

section shall take effect on the date of enactment of this Act and shall apply with respect to cases commenced under Title 11 of the United States Code before, on, and after such a date."

As the author of both the 1984 amendment that established the bona fide dispute proviso of section 303 of the Code and 2001 Senate amendment that became section 1234 of the conference report and section 1233 of the House-passed bill, I intend to seek to secure the same clarification and reiteration of current law in the 108th Congress.●

#### TRIBUTE TO DR. LEON Y. SADLER, III

●Mr. SESSIONS. Mr. President, I rise today to express my congratulations to Dr. Leon Y. Sadler, III, originally of Camden, AL, now of Tuscaloosa, Alabama, for his receipt of the Outstanding Commitment to Teaching Award given by the University of Alabama.

Dr. Sadler comes from a well respected Wilcox County family who for generations have provided the area with leadership. His grandfather, Mr. "Duck" Sadler was a superb businessman, and farmer. Indeed, my father purchased his International Harvester dealership from him in the late 1950s. Dr. Sadler's father was a brilliant lawyer who did superb legal work for over a half century, operating from his modest office in Camden. Dr. Sadler's brother, Tom, graduated one year ahead of me at Wilcox County High School, obtained his engineering degree from Massachusetts of Technology and, likewise, excelled in engineering.

Leon earned a B.S. in Engineering from Georgia Institute of Technology, and his master's degree and Ph.D. at the University of Alabama. He joined the Department of Chemical Engineering at the University of Alabama in 1978 after working for Olin Chemical Corporation and the United States Bureau of Mines. His publications are numerous and his research has led to his being rewarded three patents. He is also the recipient of numerous awards including Reichold-Shumaker Professorship of Chemical Engineering; Department of Engineering 140th Anniversary Outstanding Fellow Award; Rau Beta Pi Outstanding College of Engineering Faculty Award and Alabama Society of Professional Engineers State of Alabama Engineering Educator of the Year for 2001, to name a few. His excellence as a teacher of chemical engineering is best enunciated by one of his students who said about Leon:

Not only does he use his great technical skills to educate his students to be better suited for industry, but he also employs his personal skills to illustrate to students how to be better suited for the "real world." He never fails to provide students with the means to learn, as well as the tools to succeed in a competitive field.

I knew Leon as a student in the public schools of Wilcox County. He graduated several years ahead of me. While

a terrific student, Leon was also a good basketball player. On one occasion, he undertook to coach a group of us who attended the Methodist Youth Fellowship in a basketball league. In fact, we had an ecumenical Methodist Youth Fellowship, with Presbyterians and other church members attending. We thought he was a wonderful coach and that we would be a successful team. Unfortunately, he had chosen by far the shortest team in the league and though we learned much about the game, a winning season we did not have.

Leon married his high school classmate, Dana McNeil, a wonderful and sparkling person who maintained a successful career in real estate. She has been his loving partner throughout their marriage of many years. They have two wonderful sons, Leon IV and Cobb.

In recent years, I had the chance to reestablish a close relationship with Leon and Dana. Spending time with them has been a most pleasant experience. He and Dana have had me stay with them in their fine home in Tuscaloosa and treated me with genuine hospitality. I have cherished those visits and our talks about friends and family and our roots. In this highly mobile world, it is important that we stay close to our friends and to our heritage.

Everyone has such a great love and affection for Leon. Though brilliant and dedicated, he never lost his humility and humanity. People love him and love being with him. His friends are many and very, very loyal—just as he is to them.

Leon is now suffering an erosion of his physical abilities as the result of the progression of Lou Gehrig's disease. I visited him, Dana and Jim Wilburn recently and enjoyed it greatly. Among other things, we talked of my re-election effort which was just a few weeks off. Leon, now unable to speak, with a smile on his face, wrote on his small erasable board the words, "You're going to win." That was an encouraging comment and, as it turned out, he was correct.

Leon Y. Sadler, III has achieved excellence in a rigorous and demanding specialty, Assistant Professor of Chemical Engineering. He has been a blessing to his fellow man. He has remembered his roots and friends from Wilcox County. He loves his wife and family and is proud of all their accomplishments. To an unusual degree, he loves America, understands her greatness, keeps up with current affairs, and does all he can to keep her on the right path.

Teachers are important people. In addition to their professional excellence, teachers help young people learn how to live—in the words of his student, "... how to be better suited for the 'real world' ". Indeed, I extend my congratulations to Dr. Sadler for this important teaching award, presented by one of the great universities in the

world, the University of Alabama. The presentation of the award on September 18, 2002, brought credit on both Dr. Sadler and the University.●

#### HONORING REVEREND HAROLD JONES

●Mr. JOHNSON. Mr. President, I am saddened to report the passing of one of South Dakota's most exceptional spiritual leaders, Rev. Harold Jones.

Harold was the first Native American to serve as a bishop in a Christian denomination. He was a widely respected leader, and was greatly admired by his peers for his dedication to the people he served and guided. His tremendous contributions to the community and groundbreaking achievements set him apart from other outstanding spiritual leaders.

Born in 1909 and raised on the Santee Reservation in Nebraska, Harold lost his parents at an early age and was raised by his grandparents, who brought him up as a Christian. He attended school at Seabury-Western Seminary in Illinois. After graduating, Harold spent 13 years at the Pine Ridge Mission and 12 years at Holy Trinity Parish in Wahpeton, ND. He also served at the Cheyenne River Agency, Gettysburg, Dupree, Pine Ridge, and Rapid City, SD and Fort Defiance, AZ. Harold was consecrated as a bishop suffragan of the Episcopal Diocese of South Dakota on January 11, 1972. The ecumenical ceremony was witnessed by 1,000 people in the Catholic Church's St. Joseph Cathedral in Sioux Falls.

As a Native American, Harold's entry into the church did not occur without controversy and prejudice. While at seminary school in Illinois, Harold earned money by giving talks about life on South Dakota Indian reservations to churches in the Chicago area. Outside these churches signs often read, "Come this Sunday and see a live Indian!" Never deterred from following his chosen path, Harold overcame the misconceptions and prejudices of others to become one of the most respected and revered bishops in the country.

Harold's dedication to helping others serves as his greatest legacy. His work continues to inspire all those who knew him. Our Nation and South Dakota are far better places because of Harold's life, and while we miss him very much, the best way to honor his life is to emulate the love and support he shared with others.●

#### THE LIFE OF JANET ADAMS VIGGIANI

●Mr. DODD. Mr. President, I rise today to pay tribute to the late Janet Adams Viggiani—a native of Connecticut. I have known the Viggiani family for many years as residents of our native State, as neighbors in East Haddam, and as friends. Janet became a strong advocate for the public interest, an accomplished attorney, and an educator,

who dedicated her professional life to helping young people and to making our Nation a more just and equitable land.

Born in Middletown, CT, Janet spent her early years in the Nutmeg State. After graduating summa cum laude from Smith College, she began what would become a lifetime of work motivated by a deep desire to serve others, particularly those who struggled mightily to overcome enormous adversity in their lives—such as illness, criminal abuse, and discrimination. She worked for the Nine To Five Organization for Women Workers in Boston and for Brigham and Women's Hospital. She cofounded the Massachusetts Public Interest Research Group, which has done so much to protect the rights and interests of working families. She also cofounded the New England Sexual Assault Network, which provided support for victims of some of society's most heinous crimes. Janet became assistant director of Radcliffe College's Career Services Center, where she provided guidance to students searching for meaningful careers. While working for her doctorate at the Harvard School of Education, Janet was named an assistant dean at Harvard College in 1988. She spent 3 years advising the college administration on sexual harassment, sexual assault, tutor training, and gender equality issues in the classroom.

In 1996, Janet obtained a law degree from Harvard. After working on a variety of employment discrimination cases in the private sector, Janet was able to combine her love of law and education by taking a position at Simmons College, where she served as a legal counsel to the president. In this capacity, Janet dealt with a variety of legal issues, including employment, gender and racial discrimination, intellectual property, and other student affairs.

Janet was taken from us too soon, but she touched the lives of many people throughout her life. Her dedication to making our world a better place inspired many people and serves as an example for all of us to follow. My thoughts and prayers are with Janet's friends and family, particularly with her parents, Carl and Jane of East Haddam, CT, her sister Frances, and her brother Carl. She will be deeply missed by all who knew her.

Mr. President, I would like to submit for the RECORD an article written about Janet that appeared several days ago in the Middletown Press.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### JANET VIGGIANI

Janet Adams Viggiani, a lawyer, educator, human rights advocate and former assistant dean for coeducation at Harvard College, died at her home in Mancos, Colorado on Friday, November 8, after a long illness. She was 48.

A co-founder of Massachusetts PIRG (Public Interest Research Group) and the New England Sexual Assault Network, she

was named assistant dean at Harvard College in 1988 while working for her doctorate at the Harvard School of Education. As a dean, she dealt with issues of concern to women, sexual harassment and assault, training of teaching fellows and resident tutors in related matters, and advising the dean of the college and the Harvard administrative board on policy and procedure in these areas.

She was born in Middletown, Conn. October 15 1954, the second child of Jane Mead Viggiani and Carl A. Viggiani, professor of Romance languages and literature at Wesleyan University. She spent her young years in nearby Middle Haddam and attended East Hampton High School, where her career in law was foreshadowed by her passionate public defense of Black students unjustly accused of provoking violence in a racial dispute. She completed high school at the Buxton School in Mass.

After graduating from Smith College summa cum laude in 1978, she worked for the Nine-to-Five Organization for Women Workers in Boston, for Brigham and Women's Hospital and for Radcliffe Career Services as a counselor and then assistant director.

At Harvard, in addition to her deanship, she held the post of Allston Burr Senior Tutor of the college's Adams House, where she was responsible for many aspects of the lives and studies of 420 Harvard undergraduates.

In 1991, she received the degree of doctor education from Harvard. However, the same year marked the onset of a cancer that was to recur. Not knowing what the future held, she bought a car and traveled across America for almost a year.

In the fall of 1993, with the cancer in remission, she began a new career by entering Harvard Law School. She received her law degree in 1996, passed the state bar, and took a job with the Boston law firm of Hill & Barlow, where she specialized in discrimination and employment law.

In 1999, she accepted an invitation from Simmons College President Daniel Cheever to come to Simmons as the college counsel and assistant to the president. In the educational environment she enjoyed, she dealt with a wide range of legal issues ranging from employment, student affairs and intellectual property, to probate and criminal law.

In her year of travel across the country, she had discovered the peace and beauty of the southwest corner of Colorado. When the recurrence of cancer forced her retirement from Simmons in 2001, she returned to that area and rented a house in a pine forest where she spent her last year. She remained active until the final weeks of her life, even hiking at 13,000 feet in the nearby Rockies.

She is survived by her parents, of East Haddam; a sister, Frances A. Viggiani of Brooklyn, New York; and a brother, Carl A. Viggiani, Jr. of White Plains, New York. ●

#### A TRIBUTE TO ARMAND DERFNER

● Mr. HOLLINGS. Mr. President, we have numerous inspirations in our Charleston, SC, community, but finally one unsung hero was heralded in the Post and Courier article this past Saturday. Armand Derfner spent his life fighting for the underdog, dedicated to civil rights. As a child of the Holocaust, his story is particularly inspirational. I ask unanimous consent to print the article in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Post and Courier, Nov. 16, 2002]

#### ATTORNEY'S LIFELONG PASSION TO DEFEND UNDERDOG HAS TAKEN HIM TO THE NATION'S HIGHEST COURT

(By Jennifer Berry Hawes)

It's telling enough that Armand Derfner would win a prestigious national award that honors an attorney who has most contributed to the public interest in a precedent-setting case.

What's just as telling: Derfner missed the fancy, Oscar-like ceremony to get it.

Derfner and his wife, Mary Giles, were sitting on a tarmac in Charleston because their flight was delayed.

Of course, he had a defense for cutting it too close. He couldn't miss cross-examining a witness the day before. Besides, Derfner just isn't a man of pomp.

The honor is called the 2002 Trial Lawyer of the Year Award. It was given the summer by the Trial Lawyers for Public Justice.

Derfner and three other attorneys were honored for this year's huge settlement of their 27-year class-action lawsuit over Mississippi's treatment of the state's black college students and its traditionally black universities.

The state settled for \$513 million. Now, even the suit's settlement is being disputed: "It's still going on!" Derfner grins.

Such a draining, drawn-out conflict could tax many people. But a good debate of any sort delights Derfner. It's why such an ardent liberal can enjoy life in conservative Charleston. "Armand always goes against the wind," says his longtime friend Martin Gold.

As a Jewish kid growing up in New York, Derfner's friends backed the Brooklyn Dodgers.

Derfner cheered the Giants, the working man's team.

Call it an early showing of a lifelong passion for defending the underdog, a passion he's taken to courtrooms around the nation—namely the South—arguing Civil rights cases, taking several to its highest court.

He's argued before the U.S. Supreme Court five times, and won them all. He's won several more cases that he didn't have to argue before the justices. He's also testified several times before Congress.

But in his hometown Charleston, he's better known for challenging County Council's at-large system of elections, arguing that the system discriminates against black voters. He also defended the Charleston 5 and argued that County Council violated the Constitution by posting the Ten Commandments.

They can be unpopular positions. It's why Derfner needs a sense of humor to work in a place like this.

In his office at Broad and Church streets, his thick legal texts and filing cabinets tower near a pinball machine. And this is no respectable pinball machine. It features The Fonz and a buxom, redheaded Pinky Tuscadero. Get him playing and Derfner, in slacks and a tie, grins like a 12-year-old in an arcade.

"Stuffy, he's not," former partner Ray McClain says with a laugh. "He's not someone with the slightest trace of arrogance or condescension."

Nor is he shy with his opinions. In 1999, amid the battle flag debate, Derfner wrote this letter to the editor: "I believe the Confederate flag should keep flying over the state Capitol. It is a useful reminder about the people inside, like a warning label on a hazardous product or a sign at the zoo saying, 'Beware of the Animals.'"

While Derfner has a lighter side, talk about his work and he turns intense.