many Members to a person who all of us will assume is our friend and was our friend, and that is, A. Leon Higginbotham, Junior.

His book, *In the Matter of Color, Race and the American Legal Process: A Colonial Period*, is a giant of a statement on American history. But I would be remiss not to share with you about the man. The preface of this book reads as follows. It gives us a sense of what molded him, what caused him to be so convicted and so committed.

This book has been in the writing for almost 10 years. But if isolated personal incidents really do play the dramatic role in redirecting lives they often seem to have played, I have to go back for the book's very beginnings to a painful memory that comes out of my freshman year at college. Perhaps it was not the incident itself but the proper legal basis upon which the personal affront was rationalized that may turn out to have been the seed out of which this work has grown slowly.

Let me take you back to 1944. I was a 16-year-old freshman at Purdue University, one of 12 black civilian students that was attending that school. If we wanted to live in West Lafayette, Indiana, where the university was located, solely because of our color, the 12 of us at Purdue were forced to live in a crowded private house rather than, as did most of our white classmates, in the University campus dormitories. We slept, barrack style, in an unheated attic.

One night, as the temperature was close to zero, I felt that I could suffer the personal indignities and denigration no longer. The United States was more than 2 years into the Second World War, a war our government promised would make the world safe for democracy. Surely there was room enough in

that world, I told myself that night, for 12 black students in a northern University in the United States to be given a small corner of the on-campus heated dormitories for their quarters. Perhaps all that was needed was for one of us to speak up, to make sure the administration knew exactly how a small group of its students had been treated by those charged with assigning student housing.

The next morning I went to the office of Edward Charles Elliott, president of Purdue University, and I asked to see him. I was given an appointment. At the scheduled time I arrived at President Elliott's office, neatly but not elegantly dressed, shoes polished, fingernails clean, hair cut short.

"Why was it," I asked him, "that blacks and blacks alone had been subjected to this special ignominy?" Though there were larger issues I might have raised with the President of an American university, this was but 10 years before *Brown vs. Board of Education*. I had not come that morning to move mountains, only to get myself and 11 friends out of the cold.

Forcefully, but nonetheless deferentially, I put forth my moderate or modest request, that the black students of Purdue be allowed to stay in some section of State-owned dormitories, segregated if necessary, but at least not humiliated.

Perhaps if President Elliott had talked with me sympathetically that morning, explaining his own impotence to change things but his willingness to take up the problem with those who could, I might not have felt as I did. Perhaps if he had communicated with some word or gesture, or even a sigh, that I had caused him to review his own commitment to things as they were, I might have felt I had won a small victory.

But President Elliott, with directness and with no apparent qualms, answered, "Higginbotham, the law doesn't require us to let colored students in the dorm, and you either accept things as they are, or leave the university immediately."

As I walked back to the house that afternoon, I reflected on the ambiguity of the day's events. I heard, on that morning, an eloquent lecture on the history of the Declaration of Independence and of genius of the Founding Fathers. That afternoon I had been told that under the law, the black civilian students at Purdue University could be treated differently from their 6,000 white classmates. Yet I knew that by nightfall, hundreds of black soldiers would be injured, maimed, and some even killed on far-flung battlefields to make the world safe for democracy.

Almost like a mystical experience, a thousand thoughts raced through my mind as I walked across the campus. I knew then that I had been touched in a way I had never been touched before, and that one day, that I would have to return to the most disturbing element in this incident, how a legal system that proclaimed equal justice for all could simultaneously deny even a semblance of dignity to a 16-year-old boy who had committed no wrong. Shortly thereafter I left Purdue University and transferred to Antioch College. Ultimately I chose law as my vocation, and in 1952, I graduated from Yale Law School.

On that opening note, let me say that not only was his life changed, but he helped change the lives of Americans. So that is why today we take the challenge of trying to commemorate his legacy in the CONGRESSIONAL RECORD, to be given to his family and to honor him appropriately.

With that, Mr. Speaker, I yield to the esteemed, honorable gentlewoman

from the District of Columbia (Ms. NORTON), who will provide us with her own insight of Judge Higginbotham.

Ms. NORTON. Mr. Speaker, I thank the gentlewoman from Texas for yielding, and I thank her for her hard work on this special order in tribute to a great American. It is, I think, quite appropriate that there should be a special order for Judge A. Leon Higginbotham here on this very Floor of the House of Representatives. He testified shortly before his death here in the House. His work for many Americans and their right to representation in this body after he left the bench also entitles his memory to be noted here.

May I say that this is only one of many commemorations that are being held for Judge Higginbotham around the country. I myself was at such a memorial for him just 2 weeks ago at the Yale Law School. There are memorials at the several law schools where he taught, in addition to the many other things that he did in his life.

There will also be a memorial here in the House sponsored by the Congressional Black Caucus for Judge Higginbotham in April, and Members will receive notice of that memorial. We expect that his wife, herself a distinguished scholar, Dr. Evelyn Higginbotham, will be here.

The man we commemorate on the Floor this afternoon is a man of rare talent and humanity, an extraordinary American, an astute scholar, a great Federal judge. I would like to say a few words about his role as a judge and his role as a scholar, as Members may come to talk about the role he played in lawsuits that were brought by Members in order to secure their places here as representatives in the House of Representatives.

When Judge Higginbotham was appointed, initially named to the bench by President Kennedy, who then was assassinated, and had his name moved forward by President Johnson, he was one of the youngest men ever appointed to the bench, and one of the first African Americans ever appointed to the Federal bench.

But I must tell the Members that this was not the kind of superlative that Judge Higginbotham was after in his life, the youngest or the blackest or the first of a kind. He spent his life being the best. He gave real meaning to a word we throw around without always being able to document it, the word "excellence."

Who is Leon Higginbotham? Leon Higginbotham was a poor black boy from Trenton, New Jersey, whose parents had no education, elementary school education, but whose life tells us that all you need is a mother and father who care deeply that you get an education in order to reach your own potential.

He had deep racial experiences as a child, even in the north, as Trenton, New Jersey, is located. But in a real sense, his own dedication to racial equality goes far beyond the personal.

It is very easy for me to be against racial segregation, because I went to segregated schools. That is hardly a principled position. It is a very important stimulus, and it is a very compelling way in which to understand racial segregation.

But Judge Higginbotham understood equality in racial terms out of his own life, and understood and was dedicated to equality as a universal principle. He felt as deeply about equality for women, for example, as for African Americans. He did not believe that the word or the idea of equality could be segmented.

It was my great privilege to know Judge Higginbotham up close when I was a young woman just coming to the bar, because I was privileged to be his first law clerk. Every student out of law school wants to clerk somewhere, and particularly for a Federal judge. But I have to tell the Members that there are Federal judges and there are Federal judges. The experience of clerking for an energetic, young, principled, brilliant Federal judge was a very important one for my own professional development.

Judge Higginbotham had already been the first black to serve on the Federal Trade Commission, but he had not had a lot of experience with young people. He was very young himself. He immediately made me into his apprentice, an extension of the judge. Of course, clerks do research for the judge, but we did research together. We wrote together. He would give me something that he wrote to edit. I would give him something that I wrote to edit.

The experience of working that closely with someone that accomplished is a wonderful way to get initiated into the profession. He was a consummate professional, a first class technical lawyer, which is something every young person could do with when you get out of law school and are, in effect, first then learning to be a lawyer.

Moreover, Judge Higginbotham was a wonderful mentor. That is not the word we used then. Mentoring has become something that is often spoken of today. It was simply a natural way to proceed for the judge, for I was the first of a very long line of clerks, research assistants, interns. We are all over the country now. Many of them worked on his books. Some of them assisted in his chambers. All of them learned from him.

At the same time, Judge Higginbotham, who will be known for his boldness on racial issues after he left the bench, enjoyed enormous respect at the bench and at the bar for his work as a judge.

First of all, there was his prodigious capacity for work. Then there was the thoroughness with which he went about his work, first as a lawyer, and then as a judge. Although we know the judge for his deep racial views, he is one of the most respected judges or was one of the most respected judges in the

United States for his principled interpretation of the law.

If you are a judge, and ultimately Judge Higginbotham became the chief judge on the Court of Appeals for the Third Circuit, you have to follow precedent if you are abiding by the rule of law, the rule of the law.

Let me quote from the Chief Judge of the Third Circuit today, Judge Edward Becker. I am quoting:

His jurisprudence was always anchored in the record. He could be and was eloquent in opinions when he was vindicating civil rights, but he didn't reach for the result. He was a good craftsman and an altogether solid judge.

Now, as judges go, Judge Higginbotham, I think, when one evaluates his work, will be remembered as an activist judge. I am proud of that. I know the gentlewoman is. But the fact that he could do that within his craft, adhering to the rule of law in a principled fashion, says everything about why he was so highly regarded everywhere among his peers who serve or have served on the bench.

Make no mistake about it, A. Leon Higginbotham was a black man, and understood himself as a black man. The gentlewoman has spoken about and has read from his own works about some of his early experiences. This is a man who would never forget that he was a black man.

□ 1645

Yet, his approach to equality coming out of his treatment as a black man was universal because it taught him that everyone had to be treated in just the same way as he demanded to be treated.

One of his opinions that I believe will become an American classic was a case where the defendant sought to disqualify the judge because of his racial views off the bench. The judge had no prejudicial racial views off the bench, but he was known to speak before groups about his feelings about racial equality.

The judge responded to this request that he recuse himself from hearing the case about racial discrimination with an exhaustive opinion. Here was a judge that just did not say that "I am not going to do it, and I resent the fact that you want me to get off the case simply because I am black and believe that black people should be treated equally and have dignified to say so." That is not how the judge did it. He wrote an exhaustive opinion showing why he should not be disqualified.

One of the lines from that opinion I want to read: "Black lawyers have litigated in the Federal courts almost exclusively before white judges, yet they have not argued that white judges should be disqualified on matters of racial relations."

But I would like to say a word about Higginbotham the scholar. The gentlewoman from Texas read from a book by the judge, "In the Matter of Color." I have an autographed copy here that is

very precious to me, and it is a book that was 10 years in the making because it documents the way in which the law was as enmeshed in all of our racial doctrine and practices.

What he demonstrates through a detailed evaluation of the case law and the statutory law in about a half dozen of the colonies is that without the law every step of the way, slavery, and later discrimination, would have been impossible. Law was the handmaiden of slavery and discrimination. Facilitated it. Augmented it. Made it possible.

Here was a man who loved the law. Loved the law enough to expose the law for the role it had played in the deepest injustice in our society so that we could understand it, throw it off, as will be the case when we do understand the derivation of an issue.

Leon Higginbotham lived several lifetimes all in one for his 70 years. I believe that his role as a scholar of the history of the law will be remembered as least as much as his role as a lawyer and a judge, because of these two monumental books, "In the Matter of Color," and the second book, "Shades of Freedom." He had intended to do about a half dozen such books. He got two done.

Essentially, what Higginbotham did was to look at 300 years of law. And when I say "law" I do not mean reading decisions of the Federal courts. I mean looking at every single case in the colonies, every single statute in the colonies, and in the process he unmasked what was and can only be called a jurisprudence of racism that is part and parcel of our law and was there from the very beginning. He showed how it was there even at the time of the writing of the Declaration of Independence which, of course, does not mention race at all.

Thus, what Higginbotham did as a scholar was to show us the law at its worst and our law as it is now becoming as its best. In effect, what he shows are the extraordinary, huge contradictions in our law and that these contradictions survived even the Civil War, which after all was fought in part to erase slavery and contradictions based on race. Instead, a new case law came into being and fortified discrimination to follow slavery.

In a real sense, Leon's time on the bench and his scholarly investigation is what undergirded his passion against racial discrimination. It is, as I have indicated, easy enough to have passion against racial discrimination that is felt. What was extraordinary to see was how Higginbotham was animated by what he had read about slavery, what he had discovered about the role of the law in perpetuating slavery and discrimination.

At the end of his life, that is what propelled him. It was intellectual curiosity at its best. And as one of his former law partners have said, he died working, which is what he wanted to do. He died in love with the law, exposing the law, wanting to let everyone

know what was wrong with it so that we could make it right. And he spent much of his life doing what it will take to make it right.

Like the gentlewoman, I would like to close by reading a couple of passages from "In the Matter of Color," because these passages document what I have been trying to convey about why the judge wrote about the law's imperfections.

I am quoting here: "Specifically, this book will document the vacillation of the courts, the State legislatures, and even honest public servants in trying to decide whether blacks were people and, if so, whether they were a species apart from white humans, the difference justifying separate and different treatment. I am aware that an analysis of cases, statutes and legal edicts does not tell the whole story as to why and how this sordid legal tradition managed to establish itself. Nevertheless, there is merit in abolitionist William Goodell's statement: 'No people were ever yet found who were better than their laws, though many have been known to be worse.'"

Finally, let me read the last passage I want to bring to the attention of this body. The judge goes on to say, "While I do not represent what I put forward here as a complete picture of the practices of the society, that canvas will never be painted unless someone first treats adequately the interrelationship of race and the American legal process."

Mr. Speaker, we are a part of the American legal process. To the extent that we come to grips with the scholarly discoveries of Leon Higginbotham, we will avoid the pitfalls out of which we have just come. Leon Higginbotham served us in so many ways. As a lawyer, as a judge, as a scholar, enlightening us, humanizing us in each and every role.

This special order simply brings to the attention of this body the role that a great man has played in the life of our country.

Mr. Speaker, I thank the gentlewoman from Texas for yielding me this time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman for both her passion and her distinct eloquence.

Mr. Speaker, I think it is very clear, after her rendition, why I thought it was so important to come to the floor and honor this great American. I am delighted as well that other Members are joining us, and I wanted to comment on some of the points made by the gentlewoman from the District of Columbia (Ms. NORTON) in that she defined a special role and responsibility and interaction that she had with Judge Higginbotham.

I guess I can call myself a product of Judge Higginbotham's work, for in the State of Texas I would venture to say that it would be difficult to count more than 20 African-Americans on our entire State elected judiciary. Judge

Higginbotham and his research helped enunciate or make plain those difficulties.

The existence of this 18th Congressional District is by the very fine works of Judge Higginbotham and his supporting team, the NAACP Legal Defense Fund, who argued against the demise of minority-majority districts which, for some reason, has gotten a bad name in our legal system and all we see it is as an attempt at representation.

But I think that it started early in his life, his recognition of the fact that he had to be a fighter. I am glad the gentlewoman ended on the fact that he was a great American. He, as a child, wanted to be a firefighter. But it was a time when racism and bigotry would not allow this dream to become a reality. And it is somewhat ironic that we have the ugliness of racism to thank for this advocate of civil rights. Thus, as he wanted as a youth to be a firefighter, he became in the end the responsible person for the dampening of the fires of racism.

As a jurist and as an author, Leon Higginbotham's dedication to civil rights of all Americans was unmatched. Judge Higginbotham reminded us in poignant terms and with his powerful voice of our Nation's tortuous and still unfinished struggle to live up to its constitutional mandate of equal justice under the law. He realized that the Constitution was an inclusive document designed by our founding fathers to include all Americans and he fought with all his might and intellect to protect his principles and guarantees.

One can imagine our perspective in the House Committee on the Judiciary during the impeachment proceedings when he brought this eloquence, this statesmanship, this intellect into those impeachment proceedings. Everyone to a one, Republicans and Democrats alike, respected this giant intellectual. And he handled us in that committee. And it was not with insult, but it was with straightforwardness. He knew the Constitution. He had lived it and he shared his vision with us. I thank Judge Higginbotham for that.

He was an African-American judge and we just finished celebrating African-American History Month. He is the kind of person that I know in years to come I will go into the halls of our elementary schools and middle schools and rather than seeing some of the age-old heroes that all of us support from the 1800s and early 1900s, and maybe the new ones, the athletes of the 20th century, we will begin to understand the role of Judge Higginbotham. And I can imagine that his face will be plastered all over the schools of America: Here we see a popular judge.

As a judge, he authored 600 opinions in 29 years, first on the U.S. District Court for the Eastern District of Pennsylvania then on the Third U.S. Circuit Court of Appeals, and finally as that court's Chief Judge.

He was a judge hero. He won awards. The Presidential Medal of Freedom in 1995, the Raoul Wallenberg Humanitarian Award, and he was so respected as a humanitarian that in 1994, South Africa President Nelson Mandela called him to be an international mediator in that country's first election.

He would never turn down anyone without a voice. At the height of racism in our country, Judge Higginbotham was able to break the color barrier and become an influential member of our society. He serves as an inspiration. And so it is important that we honor this soldier, born on February 25, 1928, in New Jersey. He was a son of New Jersey, and he liked to tell people before his death that there were only two books in his home, a dictionary and a Bible.

Higginbotham's personality and character are taken from his parents who believed that a man should be kind to everyone, regardless of their social class, and that they should be strong in their convictions. His father was a simple plant laborer who worked at the same plant for 45 years, and Judge Higginbotham would say that his father was late to work only once during that tenure.

Judge Higginbotham acquired his father's work ethic which few matched during his career as a judge, author, lawyer, professor, humanitarian.

□ 1700

But, oh, how he loved his mother. She had a sixth-grade education. He gave his mother credit for his appreciation of the value of education and compassion for his fellow man. His mother as well contributed to young Leon Higginbotham's work ethic. She not only raised him but also the children of the people for whom she worked.

Judge Higginbotham would often say of his mother that, if she had been given the opportunity, she could have been a lawyer or great psychiatrist. He would often refer to the lost opportunities of his mother and other African Americans by referencing the story of Saint Peter and Napoleon.

The story goes on that Napoleon happened upon Saint Peter one day in heaven and said he was the greatest general in the history of the world. Saint Peter responded to Napoleon, "No, you are not the greatest general."

Two days later, confused how he could not be the greatest general with his numerous victories, he asked Saint Peter if he could meet this individual. Saint Peter took Napoleon to meet this individual. To Napoleon's surprise, he recognized this person. Napoleon commented to Saint Peter that this individual had only made shoes for his army, and that Saint Peter must have been mistaken.

Saint Peter replied, "No, I am not mistaken. If this individual had been given the opportunity, he would have been the greatest soldier the world would have ever known."

Judge Higginbotham was a soldier but, as well, in his humble beginnings,

became a great jurist. So in his enrolling in Yale Law School, that further refined his desire, his intellect for service in the civil rights war.

He indicated that a janitor at Yale moved him to his ultimate commitment to civil rights. One of the greatest legal minds that this country had ever seen was convinced by a janitor that he made the right decision to attend Yale.

What most people do not realize is that, during that conversation that Judge Higginbotham had with this janitor, the janitor told Judge Higginbotham that he had worked sweeping those floors at Yale for 25 years in the hopes that he would see the day when an African American entered the doors of Yale. Judge Higginbotham did that in 1949 and graduated in 1952, going on to his first job as an Assistant District Attorney in Pennsylvania, going on to Special Deputy Attorney General for Pennsylvania, appointed by John F. Kennedy to the Federal Trade Commission, all firsts, and then ultimately to the 1964 appointment to the U.S. District Court in the Eastern District of Pennsylvania. President Kennedy had nominated him in 1963, but a Mississippi Senator blocked his appointment for a year.

I want to just note for the RECORD a comment by Bernard Wolfman on Judge Higginbotham when he invited Judge Higginbotham to teach at Pennsylvania Law School. He described his aptitude and skill as a professor with the following description: "He has demonstrated by his life's work how one can love and serve the law at the same time as he makes a proper target of stringent criticism because of his prejudice, assumptions and dogma and because of the harm it inflicted on the people of color whose slavery in America the law had embraced and whose ultimate freedom the law was slow to promote or assure."

What an apt description of Leon Higginbotham. So much you could say, so much we want to say, so many denials to him, but yet so much a warrior and a victor, but yet a kindly man, astute with his own learning, but humbled by his own experience.

I am gratified today, Mr. Speaker, that Members of this House have come to join us in honoring Judge Leon Higginbotham. With that, I am delighted to yield to my esteemed colleague, the gentlewoman from Cleveland, Ohio (Mrs. JONES) who has joined us in this special order.

Mrs. JONES of Ohio. Mr. Speaker, I want to thank the gentlewoman from Texas for this opportunity to be a part of this special order regarding the great, late Judge Higginbotham.

The gentlewoman from Texas (Ms. JACKSON-LEE) should be commended for organizing this special order, because we are paying tribute to one of America's greatest jurists and legal scholars.

I will always remember him as an advocate of civil and human rights. He

was a shining example of integrity and set the standard which all African Americans who aspired to be a Federal judge should meet and the standard that any person aspiring to be a Federal judge should meet.

Judge A. Leon Higginbotham was appointed to the Federal bench in 1964. In 1989, he became the chief judge of the United States Third Circuit Court of Appeals, which covers Pennsylvania, New Jersey, and Delaware.

He retired from the bench in 1993 but never from the struggle. Judge Higginbotham used his courtroom to display his dedication to human and civil rights. He enforced the broad constitutional protections of individual rights and personal liberties in tribute to his roll model, the late Supreme Court Justice Thurgood Marshall.

It would only be interesting and axiomatic that, in fact, Judge Higginbotham had the opportunity to comment with regard to Judge Marshall's replacement on the bench and the need to never forget from whence you came.

History will recognize him as more than an outstanding jurist. He was an outstanding African American. He used his intellect as a tool to address the wrongs in America.

According to a noted Harvard law professor, Charles Ogletree, "He was the epitome of the people's lawyer. Despite his individual merits and accomplishments, he never hesitated to lend a hand to the poor, the voiceless, the powerless, and the downtrodden."

As a child, the Judge learned firsthand that separate and unequal reduced opportunities had cast a shadow on the horizon of African Americans. Judge Higginbotham credits his mother with instilling in him the importance of education. Education was the key that could unlock the door.

Soon after joining the Federal bench, Judge Higginbotham began teaching at the University of Pennsylvania. My colleagues have talked about his career prior to the bench and after the bench. But he would eventually author more than 100 Law Review articles and author a book, as has previously been said, entitled "In The Matter of Color."

In Cleveland, Cuyahoga County, Ohio, I had the opportunity and privilege to serve as a judge for more than a decade. He inspired me, Judge Higginbotham, to stay in the court, to be willing to make the right decision even when it was not the popular decision, to be a judge who was not content to hide behind the cannons of ethics, but willing to speak out on matters with respect to the legal system without violating those cannons of ethics.

I am pleased and privileged to stand before my colleagues today and to tell them that the last time I had a chance to see Judge Higginbotham was in Cleveland at Case Western Reserve University. He was delivering the Judge Frank J. Battisti lecture.

It is something that Judge Frank J. Battisti was, in fact, the judge who

made the decision in Cleveland that the school system had unfairly, unconstitutionally segregated schools for African American children.

Here it was Judge Higginbotham delivering that lecture. I have to tell my colleagues the room boomed. He delivered that address, stood tall above everyone else. I was pleased to have had an opportunity to be in the audience.

Judge Battisti's wife said, as she introduced Judge Higginbotham, no one could better deliver the lecture on behalf of her husband who took a lot of flack for saying that the schools in the City of Cleveland were unlawfully and unconstitutionally segregated.

In closing, Mr. Speaker, I want to thank the gentlewoman from Texas (Ms. JACKSON-LEE) for organizing this special order. Mr. Speaker, I want to thank you for the opportunity to be heard. I ask all Americans to join us in celebrating a great American hero, the great, late Judge A. Leon Higginbotham.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from Ohio for her passion, her enthusiasm, and the excitement that she has generated around the life and legacy of A. Leon Higginbotham. This is very special to have the gentlewoman's participation.

Mr. Speaker, I yield to the distinguished gentleman from New Orleans, Louisiana (Mr. JEFFERSON), the next governor of the State of Louisiana. And I hold in my hand one of the cases of Judge Higginbotham, the State of Louisiana versus Ray Hayes.

Mr. JEFFERSON. Mr. Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for yielding to me and for that very accurate description of me.

Mr. Speaker, I rise today to pay tribute to a great American, Judge A. Leon Higginbotham, Jr., a man who was a giant in stature, a giant in intellect, and a giant in his unparalleled achievements.

Physically, Judge Higginbotham was a towering man who stood over 6 foot 4 inches tall and possessed a booming voice that was both awesome and inspiring. At a memorial service held for him in Philadelphia, there were many references to the voice, the Judge's booming baritone that commanded respect and attention in every setting.

Intellectually, Judge Higginbotham's peers heralded him as one of the most brilliant jurists, historians and scholars in the history of American jurisprudence. His numerous accomplishments include almost 30 years of distinguished service on the Federal bench, coveted teaching positions at both the University of Pennsylvania and Harvard University, and two renowned books and numerous articles on race and the American legal process.

In service, Judge Higginbotham was always a person of compassion, principle, and integrity. Though his work schedule was legendary, Judge

Higginbotham found the time to serve as a mentor, as a teacher, as an advisor, and as a friend to countless many.

In my own personal experience, Judge Higginbotham has come to this Congressional Black Caucus on numerous occasions to provide us advice, lectures, and to be involved in our Congressional Black Caucus weekends and stir us to a great achievement. He has been an inspirational figure for our Caucus for many years and was one who was always ready to give of his time.

In my own personal work for the Black Caucus, Judge Higginbotham joined with me and with Lou Stokes and the gentleman from Missouri (Mr. CLAY) to help in a project to raise money and to explain to the giving community how important it was to support reinforcement efforts around the country through that giving and through their support.

He traveled with us to New York and to Philadelphia to make the case as to why it still made sense for the community at large to give in this very important endeavor.

I can tell my colleagues, and on a more personal note, for my daughter Jamila, who was a student at Harvard Law School when Judge Higginbotham was there in his last years, he was her third-year paper advisor and was one who took the time to help her to get through her third year preparation and to graduate well from Harvard Law School. So I thank him personally for what he did for my family, particularly for my daughter.

Undoubtedly, Judge Higginbotham's personal attributes and professional accomplishments qualify him as a great American. However, I believe that his legacy lies in the fact that he used these attributes not to enrich himself but, instead, to enrich America.

He used his remarkable talents to mount an intellectual challenge to all vestiges of racism in society and the law and to provide constructive critique of those who chose to feign a color-blind vision of society and politics in America as an excuse for not dealing with the tough racial issues that face us all.

In his own words, "One of the biggest problems for American society during the 20th century is our not recognizing the consequences of racism and that the real test of the 21st century is our being able to move from equality in the abstract to equality in significant results."

It is not an overstatement to say that, in the last several decades, whenever the issues of social injustice were to be dealt with in this country, at the core of the debate was Judge Higginbotham, standing and speaking out on these very important questions.

Judge A. Leon Higginbotham was an extraordinary human being, who, in 1995, received the Nation's highest civilian honor, the President's Medal of Freedom.

Although he is gone, his legacy will live on in the many individuals whose

lives he has touched. We all shall remember him fondly, Mr. Speaker, and we shall miss his work with us, and God bless his family and keep him high in our memory.

I recall, as I stand here, the words of Frederick Douglass, which I think speak well to how we should remember Judge Higginbotham, and speaking about a fairly different issue, but nonetheless one that is related, the issue of liberty and freedom.

Frederick Douglass said something like this, "When it is finally ours, this freedom, this liberty, more usable to man than earth, more important to man than air, when it is finally ours," he said, "then when it is more than the mumbo jumbo of politicians," he said, "when it is diastole, systole, reflex action, when it is finally ours," he said, "then this man, this Douglass, this negro, beaten to his knees, but yearning for the day when none are enslaved, none are alien, none are hunted, then this man," he said "this Douglass will be remembered, oh, not with the statuted rhetoric," he said, "and not with wreaths of bronze alone, but with lives, grown out of his life, with lives fleshing his dream of this beautiful needful thing."

□ 1715

And so Judge Higginbotham's life will flesh our dreams of freedom and liberty in this country and we will live and work in the future and achieve because of the life and the legacy of this great man.

I thank the gentlewoman for yielding to me.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman very much for those very moving closing remarks and the words that would be attributable to Judge Higginbotham.

I now want to yield, Mr. Speaker, to the chief constitutionalist on the Committee on the Judiciary, also a Yale law graduate and certainly friend of Judge Higginbotham, the gentleman from North Carolina (Mr. MEL WATT).

(Mr. WATT of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Speaker, I want to thank my colleague, the gentlewoman from Texas (Ms. SHEILA JACKSON-LEE), for organizing this special order in tribute to a wonderful human being and statesman, Judge Higginbotham.

Let me start by just expressing condolences to Judge Higginbotham's wife, Evelyn Brooks Higginbotham, and to his two sons and his two daughters. They stood with him and by his side and enabled him to provide a service to our country that, in my estimation, is unparalleled in many respects.

This is a very sad occasion for all of us, when we pay tribute to a fallen hero, and Judge Higginbotham, indeed, was a hero for us. He was a man who practiced tolerance, and he practiced it because he had experienced many episodes of intolerance and he understood

the impact that intolerance and prejudice breeds in this country.

While he was a student at one university he complained about substandard housing for black students and was told by the president of the university, "The law doesn't require us to let colored students in the dorm, and you can either accept things as they are or you can leave, immediately."

Despite his outstanding academic credentials, he was denied employment by two major white law firms when they realized that this man, with these credentials on paper, was a black man.

So his tolerance and fight against intolerance grew out of himself being discriminated against and experiencing the negative impact of intolerance.

We can often tell a lot about a man by what other people say about him, and it was interesting to me some of the things that people said about him.

Here is Thurgood Marshall. Thurgood Marshall, former Justice on the United States Supreme Court, said of Leon Higginbotham: "A great lawyer and a very great judge." Not a long accolade, just concise and to the point.

President Clinton on Judge Higginbotham: "One of our Nation's most passionate and steadfast advocates for civil rights."

People were always calling this man a hero, but he was also a very humble man. Professor Charles Ogletree, "The epitome of the people's lawyer. Despite his individual merits and accomplishments, he never hesitated to lend a hand to the poor, the voiceless, the powerless, and the downtrodden."

This was a man who could command the respect of all of us, and did command the respect of all of us, yet he fought all the way to the end for ordinary common people.

I remember very well when my Congressional District was in the midst of litigation, and he said, "You know, we need to convene a group of people to talk about the importance of having minority representation in the Congress of the United States." About 2 weeks after that I got a call telling me that scholars and historians and professors and college presidents were convening to have a discussion about this issue in North Carolina.

He had just gotten on the phone and called systematically people that he knew would have an interest in this, and they all interrupted their schedule to come and have a discussion about how we would communicate to a court the importance of having minority representation in the Congress of the United States after North Carolina had been without a minority representative in Congress for over 90 years. What would one say to a court that would communicate the importance of the decision the court was being asked to make?

That was the kind of command that Judge Higginbotham had of people around him. They respected him so much that they would drop other things and respond to his request.

I remember very well the last encounter I had with Judge Higginbotham. I knew he had had a heart attack, and he had gone through an extended recovery period. All of a sudden, we were having a hearing on the impeachment matter in the Committee on the Judiciary and there was Judge Higginbotham expounding on the historical significance of the impeachment clause in the Constitution.

When it was over, I went to him and I said, "Judge, what are you doing here; shouldn't you be at home in bed?" And he said to me, "You know, I can't quit fighting about the things that are important, and you know how I feel about the United States constitution. I got to keep fighting for that."

Within 2 weeks after that Judge Higginbotham passed away, but he was fighting to the very end, and we owe him just a tremendous debt of gratitude.

I thank the gentlewoman for yielding me the time to make these comments.

Ms. JACKSON-LEE of Texas. I thank the gentleman, and I do see that this is not enough time, Mr. Speaker, to be able to commemorate such a giant.

Let me simply say, and I am delighted that our minority whip has come to the floor, but let me thank the gentleman from North Carolina (Mr. WATT) for his words and simply say that, likewise, I chatted with Judge Higginbotham on that day in the Committee on the Judiciary when we held hearings on the impeachment, and what I noted most of all was his attempt to show his young students, six of whom he had brought with him, to show them to us and us to them and to get them to understand his passion.

Let me close, Mr. Speaker, by saying that we who knew him, miss him, admire him, and love him, but we know Evelyn and the children have an even greater feeling, and so I would simply want to bring this to my colleagues' attention: He was a giant of a man with a baritone voice. He had a way of impacting many of us. When he donned his judicial robes and he spoke from the bench, one got the sense that God was speaking up. Those were the words of one of his law clerks.

Judge Higginbotham was not God but, Mr. Speaker, he certainly was a great American who went beyond the call of duty to fight on the battlefield for equal justice and opportunity.

There are few greater tributes this esteemed body can pay an American than to recognize that individual's life and work in the public forum established by our Founding Fathers. Mr. Speaker; I rise along with several of my colleagues to pay honor to the legacy of Judge A. Leon Higginbotham.

How fortunate America was to have such a dedicated soldier in the struggle for civil rights. As a child, a young Leon Higginbotham dreamed of being a firefighter. But it was a time when racism and bigotry would not allow this dream to become a reality, and it is somewhat ironic that we have the ugliness of racism to thank for this advocate of civil rights. Thus, as a youth he wanted to serve as a fire-

fighter but in the end he answered a higher calling by "dampening the fires of racism."

As a jurist and as an author, Leon Higginbotham's dedication to civil rights of all Americans was unmatched. He tirelessly worked to ensure that there was one rule of law that applied to all individuals—no matter their race, their gender, or their disability. Judge Higginbotham reminded us, in poignant terms and with his powerful voice, of our nation's tortuous and still unfinished struggle to live up to its constitutional mandate of equal justice under the law. He realized that the Constitution was an inclusive document designed by our Founding Fathers to include all Americans, and he fought with all his might and intellect to protect its principles and guarantees.

As an African-American judge on the federal bench he would adhere to his vision on one rule of law that applied equally to all Americans. As a jurist, Judge Higginbotham authored some 600 published opinions in 29 years, first on the U.S. District Court for the Eastern District of Pennsylvania, then on the Third U.S. Circuit Court of Appeals and finally as that court's chief judge.

Among his many accolades, Judge Higginbotham was awarded the Presidential Medal of Freedom in 1995 and the Raul Wallenberg Humanitarian Award. He was so respected as a humanitarian, that in 1994, South African President Nelson Mandela asked Higginbotham to be an international mediator during the country's first election in which blacks could vote. But despite these achievements he was never one to turn away from those without a voice.

At the height of racism in our country, Judge Higginbotham was able to break the color barrier and become an influential member of our society. The accomplishments of Judge Higginbotham serve as an inspiration for all Americans but especially for African-Americans who strive to be leaders in our society.

It is fitting that my colleagues and I pause today to honor A. Leon Higginbotham because his life provides a legacy of leadership, impartiality, equality, and dedication for all public servants, and indeed, for all of humanity. The foundation for this legacy comes from two individuals who provided Judge Higginbotham with a nurturing and loving environment. Judge Higginbotham's beginnings were indeed humble, but I am sure he would describe them as his perfect fortune.

Born on February 25, 1928, Higginbotham was raised in Trenton, New Jersey. It is said that in his home there were only two books—a dictionary and a bible. Higginbotham's personality and character are taken from his parents, who believed that a man should be kind to everyone regardless of their social class, and that he should be strong in his convictions.

Judge Higginbotham's father was a simple plant laborer. He worked at the same plant for 45 years and Judge Higginbotham would say that his father was late to work only once during that tenure. Judge Higginbotham acquired his father's work ethic, which few matched during his career as a judge, author, legal professor, and humanitarian.

The mother of Judge Higginbotham completed her education only to the sixth grade level. Judge Higginbotham gave his mother credit for his appreciation of the value of education and his compassion for his fellow man.

And his mother, as well, contributed to young Leon Higginbotham's work ethic—she not only raised him, but also the children of the people for whom she would work.

Judge Higginbotham would often say of his mother that if she had been given the opportunity, she could have been a lawyer or a great psychiatrist. He would often refer to the lost opportunities of his mother and other African-Americans by referencing the story of St. Peter and Napoleon. The story goes that Napoleon happened upon St. Peter one day in heaven and asked if he was the greatest general in the history of the world. St. Peter responded to Napoleon, "no you are not the greatest general". Two days later confused as to how he could not be the greatest general with his numerous victories, he asked St. Peter if he could meet this individual. St. Peter took Napoleon to meet this individual and to Napoleon's surprise he recognized this person. Napoleon commented to St. Peter that this individual had only made shoes for his army and that St. Peter must have been mistaken. St. Peter replied, "no I am not mistaken, if this individual had been given the opportunity he would have been the greatest soldier the world would have known".

Judge Higginbotham referenced this story to highlight the many lost opportunities of African-Americans like his mother. He also referenced this story to spur young people today to take full advantage of their own opportunities. Judge Higginbotham was able to take full advantage of his limited opportunities, which made themselves apparent during his life.

The first of these opportunities came with Judge Higginbotham's acceptance into the Yale Law School. Despite his father's dismay at why his son turned down a full scholarship to attend Law School at Rutgers, Judge Higginbotham still enrolled in his first year at Yale in 1949. That year, he was one of only three African-Americans to enroll at Yale and one of only five African-Americans to enroll at any of the five Ivy League law schools.

Despite the daunting challenges of racism, not to mention the rigors of the academic curriculum at Yale, Judge Higginbotham thrived in his new environment. He received more oral advocacy awards in his tenure at Yale than any law student to that point in the school's history. Anytime doubt crept into his head regarding whether he had made the right decision, Judge Higginbotham reminded himself of a conversation he had with a janitor. Yes, that is right—janitor. One of the greatest legal minds that this country has ever seen, was convinced by a janitor that he made the right decision to attend Yale. What most people do not realize is that during that conversation that Judge Higginbotham had with this janitor, the janitor told Higginbotham that he had worked sweeping those floors for twenty-five years in hopes that he would see the day when African Americans entered the doors of Yale. Therefore, failure was not an option that Higginbotham could accept, and he forthrightly earned his law degree from Yale in 1952. He would eventually become the school's first black trustee in 1969.

Upon graduation, perhaps because of his humble origins, or because of the words of that janitor, or because of the racism that he himself experienced, Judge Higginbotham made a passionate commitment to the goal of equality for all human beings. This ideal became the hallmark of his life and his career as

he sought to help all Americans, no matter how rich or how poor, no matter how influential or how powerful.

In his lifetime, there is not much that Judge Higginbotham did not do—and do well. He has been described by his friends, “as performing in each of his roles in the first rank, with ability, dedication, energy, imagination, and courage.” His first job as an attorney came in 1952 as an assistant district attorney in Philadelphia, Pennsylvania for two years. He would later become a partner in a law firm there. His prestige grew when, in 1956, Higginbotham became special Deputy Attorney General for Pennsylvania.

His rise to national prominence came in 1962, when President John F. Kennedy appointed him to become a commissioner of the Federal Trade Commission. President Kennedy's appointment of Higginbotham marked the first time that an African-American had become the head of a federal regulatory commission.

In 1964, Higginbotham was appointed to the U.S. District Court in the Eastern District of Pennsylvania. President Kennedy had nominated him in 1963, but a Mississippi Senator blocked his appointment for a year, supposedly because of his age. After Kennedy was assassinated, President Lyndon Johnson re-nominated Higginbotham to the bench and in 1964, at the age of thirty-five, he became the youngest federal judge to be appointed in some thirty years. Judge Higginbotham was only the third African-American to be appointed as a federal district judge.

In 1977, President Carter appointed him to be a judge on the Third U.S. Circuit Court of Appeals. In 1989, he became Chief Judge on that same panel, which has jurisdiction over Pennsylvania, New Jersey and Delaware. He retired as chief judge in 1991 and stayed on as senior judge until 1993.

He was one the most prominent and visible African-American judges on the federal bench. The late Supreme Court Justice Thurgood Marshall once called Judge Higginbotham “a great lawyer and very great judge.” What made him a great jurist was his desire to see that the rule of law was fairly applied and that all received equal treatment in his courtroom. I am sure that his law clerks would all agree that despite a busy schedule, he always made time for people irrespective of the person's status or station in life.

Judge Higginbotham's career as a professor of the law was no less astonishing. As a part of his legacy, Judge Higginbotham leaves numerous attorneys who have benefited from his knowledge and experience. By his example, his writing, and his teachings—students who have had the good fortune of sitting in his classrooms have undoubtedly learned the values of careful research, and of honesty and fairness. Bernard Wolfman, who invited Judge Higginbotham to teach at Penn Law School, described his aptitude and skill as a professor with the following description:

He has demonstrated by his life's work how one can love and serve the law at the same time as he makes it a proper target of trenchant criticism because of its prejudiced assumptions and dogma and because of the harm it inflicted on the people of color whose slavery in America the law had embraced and whose ultimate freedom the law was slow to promote or assure.

Perhaps his greatest accomplishment as a professor was to instill in his students the be-

lief that they can and will make a difference in their careers as attorneys. He would reference his experiences in South Africa to illustrate his point. In a 1982 trip to South Africa he had an opportunity to speak before a group of future black attorneys. In his introduction and greeting to these students he commented that it was a pleasure to meet the future Supreme Court Judges of South Africa. His audience laughed at this notion because at this time South Africa was still under the rule of apartheid. Just a few years later, Judge Higginbotham would return to South Africa at the invitation of Nelson Mandela, to become an international mediator for issues surrounding the 1994 national elections in which all South Africans could participate for the first time. On that visit, there is no doubt, that Judge Higginbotham must have thought about those students whom he had addressed in 1982.

Judge Higginbotham often referenced this story to point out to law students that one does not truly know when his or her opportunity will present itself. He wanted all potential lawyers to realize the importance of their service to the Constitution and the laws of this nation.

Judge Higginbotham is also acclaimed for his multi-volume study of race, “Race and the American Legal Process.” In those books, he examined how colonial law was linked to slavery and racism, and examined how the post-emancipation legal system continued to perpetuate the oppression of blacks.

Just recently, Judge Higginbotham testified before the House Judiciary Committee where he demonstrated his firm commitment to the Constitution before an esteemed panel of lawyers, judges, and legal historians. I do not think that there was an American who, after they heard him speak, did not turn away with a profound respect for his convictions, his considerable intellect, and his passion.

With his baritone voice that drew the envy of singers everywhere, Judge Higginbotham was often said to be larger than life when he donned his juridical robes. “When he spoke from the bench you got the sense that God was speaking up there,” said Edward Dennis Jr., who clerked for Higginbotham in the 1970's. And although I am sure Judge Higginbotham would have frowned on that comparison, I am sure there are many lawyers and clients who would not. While the thoughts and memories of his fierce questioning surely continue to instill fear and respect from those lawyers that advocated before him, I seriously doubt that any of them would ever challenge his judgement, or his fairness.

Judge Higginbotham championed equal rights and the Constitution with unmatched passion and energy. Rest assured, although there will never be another A. Leon Higginbotham, there remain many disciples who will continue to follow in his legal tradition. I can only hope to be considered amongst them.

Mr. HOLT. Mr. Speaker, the Honorable A. Leon Higginbotham, who recently passed away at the age of 70, was a highly esteemed jurist, renowned scholar, noted lecturer, and civil rights leader.

But the citizens of central New Jersey had a special connection to Judge Higginbotham. For them, particularly the African-American community, he served as a shining example of hope for the future.

A native of Ewing, New Jersey located in my Congressional District, Judge Higginbotham was widely known in his youth as a talented musician and excellent student. At a time when professional and academic possibilities for blacks were severely limited, his outstanding accomplishments represented hope that such success was within the reach of all our children.

The African-American community knew that he was forced to live in an unheated attic room because his college had no housing for blacks. They knew of the struggle he endured at Yale Law School and during his early years in the legal profession.

But his perseverance and refusal to settle for anything less than excellence made Leon Higginbotham a living symbol of the possibilities for all children.

I am proud to take this time to salute Judge Higginbotham, and on behalf of all the citizens of the 12th Congressional District, would like to express my condolences to his family.

Mr. CONYERS. Mr. Speaker, I rise today to pay tribute to a giant within American jurisprudence, Judge A. Leon Higginbotham, Jr. He was a civil rights champion who died with his boots on; it was only a few weeks before his death that Leon Higginbotham testified before the House Judiciary Committee in protest of its impeachment process.

Judge Higginbotham's contributions to the law, both as a peerless judge and superb educator, were immense. His love for the cause of justice made him a colossus of the civil rights movement. In his impeccably coherent and flawlessly logical testimony before the House Judiciary Committee, Judge Higginbotham reminded the nation's lawmakers, and the American people, of his legal brilliance.

The achievements of Leon Higginbotham should serve as an inspiration to Americans of all ages. His legacy is a stellar example of a meritocracy at work, that diligence and opportunity can be an equalizing force against the vestiges of racism. After obtaining a brilliant record as a civil rights attorney, he was first appointed to a federal judicial post in 1964. His performance as one of the country's most consistent and fair judges led to his appointment to the U.S. Circuit Court of Appeals. As a mediator in the 1994 South African elections, that country's first post-apartheid experiment with democracy, Judge Higginbotham shared with the world his judicial expertise and impartiality. The entire country paid him tribute in 1995, when President Bill Clinton awarded him the Presidential Medal of Freedom. There is no question that Leon Higginbotham belongs to that group of exceptional people which any nation would be proud to call its own.

His outspoken courage and passionate opposition to racism were unceasing. Judge Higginbotham's condemnation of the damage that discrimination and disregard for individual civil rights does to the justice system made his “Race and the American Legal System” one of the most important and influential legal texts in the history of our country.

I am honored to join my colleagues in saluting the living legacy of Leon Higginbotham. His compassion and respect for the individual, combined with his unrivaled knowledge and love of the law, make him a person I am proud to have known. We shall forever be indebted to Judge Higginbotham for his superior commitment to justice and his impeccable example of judicial scholarship and service.

Mr. PAYNE. Mr. Speaker, I am pleased to join my colleagues in paying tribute to one of the true heroes of our time, and a personal hero of mine, Judge Leon Higginbotham.

One of the proudest moments of my life was in January of 1989, after having won election to the U.S. House of Representatives for the first time, when Judge Higginbotham administered the oath of office to me at a ceremony in the Rayburn Foyer. Being sworn in as New Jersey's first African American Congressman by a man of Judge Higginbotham's Stature, who had achieved such a place in history, is an honor I will always remember. Earlier in my career, Judge Higginbotham nominated me for President of the National Council of YMCAs and I remain grateful for that honor as well.

It was characteristic of Judge Higginbotham that no matter how high he rose, he was always available whenever anyone needed his help or guidance. He never missed an opportunity to encourage young people to achieve their goals.

Judge Higginbotham was a man of great intellect, ability and passion for justice. He was a native of my home state of New Jersey, where he grew up in the segregated society of Trenton. With determination and fortitude, he forged ahead, graduating from Yale Law School in 1952. During President John Kennedy's Administration, he was appointed as the first African American to head the Federal Trade Commission.

In 1964, President Lyndon Johnson nominated him to the U.S. District Court for the Eastern District of Pennsylvania. He joined the Third Circuit Court of Appeals in Philadelphia in 1977, where he retired as Chief Judge in 1991.

President Clinton awarded Judge Higginbotham the Presidential Medal of Freedom in 1995 and in 1996, he was honored with the NAACP's Springarn Medal.

Mr. Speaker, Judge Higginbotham was truly larger than life. Let us honor his memory and carry forth his proud legacy.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this tribute to Judge Higginbotham.

The SPEAKER pro tempore (Mr. COOKSEY). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

DISCRIMINATION CONTINUES AT AMERICA'S AIRPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, let me just begin by echoing the comments of the gentlewoman from Houston, Texas (Ms. JACKSON-LEE) and the gentleman from North Carolina (Mr. WATT) about a real giant in our history, Judge Higginbotham, who was a noted defender of civil rights; who went on to

become one of the country's most prominent African American judges; and who, through his long and distinguished career, stood on the side of those who needed help.

He, as we have heard, was awarded numerous awards, including the Medal of Freedom for his work and also the Wallenberg Humanitarian award.

He was a giant, and he certainly will be missed, and I thank my colleagues for remembering him and bringing his spirit to light again so that the country can appreciate this remarkable man.

□ 1730

It is with that that I would like to make a transition to another issue, but the transition is easy because it is a civil rights issue, Mr. Speaker.

In the Washington Post today, I read that five workers, all Muslim women, have filed a religious discrimination complaint with the Equal Employment Opportunity Commission. Apparently, according to this article, it was in the Metro section, I believe, of the Washington Post, they were fired from their jobs as screeners of passengers and luggage at Dulles International Airport because they refused to remove the head scarves they wear for religious reasons.

Their employer, Argenbright Security, Incorporated, told them they would have to give up their head scarves or give up their jobs. Now, faced with such a choice, they chose to honor their religious commitment.

As a result of the women's complaint to the EEOC, Argenbright Security is now backtracking. The company has issued a statement denying religious discrimination and inviting these five women to return to work.

What this incident does, though, is raise a larger issue, and, that is, of the widespread and systematic discrimination against Muslims and Arab Americans at airports all across this country. Under current procedures, security companies like Argenbright are used to enforce profiling standards to ensure airport security.

But you have to ask yourselves that if firms like Argenbright cannot even treat their Muslim employees fairly, how are we to believe they will treat Muslim passengers whom they do not even know in a fair and courteous manner?

Now, we all understand that airport security is a must. But the people who are responsible for it should be trained in a way that ensures cultural sensitivity and fairness as they carry out these important responsibilities. This profiling issue is a huge embarrassment and problem, especially in the Detroit metropolitan airport. We have, as many of my colleagues may know, in the State of Michigan a large Arab-American and Muslim population, almost 700,000, close to 8 percent of our State.

Because of the incidence of stopping these women and gentlemen as they come through the airport, I had a hearing at the airport, organized it, and I had Jane Garvey, the Director of the FAA, Federal Aviation Administration, come with her top people, and she heard stories from folks who told how they were stopped, denied passage because they fit a certain profile.

One family, a good family, friends of mine, Dr. Basha and his family have been stopped on several occasions as they traveled on vacation to the Middle East. Another woman told of her son who was an Olympic rower going to a meet for a trial for the Olympics in Cincinnati and he was detained, missed the flight, missed the opportunity for the Olympics, because he fit a certain profile. We had another person who was a police officer in the Detroit area who was stopped and detained because he fit a profile.

Now, let me say that this is not the first airport and this is not the first incident that led me to believe that airport security is being contracted out to companies who do not have a commitment to treat all Americans with fairness and dignity.

I just want to applaud these five women for standing up for their religious beliefs and for their rights, for their rights on the job. I intend to contact the FAA about this situation and to insist that companies providing security at our airports do so without discriminating against Americans regardless of their religious faith or their ethnic heritage.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING INTERIM BUDGET ALLOCATIONS AND AGGREGATES FOR FISCAL YEARS 1999-2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Section 2 of House Resolution 5, I submit for printing in the CONGRESSIONAL RECORD interim budget aggregates and allocations for fiscal year 1999 and for the period of fiscal years 1999 through fiscal year 2003. This submission includes the budget aggregates and allocations to the Committee on Appropriations that were not included in my submission on February 25.

These interim levels will be used to enforce sections 302(f), 303(a) and 311(a) of the Congressional Budget Act of 1974. Section 303(a) prohibits the consideration of legislation that provides new budget authority or changes in revenues until Congress has agreed to a budget resolution for the appropriate fiscal year. Sections 302(f) and 311(a) prohibit the consideration of legislation that exceeds the