

PERSONAL EXPLANATION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mrs. JONES of Ohio. Mr. Speaker, please be advised that I missed votes on Tuesday, October 1, 2002 due to a funeral of an employee. Had I been present, the record would reflect that I would have voted: on rollcall No. 424, S. 434 Motion To Suspend the Rules and Pass Yankton Sioux Tribe of South Dakota and Santee Sioux Tribe of Nebraska, "yea," on rollcall No. 425, H.R. 4125 Motion To Suspend The Rules and Pass Federal Courts Improvement Act of 2002, "yea," and on rollcall No. 426 H. Res. 538 Motion To Suspend the Rules and Agree Honoring Johnny Unitas and extending condolences to his family on his passing, "yea."

AMERICAN LEGION'S DISTRICT OF COLUMBIA 2002 HIGH SCHOOL ORATORICAL CONTEST

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. BARRETT of Wisconsin. Mr. Speaker, I would like to share with my colleagues a speech written and delivered by Nicholas "Nick" Barbash, a senior at School Without Walls, a District of Columbia Public Senior High School. Nick's family hails from my Congressional District in Wisconsin and both of his parents have been employed as professional staff in the House of Representatives. Nick's speech, entitled "Taxation Without Representation in the District of Columbia" recently won First Place in the American Legion's District of Columbia 2002 High School Oratorical Contest. I hope that you will enjoy Nick's speech which makes the case for DC voting rights from both a historical and moral perspective.

In a time when young people are so often dismissed as passive and uninterested in relevant social issues, Nick's winning speech shows how a young person can make a difference in promoting a message to his fellow students and the general public. After placing first in the DC contest, Nick had the opportunity to deliver this speech to the National Finals of the American Legion's contest in Indianapolis, Indiana. According to Nick, other participants in the competition as well as their parents were unaware that DC residents had no full voting rights.

Nick's argument will help enlighten those who are still unaware of the injustice residents of the District feel in grappling with their lack of representation.

TAXATION WITHOUT REPRESENTATION IN THE NATION'S CAPITAL

(Written and delivered by Nicholas M. Barbash)

Ladies and gentleman, imagine for a moment that you are touring Washington, D.C. Where would you go? You would probably visit the Washington Monument, the Lincoln Memorial, the U.S. Capitol, the White House, and I am sure you would also visit the National Archives. You would go into the main chamber, you would peer through the thick

glass, and you would see the actual documents on which our country was founded: the Declaration of Independence and the Constitution. And in the midst of your awe and reverence stand the guards, who are hurrying you along in line and making sure no harm comes to these documents.

I bet you did not know that many of those guards, who protect the Constitution, are not protected by the Constitution. They are just a few of 500,000 residents of Washington, D.C. who are lawful American citizens, with all duties and obligations thereof, but are not represented in the federal government. Congress has total control over Washington, D.C.; it approves and can veto any actions by the local government. However, D.C. has no representation in Congress, no senators, no congressmen, and up until 1961, we could not even vote for president.

This situation has been going on in our nation's capital for more than two hundred years now because of Article I, Section 8, Clause 17 of the Constitution. This states that Congress shall have power "to exercise exclusive legislation in all cases whatsoever over such district . . . as may . . . become the seat of government of the United States." In 1787, when the Constitution was written, there was a good reason for this clause. There were serious tensions between Northern and Southern states, and the capital needed to be independent so it would not be controlled by any of the states.

But times have changed, and this issue is now obsolete. And the Founding Fathers, in their infinite wisdom and foresight, knew that times would change, and that additions or corrections to the Constitution would have to be made, as the great Supreme Court Justice John Marshall said, "to be adapted to the various crises of human affairs." Well in America, taxation without representation in the nation's capital is a crisis of human affairs.

After America gained independence but before our modern Constitution was ratified, this country wasn't really the United States. It was two groups of separate states, northern and southern, with interests so different that they could almost be considered separate nations. Now if these states were to permanently remain one nation, the capital would have to be on neutral ground, controlled by no state. So the Framers wrote in the Constitution that the governing district would be controlled by Congress. They did not imagine that anyone besides members of Congress would ever actually be living there, but ordinary people did begin to move in starting in 1800. Sixty-five years later, Reconstruction after the Civil War seemed like the perfect time to renew the vows of democracy and to finally grant representation to D.C., as the issue of northern or southern domination of the capital had been put to rest with the end of the Civil War.

However, Congress did almost the exact opposite in 1876, when it arbitrarily abolished the local government and put the city under the control of three presidentially appointed commissioners. It took almost a century after that until the offices of mayor, city council, and school board were finally restored. However, in 1995, Congress stripped the local government of all appreciable power and gave it to another presidentially appointed body. Then in 1999, as soon as a mayor they liked was elected, they gave it back.

Ladies and gentlemen, not only are these actions contrary to everything the Constitution stands for, but they are very similar to the actions King George III committed that caused America to declare independence in 1776. There are several paragraphs in the Declaration of Independence in which Thomas Jefferson lists these actions. Among

them: "For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever," "For imposing taxes on us without our consent," "For dissolving representative houses repeatedly." The parallel is unmistakable. America declared independence from England because England was doing to them in 1776 what America is doing to Washington, D.C. in 2002.

Washington, D.C. did file a citizens lawsuit in 1998, which made it all the way to the Supreme Court. The suit made the claim that the Constitution guarantees states a republican form of government but not D.C., thereby denying the fourteenth amendment right of equal protection under the law. The city is a federal enclave, and the argument was made that some federal enclaves eventually became states, such as Wyoming and Alaska, and others, such as military bases abroad, allowed their residents to vote in other states. D.C. was allowed neither of these, even though it is almost as populous as Alaska, more populous than Wyoming, and more prosperous than both of them. The Court rebutted this argument on the grounds that the specific wording of the fourteenth amendment is that "no state shall deny . . . equal protection of the laws," and of course D.C. is not a state. It also recognized that though Article I, Section 8 obviously does not apply anymore, it is not the role of the Court to update the Constitution for our times; that is the role of Congress and of the state legislatures.

That's the legal perspective on this issue. Here's the moral perspective:

D.C. residents have all the duties and obligations to the government that go with being a U.S. citizen. We pay taxes to the federal government, we serve in the military, we appear for jury duty,—we have all the obligations. What we do not have are the rights that go with those obligations: representation in the federal government and unabridged self government. These rights are guaranteed in the body of the Constitution, and they are also guaranteed in the Preamble of the Constitution: "To secure the blessings of liberty."

Like everyone else across the country, we pay federal taxes. As a matter of fact, we pay higher taxes than 49 states. But unlike everyone else across the country, we can't elect the people who decide how those tax dollars are spent. In 1767, the Massachusetts lawyer James Otis declared that "taxation without representation is tyranny." Now a lot has changed in this country since Otis' time. But two important things are constant for all Americans: voting and taxes.

In 1767, America had the taxes but not the vote. As the country became independent and progressed through time, the poor paid taxes and eventually got the vote; women paid taxes and eventually got the vote; minorities paid taxes and eventually got the vote; D.C. paid taxes but did not get the vote. Our America may be very different from James Otis' America, but taxation without representation is still tyranny!

D.C. lost more soldiers in the Vietnam War than 10 states did. A D.C. marine regiment was recently sent to fight in Afghanistan. They're fighting the war, but they are without a say in whether or not they should be fighting the war. Even thirty years ago, the Washington Star newspaper said about this issue, "What right have we to hurl epithets and denunciations at dictatorships and totalitarian states in other parts when an almost perfect example of irresponsible forms of government is maintained by our own national government in our own national capital?"

Congress took power from the D.C. government in 1995 because it essentially felt that

the mayor was corrupt. Well, mayors of other cities have been corrupt. They were impeached, removed from office, and in some cases, legal action was taken. But the power of their office itself was not removed. Voters in their cities were not denied their right to elect their leaders because an outside body judged one of them to be corrupt. Things like this do not happen anywhere in America except in D.C.

Injustices in Washington, D.C. have gone on long enough. The Founding Fathers had good reasons for denying D.C. representation, but their reasons have outlived their time, and it is time to do something about it. It is time to rise above partisan differences and recognize that everyone living in the capital city, Democrats, Republicans, and all others are denied rights which are granted to all other Americans under the Constitution. It is time to exercise Article V of the Constitution and pass an amendment giving residents of Washington, D.C. their lawful rights as American citizens.

We do not dishonor the Founding Fathers when we say that one of their ideas has outlived its time. On the contrary, we honor their democratic ideals by extending liberty and justice to all. And we paraphrase the words of a man whose memorial you visited in Washington, D.C. that a government of the people, by the people, and for the people must and shall be restored to our capital city.

Thank you very much, ladies and gentlemen.

A PROCLAMATION RECOGNIZING THE RETIREMENT OF CHARLES MILLER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. NEY. Mr. Speaker, Whereas, Charles Miller has served as mayor of the village of Gnadenhutzen for 30 years; and

Whereas, Charles Miller also served Gnadenhutzen as a member of the Village Council; and

Whereas, Charles Miller has been a steadfast and hard-working leader and will continue to be an admired citizen of the State of Ohio; and

Whereas, Charles Miller has used his position as mayor of Gnadenhutzen to help better the lives of hundreds of people; and

Whereas, Charles Miller must be commended for his professionalism and his ability to motivate those around him by establishing a superb example; and

Whereas, Charles Miller's dedication and service as mayor will be missed by the entire Gnadenhutzen community.

Therefore, I join with the residents of the village of Gnadenhutzen and the entire 18th Congressional District of Ohio in celebrating Charles Miller's years of service and retirement.

MEMORIAL RESOLUTION—MILA WILLIAMS BROOKS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. FARR of California. Mr. Speaker, I rise today to honor a public servant of the highest

degree. Ms. Mila Williams Brooks, a former Peace Corps Country Director and economic development consultant for USAID, died in Washington, D.C., on September 4 after a long but spirited battle with cancer. She was 75. As a returned Peace Corps Volunteer, I wish to take this moment to express my sympathy to her family, and to pay tribute to her extraordinary life.

An independent woman of unsurpassed energy with a remarkable sense of adventure and fun, Mila was born in Topeka, Kansas. She graduated from the University of Kansas with degrees in Political Science and French. After college, she married and had five children. In the mid-sixties Mila drove to Mexico with four young children in tow to establish a new life and offer her children cross-cultural opportunities. In Mexico, she learned fluent Spanish, attended graduate school, and hosted a radio show. In 1969, she returned to the United States and began work with the Peace Corps. In 1973, she was appointed Deputy Peace Corps Country Director in Santiago, Chile. Before returning to the U.S. in 1977, she served as an economic development consultant for the U.S. Agency for International Development (USAID) and as the Southern Cone regional representative of the Young Men's Christian Association.

In 1985, she was appointed Country Director of the Peace Corps in the Dominican Republic, a post she held until 1988. In 1989, she was selected as one of two Americans to work in pre-election activities in Nicaragua. Following the 1990 elections, she was selected to run USAID's democratic initiatives program in Nicaragua, a post she held until 1993. That year, again stateside, she settled in Napa, California, and continued to consult internationally.

Mila was a fiercely devoted and loving mother. Throughout her life, she had the gift of loyal and loving friends who received the great gift of her love and friendship in return. She will be deeply missed and mourned by all who knew her, especially her four children Trent, Mia, Brad and Holly and her three grandchildren Tiffany, Maxwell, and Sophie.

CENTRAL NEW JERSEY CELEBRATES THE DEDICATED COMMUNITY SERVICE OF CATHERINE S. GRAHAM

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. HOLT. Mr. Speaker, I rise today to recognize and honor the commitment of Catherine S. Graham to the betterment of central New Jersey.

From her first call to public service in 1957 in the clerk's office of the Mercer County Court House, Catherine Graham began a pattern of commitment to her community that continues today as a general consultant in education and human services.

Her dedication to the people of central New Jersey can be seen in her battles for quality education in our public schools, which culminated in the position of Executive Director of the Trenton Educational Development Corporation, a nonprofit agency dedicated to the advocacy of quality education and continues

to this day in her chairpersonship of the Trenton Parent Involvement Committee.

Her dedication to the people of central New Jersey can be felt in her passion for delivering quality services in welfare, public health, and social services when she was the Director of Health and Human Services for the City of Trenton.

Her dedication to the people of central New Jersey can be witnessed by her efforts in the African American community on the Board of Directors of the Trenton Branch of the NAACP, on the Board of Directors of the New Jersey State Conference of NAACP Branches and in the National Caucus of Black Women.

The service to Central New Jersey performed by Catherine S. Graham is impressive and commendable and I am proud to rise here today in her honor.

HONORING JOHNNY UNITAS AND EXTENDING CONDOLENCES TO HIS FAMILY ON HIS PASSING

SPEECH OF

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. EHRLICH. Mr. Speaker, I rise today in support of House Resolution 538, honoring Johnny Unitas on his passing.

Like a lot of kids growing up in Baltimore in the 1960s, I always imagined myself playing alongside Johnny Unitas on Sunday afternoon at Memorial Stadium. Never did I imagine that, later in life, I would count the greatest quarterback of all time as a dear friend.

I first met Johnny Unitas when I served in the Maryland State Legislature. He was larger than life; an institution in Baltimore. But he never lost his unique sense of humility and kindness. He always took the time to sign a few autographs or help a young quarterback tighten his spiral.

I played linebacker at the Gilman School in Baltimore and later at Princeton University. The Chicago Bears' Dick Butkus set the standard for how to play linebacker, but Johnny Unitas set the standard for how to play the game.

He defined leadership and sportsmanship for my generation. He made the game of football what it is today. It is no surprise that the career of Johnny Unitas coincides with the popular ascendancy of professional football.

The list of his on-the-field accolades is incomparable. He won three league championships, three MVP awards, and made ten Pro Bowl appearances. He retired from the NFL in 1974 as the owner of 22 NFL records, most notably throwing at least one touchdown pass in 47 consecutive games. No player since has even come close to surpassing that feat.

Johnny Unitas is best known for his golden arm, but his greatest gift was a golden heart. He never stopped giving back to his community and his country. He established the Johnny Unitas Golden Arm Educational Foundation to help low-income kids get a college education. He was a tireless supporter of cystic fibrosis research. He and his wife Sandra fought admirably to help victims of sexual assault and domestic violence. Through charitable efforts that are bound to thrive even after his passing, his spirit of compassion lives on in the City of Baltimore and the nation.