

The Congress of the United States also recognized the Verona Band pursuant to Chapter 14 of Title 25 of the United States Code, which was affirmed by the United States Court of Claims in the Case of Indians of California v. United States (1942) 98 Ct. Cl. 583.

The Court of Claims case judgment instructed the identification of the Indians of California with the creation of Indian rolls. The direct ancestors of the present-day Muwekma Ohlone Tribe participated in and enrolled under the 1928 California Indian Jurisdictional Act and the ensuing Claims Settlement of 1944 with the Secretary of the Interior approving all of their enrollment applications.

Meanwhile, as a result of inconsistent federal policies of neglect toward the California Indians, the government breached the trust responsibility relationship with the Muwekma tribe and left the Tribe landless and without either services or benefits. As a result, the Tribe has suffered losses and displacement. Despite these hardships the Tribe has never relinquished their Indian tribal status and their status was never terminated.

In 1984, in an attempt to have the federal government acknowledge the status of the Tribe, the Muwekma Ohlone people formally organized a tribal council in conformance with the guidelines under the Indian Reorganization Act of 1934.

In 1989, the Muwekma Ohlone Tribal leadership submitted a resolution to the Bureau of Indian Affairs Branch of Acknowledgement and Research with the intent to petition for Federal acknowledgement. This application is known as Petition #111. This federal process is known to take many years to complete.

Simultaneously, in the 1980's and 1990's, the United States Congress recognized the federal governments neglect of the California Indians and directed a Commission to study the history and current status of the California Indians and to deliver a report with recommendations. In the late 1990's the Congressional mandated report—the California Advisory Report, recommended that the Muwekma Ohlone Tribe be reaffirmed to its status as a federally recognized tribe along with five other Tribes, the Dunlap Band of Mono Indians, the Lower Lake Koi Tribe, the Tsnungwe Council, the Southern Sierra Miwuk Nation, and the Tolowa Nation.

On May 24, 1996, the Bureau of Indian Affairs pursuant to the regulatory process then issued a letter to the Muwekma Ohlone Tribe concluding that the Tribe was indeed a Federally Recognized Tribe.

In an effort to reaffirm their status and compel a timely decision by the Department of the Interior, the Muwekma Ohlone Tribe sued the Bureau of Indian Affairs. The Court has mandated that the Department issue a decision this year. That decision is expected in early August.

Specifically, on July 28, 2000, and again on June 11, 2002, Judge Ricardo Urbina wrote in his Introduction of his Memorandum Opinion Granting the Plaintiff's Motion to Amend the Court's Order (July 28, 2002) and Memorandum Order Denying the Defendant's to Alter or Amend the Court's Orders (June 11, 2002) affirmatively stating that:

"The Muwekma Tribe is a tribe of Ohlone Indians indigenous to the present-day San Francisco Bay area. In the early part of the Twentieth Century, the Department of the Interior ("DOI") recognized the Muwekma tribe as

an Indian tribe under the jurisdiction of the United States." (Civil Case No. 99-32671 RMU D.D.C.)

I proudly support the long struggle of the Muwekma Ohlone Tribe as they continue to seek justice and to finally, and without further delay, achieve their goal of their reaffirmation of their tribal status by the federal government. This process has dragged on long enough. I hope that the Bureau of Indian Affairs and the Department of Interior will do the right thing and act positively to grant the Muwekma Ohlone Tribe their rights as a Federally Recognized Indian Tribe. The Muwekma Ohlone Tribe has waited long enough; let them get on with their lives as they seek to improve the lives of the members of this proud tribe. To do anything else is to deny this Tribe Justice. They have waited patiently and should not have to wait any longer.

#### PAYING TRIBUTE TO LUCILLE GUTIERREZ

#### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Lucille Gutierrez of Alamosa, Colorado, for her guidance and counseling of the youth of her community. It is a great pleasure to praise such an individual whose talents and gifts have enriched countless individuals. I applaud your efforts and congratulate you on a job very well done.

Lucille began her career as a teacher's aide in February of 1996. She excelled as a teacher and later became the educational site coordinator for the "Head Start" program, a program that offers early educational opportunities to preschoolers. Her volunteer work soon transformed into a full time position demanding long hours. Lucille's career began with 45 eager students, and she instilled in them crucial life skills and values.

This year, Lucille retires as a leader for our youth. Although she will remain active in the lives of many students, her schedule will not be as demanding as it once was. The program since her arrival has grown substantially and now 103 children at Adams State College, participating in the program, will benefit from the legacy of Lucille. Many students who will be saddened to see her retire speak her nickname 'grandma' with great affection. Lucille's colleagues in the profession are also saddened to see her go, but all understand and admire her decision to retire.

Mr. Speaker, it is an honor to commend Lucille Gutierrez before this body of Congress and this Nation. Her efforts and accomplishments are well respected and will be remembered by each individual she encountered. Thank you again, Lucille, for your contributions to future generations, and good luck in all your future endeavors.

#### FOOD CRISIS IN SOUTHERN AFRICA

#### HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 2002

Mr. RUSH. Mr. Speaker, thank you for allowing me to speak on this very important global issue. My thanks, too, to the gentle lady from California, Representative WATERS, for bringing this critical issue to the Floor.

There are almost 13 million people in the southern part of Africa who are in danger of dying from starvation: a great number of these people are women and children. The severity of the food shortages in the region is due large in part by the severe drought affecting the area for the past decade.

Worldwide humanitarian aid directed to the country has helped to increase the life expectancy of Africa's citizens by nearly 20 years since 1960. Each year, humanitarian aid programs help save the lives of an estimated seven million African children, delivering essential food and medicine to disaster victims and assisting regional refugees fleeing their native countries because of political or economic unrest.

However, Mr. Chairman, to my chagrin, and to what should be an embarrassment to this country, less than half of 1 percent of all of the United States' foreign aid funding is directed to food relief and hunger abatement in nations around the world.

The United States now ranks fourth—behind Japan, behind France, and behind Germany—in the level of aid that we contributed to the world's poorest countries. The United States ranks LAST among the 21 richest nations in the percentage of our Gross National Product (GNP) used to fight world hunger and poverty.

Mr. Speaker, we need to increase the level of our humanitarian aid to Africa because it is the right thing to do; it is the moral thing to do. We are morally obligated, as citizens of a country where food is plentiful, to help people who are dying because of a lack of food.

Mr. Speaker, I would be happy if this House of Representatives appropriated \$1 billion toward hunger abatement efforts in southern Africa but I know there is a slim possibility of this happening.

However, I believe that this body can appropriate \$200 dollars to provide emergency supplemental relief to respond to the food crisis in Southern Africa, and I hope that we do.

#### JOHN E. MOSS FOUNDATION

#### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 2002

Mr. MATSUI. Mr. Speaker, the John E. Moss Foundation recently awarded its annual Public Service Award to our colleague, the Honorable DAVID OBEY of Wisconsin. The award, which is given each year to a member of the House or Senate who most exemplifies the qualities of integrity, courage and dedication to the public interest, is richly deserved by Congressman OBEY who has always fought hard for legislation benefiting the small investor, the working man, and the consumer. At

the award ceremony on July 9th, Paul McMasters of the Freedom Forum delivered keynote remarks on current threats to the public's right to information, which are of importance to all Americans. Mr. McMasters' remarks are as follows:

On Independence Day, 1966, President Johnson took time out from holiday festivities at his ranch on the Perdarnales to sign the Freedom of Information Act into law. If he had waited only a few hours more, a pocket veto of the legislation automatically would have gone into effect.

There was no press release, no ceremony, no special pens struck for the occasion. The chief sponsors were not invited.

It had taken 11 arduous years for Congressman John Moss of California to coax into existence a law that few in government liked or wanted. But the legislation finally made it through. This law providing meaningful access to government information embraced three democratic ideals:

The First Amendment guarantees of freedom of speech and the press.

Creation of a proper environment for the people to function as full partners in their own governance.

The checks-and-balances role of Congress.

That was 36 years ago. But we never quite escape the clutches of history. It has a way of landing on us suddenly and hard when we forget it. And when it comes to the conditions that created the great need for the FOIA back then, the past has caught up with us.

The reason that Congressman Moss and his colleagues worked so hard and endured so much getting FOIA passed was that it had become next to impossible for members of Congress and their staffs to obtain access to even the most routine of information in the custody of federal agencies or the White House.

Today, the federal government, while attending to the formidable responsibility of waging a war on terrorism, has allowed itself to slide backward into history with an ever-widening array of restrictions on access. These new restrictions in effect have demoted both the public and the Congress as partners in the democratic process.

Once more, Congress is summoned to the crucial task of championing access to government information—a role mandated by tradition, by law, and by the Constitution.

There is no question that in the world we live in today, there is some information that must remain secret to protect our national security. Beyond that narrow but important spectrum, however, the Congress, the public and the press should have maximum access to government information.

It is essential to the public so that we have true democratic decision-making.

It is essential to the press so that it can facilitate the flow of information among the three branches of government and the public.

It is essential to Congress so that it can provide proper oversight and accountability.

There always has been what some describe as a "culture of secrecy" in government. It is a natural thing because information is power; in some instances it is dangerous; in other instances, it may violate personal privacy or compromise an ongoing law-enforcement investigation. Responding to FOIA requests also is a drain on scarce resources.

But many restrictions on the flow of information in recent months have gone well beyond those considerations.

In addition, there is a theory afoot these days that to share information is to weaken the executive. That theory, in practice, may well be responsible for many of the current restrictions on access.

Finally, there is another reason for some restrictions: The horrors of September 11.

That tragedy provoked a serious re-examination of our information policies—a reexamination that was legitimate and necessary. There are some secrets that must be kept.

But many of the changes in access policies that have come out in the wake of September 11 are not truly related to the war on terrorism; in many cases, they seem designed more to increase the comfort level of government leaders than the security level of the nation.

What has emerged is an environment where government is providing increasingly less information to U.S. citizens while demanding increasingly more information about them.

Many of these new restrictions impact directly on public access and in many instances the ability of members of Congress to participate in the making of policy and to represent their constituencies properly. To list a few:

Just as it was to go into effect, the law providing access to presidential records was severely compromised by an executive order. Many in Congress had to learn about the formation of an emergency government by reading about it in the newspapers. The White House dramatically reduced the number of intelligence briefings for Congress and the number of members who could attend. The executive branch has resisted congressional attempts to obtain information on a variety of vital topics, including the energy task force hearings, the FBI's relations with mob informants, and the decision to relax restrictions on emissions from older coal-fired power plants and refineries. The attorney general's memo on implementation of the FOIA turned a presumption of openness on its head. The Justice Department has stonewalled attempts to get information about the detainees rounded up in the aftermath of the September 11 attacks.

In addition, Congress increasingly is pressured to "incentivize" compliance with old laws and to spice up news laws by granting exemptions to the FOI and whistleblower laws. Examples include legislative proposals concerning critical infrastructure, the Transportation Security Administration and the proposed Homeland Security Department.

These developments raise several important questions: Do new laws, policies and executive actions live up to democratic principles, constitutional requirements and the true needs of national security? Are members of Congress providing insight as well as oversight in the formulation and implementation of access policies? How do we best affirm and ensure checks and balances among the executive, the legislative and the judicial branches and include the public and the press in the equation?

There are a number of ways Congress can address such questions: By commissioning a definitive study and public report calling for specific action, by creating a bipartisan caucus on access and accountability, by conducting hearings, or by establishing a joint select committee with FOIA oversight.

There are other things Congress can and should do to make access to information a priority in governmental life: Demand information from federal agencies and officials. Make information-sharing a priority. Conduct real oversight of FOIA compliance. Make federal agencies' FOIA performance a part of the budget process. Provide incentives for disclosure and penalties for non-compliance. Insist on discipline and rationality in classification authority. Harness technology to make government more transparent.

The key to bringing about change, however, is that the members of Congress themselves must care; if it's not important to

them, it's not important at other levels and in other branches. Government information must be branded as crucial to democracy, to responsible governance and to freedom.

It really is up to Congress to create ways to protect access and to raise its value as a democratic principle.

It must embrace the idea that, except for very specific areas, information, not secrecy, is the best guarantor of the nation's security. There is danger in the dark.

And it must recognize that there always will be loud and persuasive voices raised on behalf of security, privacy and the protection of commercial interests—especially during times of national crisis—but there are no natural constituencies with the resources and organization to make the case for access and accountability.

That role falls rightly to Congress.

Democracy depends above all on public trust. Public trust depends on the sharing of power. And the sharing of power depends on the sharing of information.

That time-honored principle assuring the success of this ongoing adventure in democratic governance suffers mightily when the system of checks and balances becomes unbalanced and the role of Congress as guardians of access and accountability is compromised.

## HONORING DR. GEORGE RABB ON HIS RETIREMENT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 2002

Mr. LIPINSKI. Mr. Speaker, I rise today in recognition of a remarkable man, the longtime director of Brookfield Zoo, Dr. George B. Rabb.

Dr. Rabb joined Brookfield Zoo in 1956 as curator of research, and in 1976 he became the Director of the Zoo and President of the Chicago Zoological Society. Soon Dr. Rabb will pass the title he has held with distinction for 26 years on to a successor.

If proof is ever needed to verify the fact that one individual can make a difference, it can be found in the work of George Rabb. He has dedicated his life to conservation research and education, and his legacy reflects his love of nurturing harmony between people and nature. Dr. Rabb created Brookfield's Education Department and was instrumental in expanding the use of naturalistic exhibits to provide visitors with environmental immersion experiences throughout the zoo. Under his leadership, nine exhibits—including Tropic World, Seven Seas Panorama, and the Living Coast—have been built in this manner. The Zoo's most recent undertaking, the Hamill Family Play Zoo is an expression of Dr. Rabb's vision of the zoo as a conservation center and encourages children to develop a caring relationship with the natural world. Dr. Rabb is also responsible for the creation of the Department of Conservation Biology that supports many of the Zoo's world-renowned conservation-related research and field projects.

One measure of this remarkable conservationist can be found in the boards and commissions on which he serves and the awards he has received.

He has served as the Chairman of the Species Survival Commission (SSC), the largest