

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.

On his office wall hangs a sketch of a white hand uplifting a black one. In Hebrew and English, it reads, "Thou shalt not stand idly by."

And stand by he hasn't.

#### FLEEING HITLER

His Jewish family lived in Poland as Hitler came to power. With the rise of Nazi control in 1936, his parents fled their home with forged Swedish passports. They traveled through Germany and on to France, where they settled in Paris.

In 1938, his mother gave birth to Armand, her first child. During Derfner's first year of life, Hitler's aggression escalated, and his troops expanded their control. The next year, the Nazis invaded Poland.

His parents, foreseeing that Hitler would not stop there, tried to get passports to the United States—but couldn't.

Finally, as the Nazis began to invade France, Derfner's mother got the passports. His father raced to the U.S. Consulate to get American visas. But the consulate was packed up and the workers heading out. One worker still there broke open a locked desk drawer and stamped the visas.

It was June 12, 1940, Derfner's second birthday.

They left Paris by train just hours before the Nazi troops arrived. By June 14, Nazis occupied the city.

The Derfners fled south and stopped in Bordeaux. They crossed by train into Spain and then to Portugal, where they boarded a Greek ship, the *Nea Hellas*, on its way to New York.

Exactly one month later, on July 12, they landed in New York.

Derfner grew up mostly in New York, surrounded by fellow Jewish immigrants with similar family stories. Many older people he knew had numbers tattooed on their forearms.

Derfner's parents never again saw their families in Poland. "Everyone was killed in concentration camps," he says, turning emotional.

Years later, Derfner would sit with his mother to look at family pictures. On a good day, she could make it through four or five names before breaking down. "Everyone she'd ever known was gone."

"In my family, there's always been this sense that there is supposed to be justice in the world, and we're supposed to help people get it," he says. Even before the Holocaust, his father's family had gone to Palestine in the 1920s to fight the British. "Maybe it's a family tradition."

Today, Derfner's younger brother, Larry, is a journalist in Israel who covers the conflict there for U.S. News & World Report and the Jerusalem Post, an English-language newspaper. His sister, Suzanne, is a lawyer for children with disabilities in California.

After growing up, Derfner got his undergraduate degree from Princeton and then graduated from Yale Law School in 1963, Derfner—and the nation—was focused on the civil rights movement.

He was among those who headed into law "as an engine for social change," McClain says.

In college, Derfner clerked for the chief judge of a U.S. court of appeals and then landed a job at Covington & Burling, among the most prestigious firms in Washington, DC. He began traveling to Mississippi for stints to work in civil rights cases.

When a civil rights law group needed a full-time attorney, he packed up and moved south. Soon after, in 1968, he argued his first case before the U.S. Supreme Court, an early Voting Rights Act case.

Derfner was just 29, a young liberal standing before the court's renowned liberals, Earl

Warren and Hugo Black, who grilled him good.

"They were giants then," he recalls. "And it was such an exciting experience, so exciting to see the court looking at laws and consulting in a way I thought was so good for the country."

#### OLD MISSISSIPPI

When he moved to Mississippi, he was joined by his first wife, Mary Frances. They'd met in Washington. She was from an old Charleston family named Legare, he was a New York son of Jewish immigrants.

Different as they could have been, they shared a passion for civil rights. And they were about to become partners in risky work.

When Derfner landed in Mississippi in the late 1960s, a man he didn't know greeted him at the airport. "Hello, Mr. Derfner." He was followed day and night. And he was threatened. His dog was poisoned. He was arrested and jailed for contempt of court.

And while driving down a highway with May Frances one day, a bullet smashed through the passenger window beside her, shattering it, but missing them.

"It was definitely a war zone," he says. "I had a lot of friends who were shot at, so I wasn't surprised."

Yet he never unlisted his phone number. And Mary Frances remained active in the work with him. They stayed for three years.

"After a while, I could see that the work was so intense and so unrelenting that it has an effect. I began to feel like it was time to take a break."

They returned to Washington for several years. He was thrilled to work on hot national issues, but at times the work was abstract, less personal than toiling in legal trenches, working hands-on with clients who needed help.

And the couple wanted to start a family.

Yet Mary Frances suffered from juvenile diabetes. As a teenager, her doctor had said that she would die young and couldn't bear children. When they met, she'd already begun to feel the terrible disease's effects but didn't believe the doctor's dire prediction.

"She was active while being sick," Derfner smiles. "Her life was a miracle, too."

Mary Frances drove, even played baseball. And she wanted to have children.

But they didn't want to raise them in Washington and preferred to move south, closer to family and the civil rights work they loved. Her aunt was lieutenant governor, and her grandfather had been instrumental in restoring what became Charles Towne Landing.

In 1974, they made the move. Their first son, Joel, was a baby then. When Joel was born, doctors warned that he might not live because he was so premature. But he did.

And after they moved to Charleston, the Derfners welcomed their second son, Jeremy. Doctors again warned that the newborn might not live. He also survived.

Today, both sons live in New York. Joel, a Porter-Graud School valedictorian and Harvard summa cum laude graduate, composes musical theater. "I expect to see his name up in lights one of these days," Derfner says, smiling proudly.

Jeremy, named Porter-Gaud's best all-around, graduated from Brown University summa cum laude, wrote for *Slate* magazine and now is pursuing this Ph.D. at Columbia University.

When he moved to Charleston, Derfner joined a firm here with McCain and Frank Epstein working on civil rights and workers' rights cases. Twice he served as South Carolina's representative to the American Civil Liberties Union's national board.

Despite his liberal views in Charleston, Derfner says he never felt unwelcome. That may be thanks in part to his synagogue involvement and Mary Frances' family roots here.

Then in 1981, the Derfners returned to Washington for a third time to pursue a chance to extend the Voting Rights Act.

Derfner toiled from an office near the U.S. Capitol and taught at American University. He worked closely with Massachusetts Sen. Edward Kennedy and clashed with his home state's Sen. Storm Thurmond.

"He could be legitimately called one of the two or three most experienced and most effective attorneys in the area of voting rights in the country," McClain says.

But the Derfners returned, again, to Charleston. Soon after, around 1990, Mary Frances's diabetes ravaged her body.

She died in 1992 when she was just 45.

Joel was in college, and Jeremy in high school at Porter-Graud. "I think they were raising me," Derfner says, looking back on the painful time.

McClain recalls the years Derfner cared for his wife.

"He was very devoted," McClain says. "He grieved quite deeply for Mary Frances."

#### JOY IN LIFE

But then, in the mid-1990s, Derfner met a woman named Mary Giles. She worked at the S.C. Historical Society, which has archived some of Derfner's papers.

He became intrigued by this warm woman who found a fascinating life behind potentially dry documents. They began to date.

They married in 2000. Today, she works as archivist for the Catholic Diocese of Charleston.

Talking about her, Derfner grins big, like a boy with a giant crush. She's clearly returned joy to his life.

"She's an extraordinarily warm person," he says. "People are bulldozed by how close you feel to her. I know I was."

#### MESSAGE FROM THE HOUSE

#### ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

At 1:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 1010. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of North Carolina.

S. 1226. An act to require the display of the POW/MIA flag at the World War II Memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.

S. 1907. An act to direct the Secretary of the Interior to convey certain land to the city of Haines, Oregon.

S. 1946. An act to amend the National Trails System Act to designate the Old Spanish Trail as a National Historic Trail.

S. 2239. An act to amend the National Housing Act to simplify the downpayment requirements for FHA mortgage insurance for single family homebuyers.

H.J. Res. 124. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

H.R. 727. An act to amend the Consumer Product Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act.

H.R. 2595. An act to direct the Secretary of the Army to convey a parcel of land to Chatam County, Georgia.