

Wars, the Korean Conflict, the jungles of Vietnam, and the sands of Desert Storm. But many who served did not come home.

They came from every walk of life. They were our friends, neighbors, mothers, fathers, sons, daughters, sisters and brothers. They were ordinary and extraordinary all at once, and all Americans should honor their sacrifices. Freedom is not free. But freedom is worth fighting for. On Veterans Day, and every day, let us salute Lt. Commander Cranford and all our nation's veterans. May God Bless America, now and forever.

PERSONAL EXPLANATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. WEINER. Mr. Speaker, I was unavoidably detained in my District on Tuesday, November 13, 2001, and I would like the RECORD to indicate how I would have voted had I been present.

For rollcall vote No. 436, the conference report for the Agriculture appropriations act for fiscal 2002, I would have voted "aye."

For rollcall vote No. 437, a bill to enhance the authorities of special agents and provide limited authorities to uniformed officers responsible for the protection of domestic Department of State occupied facilities, I would have voted "aye."

IN MEMORY OF MAMON POWERS, SR.

HON. PETER J. VISCOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. VISCOSKY. Mr. Speaker, it is with great sorrow and a heavy heart that I offer my heartfelt condolences to the family of a pioneer in the communities of Northwest Indiana. Mr. Mamon Powers, Sr., a construction worker and owner of Powers and Sons Construction Company, died on Tuesday, November 13, 2001, following a long struggle with illness, and will be laid to rest on Saturday, November 17, 2001. Mr. Powers was 80 years old.

Mamon Powers, Sr. was born of humble means in the small town of Churchill, Mississippi. The son of a preacher and home-builder, Mamon learned the virtues of hard work and strong faith at an early age. Although African-Americans were only allowed to attend school through eighth grade in Churchill at that time, Mamon refused to be encumbered by the bonds with which society attempted to restrict the rights of African-American citizens. He continued his education by attending Campbell College, now known as Jackson State University, and by serving his country in the United States military.

To the benefit of Northwest Indiana, Mamon Powers, Sr. came to the city of Gary after serving with the military. He went to work in the steel mill, but quickly learned that he would not be successful because racial barriers prohibited many African-Americans from joining the union. However, Mamon's love for the community and his determination to suc-

ceed led him to work for Means Developers. With the addition of Mamon's knowledge of construction and his desire to make the city of Gary a better place, Means Construction developed one of the city's finest neighborhoods, Means Manor.

Mamon Powers, Sr. began his own construction company in the early 1950's and eventually became one of the first African-American members of a union in the city of Gary. Over the years, he developed his business into the most successful African-American construction company in the state, and one of the 100 largest in the country. Powers and Sons Construction Company was also recognized nationally by the Small Business Administration in 1997 for its minority business development initiatives. He was responsible for the construction of hundreds of private homes in Northwest Indiana, as well as the construction of many commercial buildings. His professional career made an impact on the community that cannot be measured simply by the number of buildings he created. His love for his work was revealed in his creations, and it inspired the citizens of Gary to take pride in their community.

While Mamon was dedicated to his work, his love for his family and his community remained his top priority. He was committed to his late wife, Leolean, and their six children, Mamon, Jr., Mark, Demetrius, Claude, Florita, and Marquita. He served on the Methodist Hospital Board of Directors and as a member of the Lake County Community Development Committee. In 1989, he was inducted into the Steel City Hall of Fame for his outstanding contributions to Northwest Indiana. Earlier this year, the Frontiers Service Club nominated Mamon for the prestigious Gary Drum Major Award for extraordinary service in the community.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in offering our condolences to the family of Mr. Mamon Powers, Sr. Mamon was a true inspiration to everyone who knew him, and his work in Northwest Indiana will survive as a tribute to his memory. He impacted the lives of many in our community, our state, and our country, and I am proud to have had the opportunity to represent Mamon Powers, Sr. in Congress.

INTRODUCTION OF HOMESTAKE MINE CONVEYANCE ACT OF 2001

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. THUNE. Mr. Speaker, I rise today to introduce a bill very important to the world of science, our nation, and my state of South Dakota.

Thirty years ago, the Homestake Mine was host to pioneering research about neutrinos; particles with virtually no weight and possessing no electrical charge that are everywhere around us. Scientists believe these mysterious particles hold secrets that can provide us with important insights into the fundamental nature of the universe.

This legislation, which I will introduce today, envisions an underground neutrino telescope that extends pioneering research begun three decades ago.

While the potential scientific benefits of studying neutrinos is clear, this agreement is also vital to the economies of South Dakota, the Black Hills and the city of Lead. If Homestake were to close, its absence would have a tremendous economic and cultural impact on our state. The Mine has been an integral part of the Hills culture since it opened over 125 years ago. The miners and their families have contributed so much to the area.

However, with the cost of mining gold increasing, Homestake has decided to terminate its operations in Lead. The introduction of a national physics laboratory is a fitting substitute. The lab will employ a number of the current Homestake employees to maintain the integrity of the mine and to make improvements to the structure for the siting of the lab there. Additionally, the lab will employ many scientists and support staff bringing new diversity to the South Dakota economy.

The legislation I will introduce today is a companion bill to S. 1389, introduced by Senator TOM DASCHLE and is the result of months of negotiations between the Homestake Gold Mine, the State of South Dakota, the South Dakota congressional delegation and others. Recently, those negotiations were concluded, and late last week this bill was completed.

The purpose of the bill is to set the terms of land conveyance from Homestake to the State of South Dakota for the establishment of a National Underground Science Laboratory. The Homestake Mining Company would turn over portions of their property, including a nearly 8,000 foot mine shaft and equipment that together likely will be worth hundreds of millions of dollars saving taxpayers hundreds of millions of dollars in construction and developmental expenses.

In addition to the land conveyance, the bill also addresses current and future environmental remediation and reclamation concerns. The bill accomplishes this through three main mechanisms. First, it requires an independent evaluation of current and future environmental risks on the site. This evaluation would be conducted under the auspices of the Environmental Protection Agency and would be subject to public review and comment. Second, it establishes an environmental trust fund. Contributions to this trust fund would be calculated as a part of the cost of constructing and operating the lab and the experiments that would take place there. Third, it requires insurance coverage by the State of South Dakota, which would be the managing entity, and any group conducting experiments in the mine. These provisions will provide the needed protection of the environment and the taxpayers that I believe is necessary for this agreement.

This legislation is one piece of the puzzle that will make this lab a reality. I look forward to working with the House leadership, the Committees of jurisdiction, my colleagues in the House and Senate and the Administration to see this bill enacted into law.

CONSTITUTIONAL AND CIVIL LIBERTIES ISSUES

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. CONYERS. Mr. Speaker, I am growing increasingly concerned about a series of recent actions taken by the Bush Administration

which raise important constitutional and civil liberties issues. Many of these concerns are set forth in the attached letter I forwarded yesterday to Chairman Sensenbrenner requesting that the Judiciary Committee hold hearings on these matters, as well as an excellent editorial written today by William Safire of the New York Times.

I am also attaching a copy of a letter I wrote last January detailing my opposition to the nomination of John Ashcroft as Attorney General. The Attorney General's recent actions threatening our civil liberties only reinforces the concerns mentioned in this letter. I also question the timing and need for the Attorney General's recent actions undermining Oregon's assisted suicide law and California's medical marijuana laws. Both of these actions raise very serious federalism issues (since they seek to overturn state enacted referendum) and separation of powers issues (since the authorities were each the subject of failed legislation in recent congresses).

CONGRESS OF THE UNITED STATES,
Washington, DC, Jan. 31, 2001.

DEAR DEMOCRATIC SENATOR: I am writing to inform you that as the Ranking Democrat on the House Judiciary Committee and the Senior Member of the Congressional Black Caucus, I am unalterably opposed to John Ashcroft's nomination to be Attorney General of the United States.

I have reached this decision with much regret and great consternation. In my 36 years in Congress, I have never before publicly opposed a nominee for Attorney General. However, in the present case, my reservations about Senator Ashcroft's ability and inclination to support and uphold the law in such critical areas as civil rights, reproductive choice, and gun safety are so grave, and his pattern of misleading and disingenuous responses at his confirmation hearing so serious, that I believe it is in the national interest that his nomination be withdrawn, or be rejected by the Senate. I am also concerned that Senator Ashcroft's personal lack of responsiveness to me foreshadows a pattern of conscious avoidance or, at best, benign neglect, of me and my Democratic colleagues in the House.

I have several specific concerns in the area of civil rights. First, I am troubled by the fact that notwithstanding Senator Ashcroft's general statements about support for civil rights enforcement, he declined to state specific agreement with the Department's positions in a host of civil rights cases, including its support of the University of Michigan's affirmative action program, a position that was recently ratified by a federal court. Also, with regard to equal rights in the area of education, I am dismayed that Senator Ashcroft has taken public positions opposing voluntary school desegregation. Unfortunately, Senator Ashcroft's testimony at his confirmation hearing with regard to this matter only served to compound my reservations. For example, he asserted, in response to written questions from Senator Kennedy, that the state had "done nothing wrong" and was "found guilty of no wrong" in the Missouri desegregation cases. However, there were two separate federal courts of appeal decisions and numerous district court decisions holding the state expressly responsible for the unconstitutional discrimination that occurred.

Similarly, I remain profoundly disappointed in the manner by which Senator Ashcroft thwarted Judge Ronnie White's nomination to be a federal district court judge, the first African American justice ever to serve on the Missouri Supreme Court. As I have previously written to him, I be-

lieve Senator Ashcroft grossly mischaracterized and distorted a good man's record in this case. Senator Ashcroft's unwillingness at his confirmation hearing to acknowledge or express a scintilla of regret for the manner in which he orchestrated Judge White's defeat can hardly be seen as a promising omen to those of us in the African American community who have worked so hard to integrate the federal judiciary.

I also believe Senator Ashcroft has not been forthright in describing the reasons for his opposition to the nomination of James Hormel to become the ambassador to Luxembourg. When Senator Leahy asked the nominee to explain the reasons for his opposition to Hormel, he referred, without elaboration, to the "totality of [Hormel's] record." When Senator Leahy again asked Senator Ashcroft in a written question to "specify the factors that led you to oppose [Hormel]," he failed to do so, stating merely that his opposition was based "on the totality of Mr. Hormel's record of public positions and advocacy." To this day, Senator Ashcroft has failed to provide a single specific reason for opposing Hormel other than his sexual orientation.

The cause of civil rights for all Americans also has not been well-served by Senator Ashcroft's granting an interview with Southern Partisan and then implying that slavery was something other than a "perverted agenda." I also cannot accept his explanation at his hearing that he was unaware of the magazine's extreme and racist positions when he granted the interview.

(It is especially implausible given Senator Ashcroft's explicit endorsement of the Journal's agenda when he said that it "helps set the record straight"—this from a journal that has published articles arguing that slavery was beneficial for black families.)

Second, given Senator Ashcroft's past record and statements at the hearings, I do not find his apparent acknowledgment of a woman's constitutional right to an abortion as settled law under Roe and Casey as being at all credible. I say this because in 42 out of 43 Senate votes concerning reproductive rights, he cast a vote aimed at overturning Roe v. Wade. In addition, in his written answers to a question from Senator Kennedy, the nominee replied that he would defend federal legislation outlawing so-called partial-birth abortion, even though the Supreme Court has already declared unconstitutional virtually identical legislation under those very cases. Also, when Senator Leahy asked Senator Ashcroft to justify his sponsorship of the Human Life Act of 1998, he responded that "[a]s introduced, [the legislation] is not constitutional under Roe and Casey." If Senator Ashcroft is willing to introduce admittedly unconstitutional legislation in Congress, notwithstanding his oath, his assurances provide little comfort that he will not defend blatantly unconstitutional policies or legislation designed to undermine this settled law as Attorney General.

Thirdly, with regard to Senator Ashcroft's record of opposition to gun control legislation, I remain unconvinced that he is the appropriate person to uphold and enforce our nation's firearms laws. I find little solace in the fact that in response to Senator Schumer's question as to whether he supports the Brady law, Senator Ashcroft merely stated that "[t]he President has indicated that he supports this law, and I support his position on this matter." Such a weak answer is particularly troubling in light of Senator Ashcroft's written response to Senator Leahy, in which he acknowledged his disagreement with "some of the policy prescriptions that Mr. [Jim] Brady has advocated"; Senator Ashcroft's past wholehearted embrace of an extreme view of the

Second Amendment; his active support for legislation in Missouri that would allow individuals to carry concealed weapons; and his unwillingness to commit to relinquish his membership in the NRA, which has sought to undermine almost every federal gun safety law that is on the books, in advance of his confirmation.

Finally, I am severely disappointed by the fact that Senator Ashcroft failed to meet with me or respond to any of my written questions to him, despite his personal request to me that I refrain from taking a position on his nomination until we met. This is problematic to me because in addition to delaying my taking a position on the very important matter of Senator Ashcroft's nomination, I do not believe he has been forthright in explaining why he has failed to respond to my questions. (For example, in Senator Ashcroft's written response to a question from Senator Carl Levin asking whether the nominee had answered my letter, Senator Ashcroft wrote that my letter, "though written on January 12, was only received by me on January 17." I do not understand how this could be. To ensure that he would receive my letter immediately, my staff contacted the Bush-Cheney Transition Office, informed a transition official there that my letter to Senator Ashcroft was forthcoming, and was instructed to fax the letter to a telephone number reserved for facsimile communications from Members of Congress. We have confirmation that the fax was received at 4:02 p.m. on January 12, one week before the conclusion of Senator Ashcroft's confirmation hearing and before he received any written questions from the Senate. Even though his responses to the questions from the Senate were filed last Friday, January 26, I still have yet to receive any response from Senator Ashcroft, notwithstanding the fact that he wrote to Senator Levin that it was his intent to turn to the questions posed by me following the submission of his written answers to the Senators.)

In sum, I have come to the reluctant conclusion that Senator Ashcroft is the wrong man for the job at the wrong time. When our nation urgently needs an Attorney General who can bring us all together, we have been offered a person known for extreme right wing positions and divisiveness. I have spent my entire career fighting for the cause of civil rights, reproductive choice, and common sense crime and gun safety laws. In my view, Senator Ashcroft's record is simply too inconsistent with these goals to justify my support for him.

Sincerely,

JOHN CONYERS, JR.
Ranking Member.

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[From the New York Times, Nov. 15, 2001]

SEIZING DICTATORIAL POWER

(By William Safire)

WASHINGTON.—Misadvised by a frustrated and panic-stricken attorney general, a president of the United States has just assumed what amounts to dictatorial power to jail or execute aliens. Intimidated by terrorists and inflamed by a passion for rough justice, we are letting George W. Bush get away with the replacement of the American rule of law with military kangaroo courts.

In his infamous emergency order, Bush admits to dismissing "the principles of law and the rules of evidence" that undergird America's system of justice. He seizes the power to circumvent the courts and set up his own drumhead tribunals—panels of officers who will sit in judgment of non-citizens who the president need only claim "reason to believe" are members of terrorist organizations.

Not content with his previous decision to permit police to eavesdrop on a suspect's conversations with an attorney, Bush now strips the alien accused of even the limited rights afforded by a court-martial.

His kangaroo court can conceal evidence by citing national security, make up its own rules, find a defendant guilty even if a third of the officers disagree, and execute the alien with no review by any civilian court.

No longer does the judicial branch and an independent jury stand between the government and the accused. In lieu of those checks and balances central to our legal system, non-citizens face an executive that is now investigator, prosecutor, judge, jury and jailer or executioner. In an Orwellian twist, Bush's order calls this Soviet-style abomination "a full and fair trial."

On what legal meat does this our Caesar feed? One precedent the White House cites is a military court after Lincoln's assassination. (During the Civil War, Lincoln suspended habeas corpus; does our war on terror require illegal imprisonment next?) Another is a military court's hanging, approved by the Supreme court, of German saboteurs landed by submarine in World War II.

Proponents of Bush's kangaroo court say: Don't you soft-on-terror, due-process types know there's a war on? Have you forgotten our 5,000 civilian dead? In an emergency like this, aren't extraordinary security measures needed to save citizens' lives? If we step on a few toes, we can apologize to the civil libertarians later.

Those are the arguments of the phony-tough. At a time when even liberals are debating the ethics of torture of suspects—weighing the distaste for barbarism against the need to save innocent lives—it's time for conservative iconoclasts and card-carrying hard-liners to stand up for American values.

To meet a terrorist emergency, of course some rules should be stretched and new laws passed. An ethnic dragnet rounding up visa-skippers or questioning foreign students, if short-term, is borderline tolerable. Congress's new law permitting warranted roving wiretaps is understandable.

But let's get to the target that this blunderbuss order is intended to hit. Here's the big worry in Washington now: What do we do if Osama bin Laden gives himself up? A proper trial like that Israel afforded Adolf Eichmann, it is feared, would give the terrorist a global propaganda platform. Worse, it would be likely to result in widespread hostage-taking by his followers to protect him from the punishment he deserves.

The solution is not to corrupt our judicial tradition by making bin Laden the star of a new Star Chamber. The solution is to turn his cave into his crypt. When fleeing Taliban reveal his whereabouts, our bombers should promptly bid him farewell with 15,000-pound daisy-cutters and 5,000-pound rock-penetrators.

But what if he broadcasts his intent to surrender, and walks toward us under a white flag? It is not in our tradition to shoot prisoners. Rather, President Bush should now set forth a policy of "universal surrender": all of Al Qaeda or none. Selective surrender of one or a dozen leaders—which would leave cells in Afghanistan and elsewhere free to fight on—is unacceptable. We should continue our bombardment of bin Laden's hideouts until he agrees to identify and surrender his entire terrorist force.

If he does, our criminal courts can handle them expeditiously. If, as more likely, the primary terrorist prefers what he thinks of as martyrdom, that suicidal choice would be his—and Americans would have no need of

kangaroo courts to betray our principles of justice.

NOBEL LAUREATES ENDORSE
GENUINE STIMULUS PACKAGE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, nine Nobel laureates in economics as well as other leading economists have issued an appeal to the leaders of the Senate to reject the cynical and ineffective stimulus approach taken by the House of Representatives and instead pass a bill that will generate greater spending now through expanded unemployment benefits and other initiatives.

The need for expanded benefits for jobless Americans and their families is apparent to all but the leaders of the House of Representatives. The October increase in unemployment was the largest in over two decades, adding more than a half million jobless to the 1.1 million jobs already lost this year prior to the terrible events of September 11th.

The so-called stimulus bill passed recently by the House of Representatives lavished billions of dollars on the wealthiest of Americans—the same fortunate few who enjoyed most of the tax cut passed earlier this year. But the House offered only crumbs to the hundreds of thousands who have lost their jobs and whose families are on the brink of economic catastrophe.

The criticism of that House stimulus bill was by no means partisan in nature. This is a bill that, in the words of the Wall Street Journal's November 1 editorial, "mainly padded corporate bottom lines." No less a conservative stalwart than Kevin Phillips compared the House-passed bill to "war profiteering" passed "in the phony name of economic stimulus . . . Over three-quarters of the hundred billion [dollars cost] goes for business and upper income objectives . . . The only real solution is a public outcry, tens of millions of pointing finger and voices saying, 'Shame!'" And that's just the conservative critique of the bill this Republican House of Representatives voted that provides \$2.3 billion to Ford Motor Company, \$1.4 billion to IBM, \$830 million to General Motors, and \$671 million for General Electric.

But under the Republican bill, Larry Johnson won't get a dime. Larry Johnson doesn't work in the corporate boardroom. He cleaned the bar and polished the floors at the World Trade Center, and now he's out of a job and denied unemployment benefits by New York.

There are hundreds of thousands of Larry Johnsons, and something is very wrong here. While 97 percent of employers pay into the unemployment funds, less than 40 percent of workers nationally receive unemployment assistance, a substantial drop over the past 25 years. And in some states, the percent that qualify is much lower than that. Workers in the new economy—younger, immigrant, part time, lower-income, short-term—are especially hurt by inadequate UI coverage. And economists are predicting another 1.5 million could lose their jobs in the next 9 months. Even for those who do qualify, benefit levels are often below

the poverty line, leaving millions of suddenly unemployed Americans facing poverty, joblessness and homelessness.

The Republican response to this crisis has been the misguided antidote of Herbert Hoover: help the rich and the poor will benefit from the improving economy. Prosperity is right around the corner. But we were not elected to ignore the suffering of our constituents.

When will the Congress hear the voices of our desperate countrymen and women and demonstrate its concern for the real victims of this recession? First, the House passed a \$1.4 trillion tax cut, mainly for the wealthy. Then a \$38 billion bail-out for the oil, gas, electric and nuclear power companies that earned more than \$1.6 trillion last year. Now, a "stimulus" bill that showers tens of billions more on the wealthiest and most powerful in our nation, and only a fraction for genuine "stimulus."

The views of these Nobel laureates and others should guide us in crafting a genuine stimulus bill that helps hurting Americans instead of adding billions in additional tax breaks for the richest taxpayers and for corporations. I submit for the RECORD these views.

ECONOMISTS' STATEMENT—AN OPEN LETTER
TO SENATORS TOM DASCHLE AND TRENT LOTT

The current state of the U.S. economy justifies further fiscal stimulus by the federal government. But the stimulus package passed by the House of Representatives will do little to assist a near term recovery and is likely to undermine growth in the long term.

The basic principles in designing an economic stimulus are: (1) that it be targeted to increase spending immediately; and (2) that it be temporary, phasing out when the economy recovers.

The bill passed by the House fails on both counts. First, it mainly provides permanent tax cuts rather than the temporary measures required by prudent fiscal policy. Second, most of the benefits go to the wealthy and to large corporations.

In addition to being inequitable, tax cuts for the wealthy are less likely to be spent quickly than are benefits to low-income families and the recently unemployed. The tax cuts for large corporations are particularly inappropriate. Large retroactive rebates to a few giant companies will do little to stimulate an economy suffering from insufficient demand. Moreover, the permanent nature of these tax cuts is likely to worsen the long-term budget outlook and may keep long-term interest rates high.

The package passed by the House should be rejected by the Senate and replaced with temporary measures, such as further expanded unemployment benefits, that will increase spending now.

George A. Akerlof, University of California, Berkeley; Kenneth J. Arrow, Stanford University; Martin N. Baily, Institute for International Economics; Alan Blinder, Princeton University; Jeff Faux, Economic Policy Institute; Lawrence R. Klein, University of Pennsylvania; Franco Modigliani, Massachusetts Institute of Technology; Douglass C. North, Washington University; William F. Sharpe, Stanford University; Robert M. Solow, Massachusetts Institute of Technology; Joseph E. Stiglitz, Columbia University; James Tobin, Yale University; Laura D'Andrea Tyson, University of California, Berkeley; Janet Yellen, University of California, Berkeley.