

on many fronts, ranging from secret, indefinite detention without charges and denial of counsel to ever-expanding efforts to spy on persons for whom no reasonable suspicion of criminal activity has been established. The Attorney General tells us, in essence, that Americans must choose between the liberties that have made our country great and a superficial sense of security. He is wrong.

In the post 9-11 world, millions of Americans are deeply concerned about this current struggle between civil liberty claims and Government claims of national security. The Government's intense efforts to weaken the FISA law, that was birthed by the *Keith* case, have been a centerpiece of that debate. But the FISA Court aftermath of Judge Keith's 1970 opinion in the *Keith* case is not the only way in which he has left his indelible mark on the current controversy.

One of the starkest examples of this Attorney General's disdain for the Bill of Rights came in the recent *Haddad* case. In a strongly worded, landmark opinion, Judge Keith, speaking for the United States Sixth Circuit Court of Appeals, flatly rejected the Attorney General's claim that it could hold deportation proceedings against Rabih Haddad in secret, beyond the scrutiny of press and public. Once against Judge Keith's deeply-rooted concern for the rule of law was offended. He offered a stern rebuke:

Today, the Executive Branch seeks to take this safeguard away from the public by placing its actions beyond public scrutiny \* \* \* The Executive Branch seeks to uproot people's lives outside the public eye and behind a closed door.

Then, with characteristically concise eloquence, Judge Keith reminded the Department of Justice, in words headlined around the world, that "Democracies die behind closed doors."

When he is not crafting judicial thunderbolts from the bench, Judge Keith and his physician wife Rachel Boone Keith, delight in their three daughters, Gildea, Debbie and Cecile, and in their two granddaughters, Nia and Camara. All those who know Damon Keith delight in him.

Mr. Speaker, like so many others whose lives he has touched, I am proud to call Damon Keith a mentor, a friend, and an inspiration. He is indeed a national treasure.

#### THE 49TH ANNIVERSARY OF THE BROWN VS. BOARD OF EDUCATION CASE

#### HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2003

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in celebration of the 49th Anniversary of the historic Brown vs. Board of Education of Topeka, Kansas case, which struck down the doctrine of separate but equal in *Plessy v. Ferguson*, and desegregated public schools across this great Nation.

In early 1950, racial segregation in public schools was the norm throughout the United States. Although all the schools in a given district were supposed to be equal, most black schools were inferior to their white counterparts.

The situation was no different in Topeka, Kansas. In the early 1950s in Topeka, a

young black fifth-grade student named Linda Brown had to walk over a mile to get to her segregated elementary school. Her daily journey took her through a railroad switchyard to get to her all-black. A white elementary school was only seven blocks away from Linda's home. Oliver Brown, Linda's father, attempted to enroll her in the all-white elementary school, but the principal of the school refused.

Oliver Brown then turned to McKinley Burnett, the head of the Topeka branch of the National Association for the Advancement of Colored People (NAACP), and asked for help. The NAACP was eager to assist Oliver and Linda Brown because they had long wanted to challenge segregation in public schools. With Brown's complaint, it had "the right plaintiff at the right time." Soon, other black parents joined Oliver and Linda Brown, and in 1951 the NAACP filed an injunction that would forbid the segregation of Topeka's public schools.

The U.S. District Court for the District of Kansas heard Brown's case from June 25-26, 1951. At the trial, the NAACP argued that segregated schools sent the message to black children that they were inferior to whites. Therefore, the schools were inherently unequal.

The Board of Education's defense was that, because segregation in Topeka and elsewhere pervaded many other aspects of life, segregated schools simply prepared black children for the segregation they would face during adulthood. The board also argued that segregated schools were not necessarily harmful to black children; great African Americans such as Frederick Douglass, Booker T. Washington, and George Washington Carver had overcome more than just segregated schools to achieve what they achieved. Because of the precedent of *Plessy v. Ferguson*, the court felt "compelled" to rule in favor of the Board of Education. Brown and the NAACP, led by the great Thurgood Marshall, appealed to the Supreme Court on October 1, 1951. After several arguments over several years, on May 17, 1954, Chief Justice Earl Warren read the decision of the unanimous Court:

We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does. . . . We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.

The Supreme Court struck down the "separate but equal" doctrine of *Plessy* for public education, ruled in favor of the plaintiffs, and required the desegregation of schools across America.

Mr. Speaker, as we celebrate the anniversary of Brown vs. Board of Education, we must not lose sight that civil rights are still under attack today. On April 1, 2003, I attended the oral argument in the United States Supreme Court on the University of Michigan affirmative action cases. I listened with disgust

as the Administration argued that the university sets aside seats for minority applicants and that there is a two-track system for reviewing applications. The Administration also characterized the admissions program as one that uses a quota system based upon race. Mr. Speaker, this simply is not true of affirmative action programs.

The Administration's position on affirmative action illustrates that the civil rights of African-Americans, Hispanic-Americans, and all Americans who believe in peace and equality are under attack.

On March 30, 2003 in Houston, Texas, Members of the Congressional Black Caucus held a town hall meeting titled the "Call to Action: Summit to Stop the Attack on Affirmative Action."

As we discussed the status of affirmative action in America we reached several conclusions. We concluded that the civil rights and the fundamental human rights of all Americans are in peril. Our right to vote is under attack. Our very survival has been jeopardized by an exclusionary and discriminatory health care system. Our economic opportunity has been diminished by flawed federal policies that enrich the few, while millions of other Americans face financial ruin. Our children's future has been endangered by educational policies that starve our public schools and subject millions of American children, of every background, to the most damaging segregation of all: "the segregation of poverty."

Mr. Speaker, we have come a long way since Brown vs. Board of Education, and I am proud to stand today and celebrate our advancements. I also stand today to encourage every American to recognize that we still have a long way to go.

#### A RESOLUTION HONORING JESSICA CAUTHON, LEGRAND SMITH SCHOLARSHIP WINNER OF JACKSON, MI

#### HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2003

Mr. SMITH of Michigan. Mr. Speaker, let it be known that it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Jessica Cauthon, winner of the 2003 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Jessica is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Jessica is an exceptional student at Jackson High School, and possesses an outstanding record of achievement in high school. Jessica has received numerous awards for her excellence in academics and athletics, as well as her volunteer activities with the Aware Shelter.

Therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Jessica Cauthon for her selection as winner of a LeGrand Smith Scholarship. This honor is a testament to the parents,

teachers, and others whose personal interest, strong support and active participation contributed to her success. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

**HONORING TENNESSEE'S OLDEST  
WORLD WAR I VETERAN**

**HON. LINCOLN DAVIS**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 15, 2003*

Mr. DAVIS. Mr. Speaker, I rise today in honor of Mr. Henry Hoodenpyle who celebrated his 109th birthday on February 26, 2003.

At the age of twenty-three, Mr. Hoodenpyle enlisted in the U.S. Armed Forces where he served as a wagoner at Camp Gordon, Georgia during World War I.

After his honorable discharge from the service on June 13, 1919, Mr. Hoodenpyle moved back to Signal Mountain, Tennessee where he farmed and became an active and admired member of the community.

Mr. Hoodenpyle and his wife, Mrs. Loie Powell Hoodenpyle, were blessed with two children, three grandchildren, and five great-grandchildren. Mr. Hoodenpyle is a devout member of Lone Oak Baptist Church and the Harvey Merriman American Legion Post 190 of Dunlap.

I hope my colleagues join me in honoring Henry Hoodenpyle, Tennessee's oldest living World War I veteran, for his service and contribution to his country and Tennessee. I would also like to congratulate him on celebrating his 109th birthday.

**HONORING THE 25TH ANNIVERSARY  
OF THE DEPUTY SHERIFF'S  
ASSOCIATION OF MICHIGAN**

**HON. JOHN D. DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 15, 2003*

Mr. DINGELL. Mr. Speaker, today, I rise to acknowledge and celebrate the 25th Anniversary of the Deputy Sheriff's Association of Michigan (DSAM). Over the past 25 years, DSAM has been dedicated to improving public safety in Michigan and improving the quality of life for all Michiganders.

Since its inception in 1978, DSAM has grown to include thousands of members from most of Michigan's 83 counties. The men and women of DSAM volunteer their time to ensure that the concerns of Michigan's Sheriff Departments are heard by their elected officials. DSAM has worked to ensure the enactment of sound law enforcement and correction legislation, making Michigan a safer place to live.

DSAM goes above and beyond representing the Sheriff Departments of Michigan. By ensuring law enforcement has a voice on public safety legislation, DSAM has a direct impact on all of Michigan's people.

Mr. Speaker, I ask that you join me in congratulating the Deputy Sheriff's Association of Michigan on 25 years of continued dedication to ensure the public safety of Michigan.

**CONGRATULATIONS TO THE  
CALABASAS HIGH SCHOOL JAZZ  
"A" BAND**

**HON. HENRY A. WAXMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 15, 2003*

Mr. WAXMAN. Mr. Speaker, I rise today to pay tribute to a truly remarkable and accomplished group of young musicians in the 30th Congressional District who are part of the Calabasas High School Jazz "A" Band.

The Jazz "A" Band has been named a finalist in the most comprehensive high school jazz competition in North America, which is produced by Jazz at Lincoln Center. Fifteen finalist bands will compete in the Essentially Ellington High School Jazz Band Competition & Festival, which takes place in New York City on May 17, 18, and 19, 2003.

Over 1,200 bands in the United States, Canada, and American schools abroad registered and received the competition music. From that group, over 130 of those bands were able to submit a recording for the competition. Just 15 bands were then selected as finalists from these recordings.

I am delighted that Calabasas High School is one of just 15 bands selected to compete for over \$11,000 in cash awards at the competition finals. The three-day festival in New York will include workshops, rehearsals, a banquet dinner and jam sessions with members of the Lincoln Center Jazz Orchestra (LCJO).

The competition will culminate on May 18 in a competition before a distinguished panel of judges, including composer, conductor, and Ellington authority David Berger, bassist and composer Rufus Reid, saxophonist, bandleader and educator Loren Schoenberg, and LCJO's Artistic Director Wynton Marsalis. The three top bands selected in the competition will then perform alone and with Mr. Marsalis as soloist. LCHO will then conclude the evening by playing an all-Ellington set.

I ask my colleagues to join me in congratulating the Jazz "A" Band at Calabasas High School on being selected to participate in this very prestigious competition and to wish them the best of luck at the Essentially Ellington High School Jazz Band Competition & Festival.

**CONGRATULATING THE SAGE  
FAMILY OF BOSTON, MA, ON THE  
30TH ANNIVERSARY OF THE  
BISUTEKI STEAKHOUSE**

**HON. MICHAEL E. CAPUANO**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 15, 2003*

Mr. CAPUANO. Mr. Speaker, I rise to congratulate the Sage Family of Boston, Massachusetts as they celebrate the 30th Anniversary of Bisuteki Japanese Steakhouse in Cambridge, MA.

For 30 years, the Sage family has offered diners a complete restaurant and entertainment experience at Bisuteki. Specially trained teppanyaki chefs prepare delightful four-course dinners right at the table, displaying showmanship and flair while flipping, chopping and serving freshly cooked, wholesome meals.

The continued success of the Bisuteki Japanese Steakhouse is testament to the Sage family's ability to provide guests with a truly memorable experience. After 30 years, patrons continue to flock to the restaurant located inside the Radisson Hotel.

Under the watchful eye of Head Chefs Vanhdy Vanlathanith and Hai Nguyen, who have overseen Bisuteki's teppanyaki grills for more than 20 years, the restaurant prepares flavorful, heaping portions of grilled filet and shrimp, as well as top quality sushi right on the historic Charles River.

I congratulate the Sage family and wish them many more years of success with the Bisuteki Japanese Steakhouse.

**GROVER "JEEP" HARNED**

**HON. SCOTT MCINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 15, 2003*

Mr. MCINNIS. Mr. Speaker, I would like to pay tribute to the life of a pioneer of the music industry, Grover Harned of Hermosa, Colorado. Grover passed away recently at the age of 72. As his beloved wife Carla, other family members and friends mourn his passing, I think it is fitting for us to recognize the remarkable achievements of this talented man.

Grover, or "Jeep" as his friends called him, will be remembered as the inventor of the multi-track recording devices that allowed musicians to mix together several recorded tracks. His recording innovations are credited with helping launch the careers of many notable artists, including Eric Clapton and the Bee Gees. Grover's equipment helped record many of American music's most notable songs, such as Aretha Franklin's "Respect" and James Brown's "I Feel Good." He was so successful during the 1970s that about 60 percent of all the music recorded in this country took place at his company, MCI.

Millions of Americans have not only heard the music that Grover's machines have recorded, but his devices also helped launch a number of successful businesses. According to Billboard Magazine, Grover's recording equipment was instrumental in encouraging many other entrepreneurs to enter the music industry.

Mr. Speaker, Grover's death is a tragic loss to his family and friends, the recording industry, and all lovers of music. As his friends and family mourn his passing, Grover will be remembered for the wonderful tunes he helped create.

**ATTORNEY RICHARD BISHOP HONORED  
WITH AMERICANISM  
AWARD**

**HON. PAUL E. KANJORSKI**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 15, 2003*

Mr. KANJORSKI. Mr. Speaker, today I call the attention of the House of Representatives to the honoring of Attorney Richard S. Bishop with the Americanism Award by B'nai B'rith