

avoid creating disproportionate adverse impacts on the health or environment of minority, low-income, or Native American communities; and collect data and carry out research on the effects of facilities on health and environment of minority, low-income, and Native American communities.

It would also establish two committees: an Interagency Environmental Justice Working Group to develop strategies, provide guidance, coordinate research, convene public meetings, and conduct inquiries regarding environmental justice issues. Makes permanent the group set up by the Executive Order; and a Federal Environmental Justice Advisory Committee, appointed by the President, including members of community-based groups, business, academic, state agencies and environmental organizations. It will provide input and advice to the Interagency Working Group.

In a nutshell what this bill would do is require federal agencies that control the siting and disposing of hazardous materials, store toxins or release pollutants at federal facilities, or issue permits for these kinds of activities to make sure they give fair treatment to low-income and minority populations—including Native Americans. What this bill does is say to federal agencies, "In the past these communities have endured a disproportionate impact to their health and environment. Now we must find ways to make sure that won't be the case in the future."

Both Representative SOLIS and I recognize that it likely will not be possible for the Congress to complete action on this measure in this Session. But we are today taking the first step toward its enactment, and will persist in our efforts to accomplish that goal.

For the information of our colleagues, I am attaching a brief outline of the provisions of the bill.

ENVIRONMENTAL JUSTICE ACT OF 2002  
REPRESENTATIVES MARK UDALL AND HILDA SOLIS

**Summary:** This bill would essentially codify a Clinton Administration Executive Order which directed a number of federal agencies and offices to consider the environmental impact of decisions on minority and low-income populations.

**Background:** On February 11, 1994, President Clinton issued Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." The President also issued a corresponding Memorandum to all federal departments and agencies further explaining the order and how the agencies should implement it to address environmental justice issues. The Order and Memorandum called for the creation of an interagency working group to provide guidance on identifying disproportionate impacts on the health and environment of minority and low-income populations, develop strategies to address this disproportionate impacts, and provide a report on that strategy. Since the order was promulgated, the affected agencies have developed reports and strategies.

**Need for the Bill:** Although federal agencies and offices have been complying with the Executive Order, disproportionate impacts related to human health and the environment still exist for many minority and low-income communities. These impacts must be addressed over the long term. In addition, due to the lack of resources and political clout of many of these impacted communities, vigilance is required to make sure that disproportionate impacts are reduced

and do not continue. As the effort to date has been primarily administrative based on the presidential order and memorandum, these strategies need to be incorporated into the routine functioning of federal agencies and offices through federal law.

*What the bill does*

Requires federal agencies and offices to: include addressing environmental justice concerns into their respective missions; conduct programs so as not to create disproportionate impact on minority and low-income populations; include an examination of the effects of such action on the health and environment of minority and low-income populations for actions that require environmental analyses under the National Environmental Policy Act; create an environmental justice strategy to address disproportionate impacts of its policies and actions, and conduct and collect research on the disproportionate impacts from federal facilities.

Creates an Interagency Environmental Justice Working Group to develop strategies, provide guidance, coordinate research, convene public meetings, and conduct inquiries regarding environmental justice issues.

Creates a Federal Environmental Justice Advisory Committee composed of members of community-based groups, business, academic, state agencies and environmental organizations which will provide input and advice to the Interagency Working Group.

HONORING A TRUE PUBLIC SERV-  
ANT: SENATOR THOMAS KUCHEL

**HON. STEPHEN HORN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 10, 2002*

Mr. HORN. Mr. Speaker, fifty years ago this December, California Governor Earl Warren appointed Thomas Henry Kuchel of Anaheim to the United States Senate seat vacated by Vice President-elect Richard Nixon.

A proudly progressive Republican from Orange County, Senator Kuchel represented the Golden State in the Senate with great distinction from 1953 to 1969 and played key roles in ratification of the 1963 nuclear test ban treaty, passage of the Interstate Highway Act, the Landrum-Griffin Act, Medicare, and the 1965 Voting Rights Act. With Senator Hubert Humphrey, he was co-floor leader for the 1964 Civil Rights Act, arguably the most important piece of domestic legislation in the latter half of the twentieth century. As ranking member of the Senate Interior committee, Senator Kuchel sponsored numerous laws that created and expanded reservoirs, wildlife refuges, wilderness areas, and national parks. He was a fine lawyer, particularly on water law.

Senator Kuchel's Republican colleagues elected him Assistant Minority Leader five times—a record that remains unsurpassed today—and he was literally Minority Leader Everett Dirksen's "right-hand man" during the decade that he served as Whip. Senator Kuchel was also a formidable politician—he was the last U.S. Senate nominee to win all 58 California counties, a feat that he accomplished in 1962 as fellow Republican Richard Nixon decisively lost his gubernatorial bid.

From 1960 to 1966, I served as legislative assistant to Senator Kuchel. I had the sad duty of announcing his death to the House on November 29, 1994.

As a memorial to this distinguished public servant, Congress designated the "Thomas H.

Kuchel Visitor Center" at Redwood National Park as part of the Interior Appropriations Act for Fiscal Year 1999. I requested this action at the suggestion of Jason Bezis, a young Californian who has done extensive research on Senator Kuchel's career and accomplishments. Certainly, naming the visitor center is a fitting tribute and I want to provide my colleagues with some of the history behind this action.

In February of 1966, Senator Kuchel introduced S. 2962, a bill to authorize a Redwood National Park in California. He helped to shape this legislation in meetings with Secretary of the Interior Stewart L. Udall, National Park Service Director George B. Hartzog, Jr., and other concerned parties in 1965. He re-introduced the bill in 1967, after aiding in negotiations with timber companies on an agreement that halted "spite cutting" of trees within the proposed park's boundaries. In October of 1967, Senators Tom Kuchel, Henry Jackson, and Alan Bible jointly introduced S. 2515, the bill that established Redwood National Park when President Lyndon Johnson signed it on October 2, 1968 (Public Law 90-545).

Senator Kuchel tirelessly advocated establishments of Redwood National Park through both words and actions. On July 29, 1966, he addressed the U.S. Senate: "I have introduced S. 2962 to establish a Redwood National Park because God's magnificent, awe-inspiring northern California virgin redwood giants ought to be preserved for humanity, rather than be chopped down from mountainsides to be made into 2 by 4's."

When logging companies accelerated their harvest of trees that were to be within the park, he informed their executives that they had a "moral obligation" to refrain from cutting in areas that Congress was attempting to preserve. In his "A Plea for Responsibility" Senate address on August 10, 1966, Senator Kuchel said, "Some of these redwoods have taken 2,000 years to grow into their present grandeur. Those who would sever them from the earth are not answerable to Congress or the courts. They are, however, answerable to the people of this country, and to posterity. These giant trees belong to the ages."

Senator Kuchel repeated his "moral obligation" argument during debate on the Senate floor on October 31, 1967: "The redwoods are a national treasure which must be preserved. We, who are living when the last great primeval redwood forests are diminishing, have an obligation to preserve an area of national park stature where all Americans for now and the future, can experience the wonder of walking among these living remnants of past centuries."

When passage of the Redwood National Park bill was imminent in fall 1968, many credited Senator Kuchel. The San Francisco Examiner dubbed it "Kuchel's Park." The Sacramento Bee lauded Senator Kuchel's advocacy for the park as "an exemplar of political statesmanship."

Senator Kuchel's final legislative accomplishment was the Redwood National Park Act, signed by President Johnson just two weeks before the Senator delivered his Farewell Address. Rarely has a "lame-duck" senator achieved so much.

I believe that Senator Thomas H. Kuchel was among the most eminent legislators that my state of California has ever sent to our national Capital. To his wife Betty and daughter

Karen, let me say, "Thank you for sharing this great man with us."

I asked that the following be placed in the RECORD: a eulogy by San Diego Union-Tribune columnist Lionel Van Deerlin, a distinguished member of this body from 1963 to 1981, and editorials from the Sacramento Bee and San Francisco Examiner about Senator Kuchel's role in establishment of Redwood National Park.

[From the Office of U.S. Senator Thomas H. Kuchel, Senate Office Building, Oct. 2, 1968]  
STATEMENT BY U.S. SENATOR THOMAS H. KUCHEL (R., CALIF.), ON THE SIGNING INTO LAW BY PRESIDENT JOHNSON OF A BILL TO CREATE A REDWOOD NATIONAL PARK

(Senator Kuchel Was Co-Sponsor of the Senate Bill and Is Senior Republican on the Senate Interior Committee)

This is a most satisfying note on which to close my Senate career. This new law is a capstone of my 16 years in Washington. It involved California local and State government, and the far-flung conservation groups, all with their divergent views, and helping to bring them all together. It meant close cooperation with the California delegation in the House of Representatives, and long, productive and happy hours with Chairman Henry Jackson and other valued friends on the Senate Interior Committee. The result, the Redwood National Park, represents one of conservation's most dramatic victories—a long unyielding and finally successful struggle against civilization's rampant destruction of natural beauty. This is a nostalgic day. It is a proud day, for the Congress, for California, and for the people.

[From the San Diego Union-Tribune, Nov. 29, 1994]

KUCHEL, A COURAGEOUS PUBLIC SERVANT  
(By Lionel Van Deerlin)

It's a statistical fact that more than 10 million of California's present population arrived since Tom Kuchel served in the U.S. Senate. But this man, for whom there will be a memorial service in Beverly Hills tomorrow, may have done more than any other, living or dead, to make our state habitable, our lives gentler.

Kuchel (pronounced "Kee-chul"), who died last week at age 84, was one the last week at age 84, was one the last of what sometimes seems a vanishing breed: a truly moderate Republican. His Senate service stretched from 1953 to 1968, an era remembered for truly middle-road leadership and ideology in a state party that also gave us Earl Warren, Goodwin Knight, Robert Finch—and their progenitor, the great Hiram Johnson.

Tom Kuchel's was perhaps the strangest, and certainly the saddest story of all. Born and reared in ultra-conservative Orange County, he became a state legislator at 26 and U.S. senator at 43, replacing Richard Nixon. But he was cut down 15 years later while still in the prime of a productive and highly useful career.

Kuchel didn't meet defeat like most public figures, beaten by the other side. He was a victim of skullduggery within his own ranks—made to walk the plank by Republican king-makers whom Kuchel had refused to accompany to the radical right.

Their real parting came in 1964. That's when an all-white and mostly male California delegation to the Republican National Convention helped nominate Barry Goldwater on a historically extremist platform for president. Kuchel stayed out of the campaign, refusing to endorse Goldwater. Two years later, when Ronald Reagan first ran for governor, Kuchel conditioned his en-

dorsement on a demand that Reagan renounce support for the semi-secret John Birch Society. Reagan refused, and so did Kuchel.

Then still in his mid-50s, Kuchel seemed at his political zenith. As assistant Republican leader of the Senate, he helped enact Medicare, voting-rights legislation enfranchising millions of Southern blacks and federal aid to education. He supported the first Atomic Test Ban Treaty.

These landmark accomplishments held scant appeal for party faithfuls—the Henry Salvatoris, the Walter Knotts, the Herbert Kalmbachs or others bent on shedding the GOP's moderate image in California. But Kuchel was guilty of a greater sin: He couldn't accept the almost pathological fear of communism that seized so many in the post-McCarthy era.

Along with other members of Congress, Kuchel was targeted by intensive mail from members in the John Birch Society. After striving to respond calmly to the society's scare talk—which included a complaint that the government was doing nothing to deter "thousands of Chinese Communists who are preparing to invade California from Mexico"—the senator eventually responded in a widely publicized Senate speech.

In it, he blasted "the fright peddlers" and a mind-set that could prompt well-to-do, presumably educated Americans to disseminate or even to countenance such nonsense. Kuchel had checked the facts carefully with military authorities and the FBI.

"We have no evidence of Communists gathering in Mexico, Chinese or otherwise," he said. "I rise today to speak of another danger we confront . . . the danger of hate and venom, of slander and abuse, generated by fear and heaped indiscriminately upon many great Americans by a relative handful of zealots."

Referring to a frequent use of the word treason in his incoming mail, the Senator let loose.

"Treason!" he shouted. "I still cannot believe my eyes when I stare at the ugliest word in the American lexicon tossed about in a letter as casually as the 'Dear Senator' or 'Dear Congressman' salutation and the 'Respectfully yours' with which one letter to me closed."

For the self-styled conservative involved in scare-mongering, Kuchel had this message: "The big lie, the smear and witch hunts are not the hallmarks of conservatism, but are the trademarks of communism and fascism."

That did it. The senator's home-state enemies began circling the wagons for the 1968 election, when he would be seeking a fourth term. A right-wing state superintendent of schools, the late Max Rafferty, was persuaded to enter the Republican primary, heavily bankrolled.

Kuchel through the years had built enough cross-party support to be sure of holding the seat in the general election. But the stealth campaign within his own party worked. He lost Republican renomination by 69,000 of the 2.2 million votes cast.

Rafferty, as it developed, played only the role of spoiler. His nomination enabled Democrat Alan Cranston to win the Senate seat in November of that year, when Nixon was being elected president. It seems inconceivable that Cranston could have beaten Kuchel.

The GOP couldn't forgive him. Through a quarter-century in retirement, Tom Kuchel continued to be treated as a political pariah—never honored as an elder statesman, never invited to party conventions. After his 1968 defeat, Kuchel joined the law firm headed by Eugene Wyman, a former Democratic National Committee member from Cali-

fornia. Insofar as is known, he was never consulted on legislative matters.

Yet if we hear little today of John Birchers and their glint-eyed imitators, Kuchel is the person chiefly to be credited. He surely merits the praise on Brutus by an enemy, Marc Antony:

"This was a man."

[From the Sacramento Bee, Sept. 12, 1968]

KUCHEL, PUBLIC WIN

A tremendous double-barreled victory is registered in the Redwood National Park bill which is expected to win easy congressional approval before the end of the month.

The first victor is the public interest. The Senate-House conference measure provides almost every feature sought by conservationists. The 58,000-acre park system in Northern California is ample to preserve this natural heritage for all the generations to come.

The second victory is the personal one of United States Sen. Thomas H. Kuchel who led the three-year fight for the park. In this as in so many other battles the California Republican was an exemplar of political statesmanship.

In the redwoods campaign Kuchel fought not only for the recreation and natural beauty heritage of this generation but for those voiceless citizens who comprise all the generations to come.

In the course of it he tangled with representatives of the lumber industry and other groups with lobbying muscle.

The people, the general public for whom Kuchel fought, could not bring to bear the same well-organized pressures. Only in time will many of them come to appreciate the momentousness of the issue. For had these priceless, irreplaceable monarchs of the California forests been lost, their like would not be seen again by man.

Now they will continue to stand as a monument to Kuchel's concern for tomorrow.

[From the San Francisco Examiner, Sept. 12, 1968]

KUCHEL'S PARK

The long battle for establishment of a Redwoods National Park is over, or nearly so. A Senate-House conference committee has agreed on details; acceptance by both houses seems certain.

Much of the credit goes to California's Sen. Thomas H. Kuchel whose tireless concentration on the project defied all discouragement. Though other dedicated conservationists in the Congress share the laurels, this park can fairly be described as a splendid climax to Kuchel's outstanding senatorial career.

The park constitutes an elaborate compromise between the claims of ardent conservationists and equally ardent timber operators. A compromise can be defined as a settlement that falls short of the ideal, but in this case the shortcomings from both points of view must, in fair appraisal, be considered minimal.

Sen. Kuchel said, "The bill preserves the finest remaining specimens of the coast redwoods and protects the timber-based economy by spreading the impact of land acquisition among four companies and two counties. It makes some additional federal redwood timberland available to the companies as compensation."

An unexpected bonus is the inclusion in the park of a 33-mile strip of wild headlands and beaches.

The park will contain 58,000 acres composed of new purchases and existing state park lands. Management—perhaps a form of partnership—remains to be worked out. We

hope state and federal authorities can approach this in the same spirit of amity and concord that marked their relations when the federal government established Yosemite National Park and the state continued in ownership of the valley floor for 20 years.

O.C. POLITICIAN AND EX-SENATOR KUCHEL, 84,  
DIES

(By Kenneth Reich)

Thomas H. Kuchel, U.S. senator from California for 16 years and the last major officeholder from the progressive Republican line in state politics that stretched back to Earl Warren and Hiram Johnson, has died at age 84.

The Orange County politician died Monday night at his home in Beverly Hills of lung cancer, Dick Arnold, Kuchel's law partner and friend, said Tuesday.

A friend and protege of Warren, Kuchel was appointed by Gov. Warren as state controller and as U.S. senator before he was elected to those posts in his own right.

Kuchel first was elected to public office at 26, winning an Assembly seat from Orange County. By 52, he was the Republican whip in the Senate—the second most powerful Senate leadership post in his party. But for the four years he held that office, he refused to endorse four leading Republican candidates for public office in those years: Richard M. Nixon for governor of California in 1962, Barry Goldwater for President and George Murphy for the U.S. Senate in 1964, and Ronald Reagan for governor in 1966.

In 1968, Kuchel lost his bid for a third full term, beaten in the Republican primary by right-wing educator Max Rafferty, who was then defeated by Democrat Alan Cranston in the general election.

Rafferty's defeat of Kuchel was the Republican right-wing's revenge for Kuchel's recalcitrance toward conservative candidates, and it spelled the end of the proudly outspoken progressive era in California's Republican Party. Later, when the essentially moderate Pete Wilson was elected to the U.S. Senate as a Republican, he was careful to support Reagan and other candidates of the Republican right.

Kuchel never apologized for being out of step with the rightward drift of the GOP, which was particularly marked in California.

In an interview long after his retirement, he extolled the virtues of progressivism, the essence of which he said had been defined in the 19th Century by British statesman Benjamin Disraeli, who remarked that the main purpose of government was to "distribute the amenities of life on an ever-increasing scale to an ever-increasing number."

"Progressive Republicans brought to politics the philosophy of governing for the many," Kuchel said. "What comes particularly to my mind is Medicare. If it weren't for Medicare today, there would be tens of thousands of Americans living in the poorhouse, with no care. It was a baker's dozen progressive Republicans in the Senate who agreed we would vote for Medicare. . . . I was their spokesman, and we provided the necessary margin for passage."

Kuchel also expressed particular pride in the progressives' support of civil rights bills for the enfranchisement of blacks and desegregation of public facilities during the 1960s.

By contrast, he said with characteristic disdain, the main feature of "right-wing Republicans," as he understood them, "was militant anti-communism. . . . They seemed convinced we were about to be invaded by the communists."

Kuchel was born Aug. 15, 1910, in Anaheim, where his father, Henry Kuchel, was a newspaper publisher who had crusaded against the Ku Klux Klan. His father became blind

the year the senator-to-be was born, and as a boy Kuchel used to read the Congressional Record to him.

When Kuchel spoke at a graduation ceremony at UC Irvine in 1969, he talked about his ties to Orange County.

"This county has been my family's home since before the Civil War," he said. "My immigrant forebearers came here seeking freedom. And the kind of guidelines they sought to give their descendants would surely not be dissimilar from those on which the University of California was founded."

Graduation from USC in 1932 and from USC Law School in 1935, Kuchel's debut in politics came in 1936 when he was elected to the State Assembly to replace Edward L. Craig of Brea. In that year of the Roosevelt landslide, he was the only Republican candidate to be elected to partisan office in Orange County, a fact he credited largely to the good name of his father, who was publisher of the Anaheim Gazette for 48 years.

Kuchel defeated his Democratic opponent, James H. Heffran, a sports writer for the Anaheim Bulletin, by a mere 1,159 votes.

Kuchel's next move up the political ladder came in 1940 when he won a State Senate seat vacated by Democrat Harry Westover.

When he was 30, Kuchel was elected chairman of the Republican State Central Committee, the youngest man ever to hold that position.

When World War II erupted, Kuchel joined the Naval Reserve and was called to active duty.

In 1944, when his Senate term ended, Kuchel was still in the Navy. However his friends nominated him for a second term in the Senate. Although his mother had to do his campaigning, he was easily reelected and became senator in absentia. He was known as Orange County's Phantom Senator until 1945, when he was able to return to office.

It was during his legislative years that he first met Warren, who became state attorney general in 1939 and governor in 1943.

"I saw him quite often," Kuchel later recalled. "I was single and living in the Sutter Club during the legislative sessions, and he'd stay there too when he was in Sacramento. We developed a good friendship."

It was to be the decisive relationship in Kuchel's career. When state Controller Harry B. Riley died in 1946, it was Gov. Warren who called Kuchel, then a state senator fresh from World War II Navy service, and told him, "It's a fine job, and I think you have the qualifications." Six years later, when then-Sen. Nixon was elected vice president, it was Warren who insisted, despite some reluctance from Kuchel, on appointing him to the U.S. Senate.

Warren was shortly to go to Washington himself, as chief justice of the United States, where he became a leading judicial liberal and eventually came under bitter attack from the far right. It was appropriate that his protege, Kuchel, was to emerge as the Senate's most outspoken Republican foe of the far right.

In fiscal matters, the senator was a conservative. He strongly supported American involvement in Vietnam for a long time. Even after the devastating Tet offensive by the North Vietnamese in 1968, he remarked, "I don't want this senator, or any U.S. senator, to indicate by his words that there is dissension among us" on Vietnam policy.

But he worked hard for such moderate causes as the 1964 Civil Rights Act and favored the atomic test ban treaty and other steps toward detente with the Soviet Union.

Kuchel always traced his trouble with the political right to his response to a surge of mail that he got from members of the then-obscure John Birch Society shortly after John F. Kennedy became President.

"I got thousands of letters telling me that Chinese communists were in Mexico preparing to invade California," he recalled. After checking with military authorities, Kuchel penned a short form letter in response. "We have no evidence of communists gathering in Mexico, Chinese or otherwise," it said.

Shortly thereafter, Kuchel learned that he was being labeled a "Comsymp," a term he had not heard of until then.

"I got a little teed off, and prepared a carefully researched speech critical of the John Birch Society and that kind of mentality," Kuchel remembered. "I kicked them around, and they never forgave me."

About the same time, Kuchel's refusal to endorse his fellow Republicans began to nettle not only the party's right wing, but also many of the more orthodox conservatives who made up the majority of the GOP rank and file.

When Nixon announced his plans to run for governor of California, the same year that Kuchel was standing for reelection to the Senate, the former vice president said he would run an independent campaign and endorse no one else on the Republican ticket.

Kuchel, feeling turnout was fair play, decided to avoid endorsing Nixon. But when Nixon ran into trouble against Democratic incumbent Gov. Edmund G. (Pat) Brown, the senator was pressured to give him a hand.

Former President Dwight D. Eisenhower wrote Kuchel a pointed letter, asking what kind of Republican he was for not giving such support. Eisenhower backed off when Kuchel responded forcefully that in California it was traditional to run one's own campaign and not get involved with others and that Nixon had been first to restate the tradition.

"Dear Tom," Eisenhower responded. "Thanks for straightening me out."

Kuchel was reelected that year, 1962, by more than 700,000 votes. Nixon lost to Brown by 300,000.

Two years later, when Goldwater ran against President Lyndon B. Johnson, Kuchel refused to endorse him, explaining later, "I would have been a hypocrite if I had campaigned for Goldwater, so I kept my mouth shut and campaigned for other Republicans across the country. I consider myself the Republican. I considered what Barry Goldwater was saying was hardly Republican doctrine."

On his refusal to support George Murphy, who ran successfully as the Republican candidate for the other Senate seat from California that same year, Kuchel said, "I never coveted public office enough to become a wholesale hypocrite."

Two years later, when Reagan ran for governor, Kuchel withheld his endorsement. He said he had given a Reagan emissary, Leonard Firestone, an assurance that he would endorse the future President but only on condition that Reagan repudiate the John Birch Society. When Reagan would not do so, Kuchel made no endorsement, even though he said he had been told at one point that if he did, Reagan would guarantee that he would have no primary opposition in 1968.

That certain elements of the far right would stop at nothing to get Kuchel was indicated during his last term of office, when his Los Angeles assistant received an affidavit claiming that the senator, who was married and had a daughter, was homosexual.

Kuchel was shaken. "My God," he said years later, "I almost dropped. I flew out to California within two days, and I asked for a meeting with the district attorney and the Los Angeles chief of police. They said they would undertake an investigation."

Quietly, with little press notice, a Los Angeles police officer who had assisted in preparing the affidavit was fired. He and a New

Jersey publisher pleaded no contest to charges of libel filed by the authorities. They claimed that it had been a case of mistaken identity.

But Kuchel later said, "It damaged me. Even though the perpetrators took a plea, it hurt me."

Some political insiders felt that the senator lost much of his zest for political life after that episode. But there appeared to be other reasons as well for his inability to put on a dynamic defense of his seat when he was challenged by Rafferty in the 1968 GOP primary.

As Kuchel admitted, "My Achilles' heel was money raising. I hated to indulge in it, and my campaign expenditures usually were the lowest amount of anyone."

With Rafferty charging hard, declaring up and down the state that Kuchel was not a true Republican, the senator seemed on the defensive, and often inarticulately so. A dispatch by then-Times political writer Richard Bergholz said of the incumbent:

"He talked in generalities, haltingly, with little force or emphasis. . . . (He) later conceded that he was something less than brilliant. . . . 'I was tired,' he explained. . . . It was midafternoon on the campaign day which had only one appearance earlier in the day."

When the votes were in, on a primary day most remembered for the assassination that night in Los Angeles of Democratic presidential contender Sen. Robert F. Kennedy, Rafferty had defeated Kuchel by 69,000 votes of 2.2 million cast.

The senator went to New York to attend Kennedy's funeral. There, he ran into an aging Warren, who only a year later was to retire as chief justice. He told Kuchel, "I just feel so badly about your defeat, I can't talk about it."

As he left the Senate, Kuchel expressed pride in his record, even though it appeared to have contributed to his loss.

"Some of the votes I have cast I know have been very costly to me politically," he told the Senate on Oct. 14, 1968, in his formal farewell. "I think, however, if there is one measure of satisfaction in the life of a legislator, it comes at the time he tallies the votes which he believed in his own mind were right, just and appropriate, even if he knew that the balance of public opinion was against him, and, sometimes, violently against him. . . ."

"I think it is not only permissible but, indeed, vital that the Senate of the United States lead public opinion instead of following it. That is the difficult path but the only one to tread if our republic is to remain."

Shortly afterward, Kuchel joined the law firm headed by Eugene Wyman, a former Democratic National Committee member from California. After several years of representing the firm in Washington, he returned home to California and practiced law with the firm in Los Angeles until his retirement as a partner in 1981, although he continued to be active.

**TWO SIKH MEN DETAINED AFTER FLIGHT—RACIAL PROFILING MUST BE STOPPED**

**HON. CYNTHIA A. MCKINNEY**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 11, 2002

Mrs. MCKINNEY Mr. Speaker, I was disturbed to read that two Sikh men were detained after a flight simply for using the bath-

room. This is ethnic profiling of the worst kind and it must be stopped.

Apparently, what happened was that the two men, Gurdeep Wander and Harinder Pal Singh, were flying to Las Vegas for a convention and they missed their connection. They were a bit late the next morning so they ran onto the plane. Apparently, this made the flight crew suspicious.

Then Mr. Singh, Mr. Wander, and another man, who was Hispanic, used the same bathroom on the plane. When Mr. Singh, the last of the three, went to use it, the flight attendant tried to convince him that it was locked and unavailable. She claimed that she had read that people could make bombs in the bathrooms by bringing the parts on separately. I wonder if three white people using the bathroom in quick succession would have made her think the same thing.

After the plane made an emergency landing, the two Sikh men and an Egyptian man were detained on the plane while police dogs surrounded it and sniffed for weapons. Then the Sikh men were arrested for interfering with a flight crew.

Mr. Speaker, the Secretary of Transportation must take appropriate action against this airline and its discriminatory employees. This kind of racial profiling cannot be allowed. I call on the Secretary of Transportation to take appropriate steps to end this racist practice and to make sure that the victims of this incident are fully compensated. We must make it clear that we will not tolerate racial profiling.

Mr. Speaker, the Council of Khalistan has written a letter to Secretary Mineta asking him to take appropriate action in response to this incident. I would like to place that letter into the RECORD now.

COUNCIL OF KHALISTAN,  
Washington, DC, October 8, 2002.

Hon. NORMAN MINETA  
Secretary of Transportation,  
Washington, DC.

DEAR SECRETARY MINETA: I am writing to you to protest an incident of racial profiling against Sikhs that occurred on a Northwest Airlines flight on September 11. Gurdeep Wander and Haninder Pal Singh, two men of Sikh descent, were headed to a convention in Las Vegas on a Northwest Airlines flight after missing a previous connecting flight in Minneapolis.

Mr. Wander and Mr. Singh chose to fly on September 10 to avoid flying on the anniversary of the September 11 attacks. However, they missed their connecting flight so they had to stay overnight in Minneapolis. They were then placed on a flight on the morning of the September 11. Mr. Wander and Mr. Singh were late for their flight. They rushed on board the plane, which the flight attendant apparently regarded as suspicious. All that the two Sikh men carried was the shaving kits that they had been given by the airline. Their luggage had already been forwarded to Las Vegas. Would the flight attendants regard white men rushing onto the flight as suspicious? I don't think so.

The flight attendants' suspicion was apparently further aroused when right after Mr. Singh and Mr. Wander, a Hispanic man named Carlos Nieves rushed onto the plane.

Shortly before departure, Mr. Wander got out of his seat and got the shaving kit the airline had given him. He took it with him to the bathroom. When Mr. Wander had been in the bathroom a few minutes, a flight attendant asked him to sit down. He asked for a minute to finish up what he was doing. When Mr. Wander came out, Mr. Nieves went to

use the bathroom. Mr. Singh was next to use it. The flight attendant tried to prevent Mr. Singh from using the restroom, claiming that it was locked. She later claimed that she had read that explosive devices could be assembled on the flight if separate individuals carried the components.

After the plane made an emergency landing in Fort Smith, Arkansas, Mr. Singh, Mr. Wander, and a Muslim from Egypt named Alaaeldin Abdelsalam were detained. The plane was surrounded by bomb-sniffing dogs and all the luggage was taken out of the plane.

Secretary Mineta, this is clearly racial profiling and it must not be allowed. I urge you to take appropriate corrective action to correct the abuse of Mr. Singh, Mr. Wander, Mr. Abdelsalam, and Mr. Nieves. I also respectfully request that you issue an urgent directive banning racial profiling on any U.S. flight. Since these airlines are regulated by your department and your department controls airport security, you must act to ensure that every passenger is treated equally and fairly. Please take appropriate action to correct this situation today. Thank you in advance for your help.

Sincerely,

GURMIT SINGH AULAKH,  
President.

JOE SKEEN FEDERAL BUILDING

SPEECH OF

**HON. WES WATKINS**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. WATKINS. Mr. Speaker, I rise in support of H.R. 5427, the Joe Skeen Federal Building Designation Act, which names the federal building in Roswell, New Mexico after JOE SKEEN.

After over two decades serving in this House, JOE SKEEN is retiring and heading back to his ranch in New Mexico. JOE SKEEN has had a truly impressive career here in the U.S. House. He came to Congress as a write-in candidate, one of the few Members that have been elected in this manner. In 2001, JOE SKEEN became the longest serving New Mexico House Member.

I have had the honor of serving with JOE SKEEN through most of his career, and I have had the pleasure of working with him on the Agriculture Appropriations Subcommittee. He has been stalwart in protecting private property rights for our citizens, and understands the needs for striking a balance between conservation efforts and for supporting local economies. JOE SKEEN is a friend to both farmers and ranchers, and has been a champion to the lamb and wool industry.

In his 22 years in the House, JOE SKEEN has been one of the most ardent supporters of states' rights. He has kept the mind set that those closest to the people make the best decisions on how to use federal dollars. He has worked diligently to improve business development in southern New Mexico by incorporating private industry, various federal agencies and New Mexico's institutions of higher learning into partnerships. Such examples of this can be seen in the establishment of the International Law Enforcement Academy in Roswell, and the landmine detection and disarming program and the New Mexico Institute of Technology.