diplomacy (15 of them as of October 2004—see p. 6).

Administrative operations at six embassies have qualified for ISO 9000 certification (p. 12), a point of pride, efficiency and service. The goal is to certify for ISO 9000 all administrative functions at all posts, meaning that all administrative functions at all posts meet ISO (International Organization for Standardization) criteria for certification for administrative excellence.

Visa operations use new IT systems and rigorously carry out post–9/11 security requirements—sometimes to the detriment of other U.S. programs and interests, despite energetic leadership efforts to maintain ''open doors'' along with ''secure borders.''

Many of the management improvements are institutionally well-rooted, partly because the new Foreign Service cohorts will demand that they stay. But many are vulnerable in a budget crisis, and others require more work. Key tasks:

1. State must maintain its partnership with Congress. Secretary Powell has been the critical actor in this regard, but he also has enabled his senior and mid-level subordinates to carry much of the load. This practice must continue.

2. Integration of public diplomacy into the policy process is still deficient. Experimentation on multiple fronts is needed to make the public diplomacy function more effective. Ideas include training, expansion of the ways public diplomacy officers relate to the Under Secretary for Public Diplomacy, and aggressive action to make public diplomacy a part of all policy development.

3. State's public affairs efforts need to go beyond explaining current policies to the public. They need to engage the public on a sustained basis regarding what the Department of State is and what its people do, especially overseas, as a way to build public confidence in the institution and confidence in the policies it is explaining and carrying out.

4. Diplomatic readiness is incomplete, budget outlooks are grim, and there are new needs: positions to replace those reprogrammed from diplomatic readiness to cover Iraq and Afghanistan; positions to provide surge capacity for crises; and positions to staff the new, congressionally-proposed Coordinator for Stabilization and Reconstruction. State should develop a ready reserve of active-duty personnel who have strong secondary skills in critical fields, plus a select cadre of recallable retirees with like skills (see Appendix A). Continuous attention to the recruitment system is needed to remain competitive. And State must protect its training resources, including those for hard language and leadership/management training, from raids to cover operational emergencies. Sending people abroad without the requisite training is like deploying soldiers without weapons.

5. State must update its overseas consular staffing model to account for post–9/11 changes in workloads and procedures, so that the U.S. can truly have both ''safe borders and open doors''.

6. State has to find a way to staff hardship posts adequately, using directed assignments if necessary in order to assure Service discipline.

7. State has some distance to go before it reaps the full benefit of its new IT systems. The SMART system is almost a year behind schedule, albeit for good reasons. More formal training of users is needed and a cadre of IT coaches (today's secretaries?) should be developed to help overseas users. A common computerized accounting and control application is still being developed: the Joint [State-USAID] Financial Management System (JFMS). It is overdue.

8. ''Right-sizing''—aligning the U.S. government presence abroad to reflect our national priorities and to attain policy objectives as efficiently as possible—has barely begun. It should be pursued in multiple venues: interagency capital cost-sharing for overseas buildings; wider use of ''virtual posts'' (see p. 6); conscious use of MPPs and, with White House support, the BPP senior reviews to manage the overseas presence of all U.S. agencies; completion of State's regional support center program; and ISO 9000 certification for all overseas administrative operations that have ''critical mass.''

9. Future Secretaries, Deputy Secretaries, Under Secretaries and Assistant Secretaries must engage fully in management and leadership processes as well as in congressional relations.

10. Finally, Congress and the executive branch have a series of management issues they need to examine together, including: the long-term relationship between State, USAID and other U.S. assistance vehicles (e.g., Millennium Challenge, U.S. Global AIDS program), and where in the budget and the appropriations structure it is most appropriate to fund State and USAID (perhaps merged under a separate ''national security account'').

JUSTICE FOR ALL ACT

Mr. CORNYN. Mr. President, almost 2 months ago, we passed H.R. 5107, the Justice for All Act. That bill was the product of months, even years, of hard work and dedication of many on both sides of the aisle. The final product includes a number of important provisions and badly needed funding for State criminal justice systems and, for that, I am happy to see it pass. However, in order to gain my support, as well as that of a number of my colleagues, a number of compromises were made with respect to certain aspects of the Innocence Protection Act section of the bill.

Specifically, the House majority leader, Mr. DELAY, and other members of the Texas delegation in the House inserted into the bill a provision designed to protect the capital representation system that is in place in Texas. Section 421(d)(1)(C) was added specifically to ensure that Texas or any State with a similarly structured system would qualify as an ''effective system'' under the statute.

My support of the bill depended entirely on that provision and on the generally agreed-upon understanding of what that provision accomplishes. As made clear in a colloquy given on this floor at the time of the bill's passage, on October 9, 2004, between myself, Senator SESSIONS and the chairman of the authorizing committee, Senator HATCH, who also happened to be the author and sponsor of the legislation, ''it is this system [in Texas] or any future version of it that specifically is intended to be protected by this language.'' Further, we agreed that ''Texas will not have to change a thing in order to receive grants under this bill—it is automatically pre-qualified.'' Mr. HATCH also noted that it was his understanding that ''at least half a dozen other States also will automatically pre-qualify for funding under this proviso.''

Typically, I would not take the floor to make this point so long after the date of passage.

But with regard to the Justice for All Act, I do feel compelled to respond to a statement the senior Senator from Vermont made on the floor on November 19, 2004—a full 41 days after the passage of H.R. 5107 on October 9, 2004, indicating a different view of the meaning of this provision and others. The final bill was the product of careful negotiations that sought to protect many different States' interests. It does not represent the wish-list of the Senator from Vermont. Suffice to say that the bill likely would not even have been enacted had the interests of the different States, interests such as those protected by the revised section 421, been adequately protected. Indeed, I would further note that views of the senior Senator from Vermont are hardly authoritative with regard to this bill. It is the senior Senator from Utah that is the author and lead sponsor of the bill and the chairman of the committee that reported the bill. And as the senior Senator from Utah made clear at the time that the bill was enacted, actual legislative history, he and I understood the bill to carve out a State such as Texas that had preexisting capital appointment systems.

The senior Senator from Vermont also attempts to take some liberties with the meaning of other parts of the Justice for All Act's capital-counsel subtitle. He alleges that its grant provisions should be ''strictly interpreted by grant administrators''; that a $125-an-hour rate for defense attorneys is what is ''reasonable''; that defense attorneys' pay should be pegged to prosecutors' pay, and should include geographic cost-of-living adjustments; that the capital-counsel entity may not delegate some of its functions to individual trial judges; and that capital-improvement grants may not be used to higher prosecutors.

None of these ambitions for the Justice for All Act has support in the actual text of the law. Indeed, some of these assertions directly contradict the understanding of the law at the time that it was enacted. For example, as the senior Senator from Utah made clear to the Senator from Alabama at the time that the bill passed the Senate, and well before House passage of the accompanying enrolling resolution made Senate passage final, nothing in section 421 precludes a State from structuring the capital-counsel entity so that general rules and rosters are set by a larger group of qualified judges, and application of those rules in individual cases, selection of counsel from the roster and approval of fees and expenses, is made by a qualified trial judge presiding over the case.

Further, I would like to include the attached letter from the Texas Task Force on Indigent Defense regarding H.R. 5107, the Justice for All Act (P.L. 108–405), into the CONGRESSIONAL RECORD. This letter responds directly

to the statement by Mr. LEAHY found on page S 11609 of the November 19, 2004 CONGRESSIONAL RECORD.

I know that my friend, the House Majority Leader, included in the House record this same letter, but I want to ensure that the record is clear. As he pointed out on the House floor, the mission of the Texas Task Force on Indigent Defense is to promote justice and fairness to all indigent persons accused of criminal conduct. The Task Force was created by State law, the Fair Defense Act of 2001, and took effect on January 1, 2002. Since its implementation, the Task Force has awarded over $28 million to 250 counties in Texas in furtherance of its mission to improve legal representation for indigent persons accused of crimes.

I believe this letter responds in full and shows exactly the kind of system that H.R. 5107 envisions as effective, and I ask unanimous consent that it be printed in the RECORD.

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

TEXAS TASK FORCE
ON INDIGENT DEFENSE,

Re H.R. 5107, the ''Justice For All Act''—Congressional Record page S11613.

Austin, TX, December 1, 2004.

Hon. TOM DELAY,
House Majority Leader,
The Capitol, Washington, DC.
Hon. LAMAR SMITH,
Rayburn House Office Building,
Washington, DC.
Hon. JOHN CARTER,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVES DELAY, SMITH, AND CARTER: In response to an inquiry last week regarding the statements made by Mr. Leahy in his statement on November 19, 2004, I am offering the following for clarification of what I believe is the current state of indigent defense in Texas.

I commend the goals of this bill and the willingness of Congress to provide States much needed money in the criminal justice arena. Since the reforms to Texas indigent defense laws known as the Texas Fair Defense Act were originally enacted in 2001, the Task Force on Indigent Defense, the Texas judiciary, and local government have worked diligently to meet and exceed the mandates of this reform. This reform was haled by Robert Spangenberg, a leading national expert on indigent defense as, ''the most significant piece of indigent defense legislation passed by any state in the last twenty years.''

Nevertheless, the key to meaningful reform lies in implementation. In that regard, Mr. Bill Beardall, Director of the Equal Justice Center, and leading advocate of indigent reform in Texas recently said that, ''[S]ignificant indigent defense improvements were implemented both at the state level and in most of Texas's 254 counties in response to the new law.''

Worth noting is that Mr. Spangenberg served as the primary author of the Fair Defense Report, which influenced the passage of the Fair Defense Act. In response to the progress made by Texas, he states: ''In three short years, the Task Force has used the limited funding provided to mandate that each county has an indigent defense plan on file. Moreover, these plans are posted electronically and viewable by anyone. This in itself is significant in that what was formerly a closed process is now open to public scrutiny. Also significant is the fact that these are county-wide plans, thus providing greater uniformity than before when practices varied from judge to judge. From what I've seen, the Task Force has successfully built bridges with county government and leading advocate and public interest groups for meaningful collaboration and significant reform.''

The following are some of the highlights of what Texas's courts, counties, and Task Force have accomplished.

More Indigent Defendants Receiving Court Appointed Counsel—In 2002, 278,479 persons received court appointed counsel. In 2004, 371,167 persons received court appointed counsel. This represents a 33% increase while all criminal case filings are up only 8%. Courts and local government are taking their responsibilities seriously.

Public Access—Every indigent defense plan (adult and juvenile) and every county's indigent defense expenditures are posted electronically and available to anyone with access to the Internet. In addition, all model forms, procedures, and rules promulgated by the Task Force are available online at www.courts. state.tx.us/tfid.

In response to Task Force recommendations, judges across the state have submitted amendments to bring indigent defense plans into compliance with the law. Also, every indigent defense plan has been reviewed by the Task Force and is in accordance with the law.

Accountability—Because of centralized oversight of plan submission, the judiciary is accountable to the Task Force. County officials are accountable to the Task Force through expenditure reporting and because of receipt of state grants. Prior to this act each county and court in Texas was left to its own means on how to provide these services.

Training and Outreach—Each year since 2001, the Task Force and staff have provided presentations across the state to 1,200 or more judges, county commissioners, defense attorneys, county employees, and other criminal justice stakeholders on their responsibilities and on the responsibilities of the State regarding effective indigent defense representation. One program of particular interest was designed specifically for State district trial judges who hear capital offenses. This program was sponsored by the Center for American and International Law in Plano, Texas on August 19–20, 2004.

Spending Up Almost 50% Since 2001—The State and counties have significantly increased expenditures for indigent defense services statewide to improve the quality of counsel appointed to represent the poor.

In 2001, counties expended approximately $92 million on indigent defense services without any state assistance. In 2002, county and state spending together reached approximately $107 million—$15 million more than was spent in 2001. In 2003, county and state spending together amounted to approximately $130—$38 million more than was spent in 2001. And, the most recent reports for FY04 reveal county and state spending together totaled approximately $137 million—$45 million more than 2001. All in all since the Fair Defense Act passed the State and counties are expending almost 50% more than they did prior to the Fair Defense Act. Neither the State nor the counties are abdicating their responsibilities—to the contrary, the State and counties are providing their best efforts to secure additional revenue sources as well as implementing process changes to ensure tax payers receive the most value possible for their tax dollars.

Nine Administrative Judicial Regions Working Collaboratively with Task Force—The Nine Administrative Judicial Regions are responsible for the development of qualifications and standards for counsel in death penalty cases. Notwithstanding the Texas Defender Service report referenced by Mr. Leahy in his testimony, the nine administrative presiding judges take very seriously their responsibilities under Texas law. Through officially published standards and qualifications and a thorough screening process, they ensure that only the most capable and competent attorneys are appointed in death penalty cases.

The report that Mr. Leahy relies on was criticized by many criminal justice stakeholders in Texas. I was disappointed with the secretive and surprise tactics utilized by the authors in its preparation. No Task Force members or staff were consulted prior to the report's publication. More significantly, the nine administrative judges were not consulted regarding its preparation or its findings prior to its release. For a Dallas Morning News article regarding this report, I noted the report's lack of methodology and stated that the report's conclusions ''may be a matter more of form over substance.'' John Dahill, general counsel for the Texas Conference of Urban Counties and a former Dallas County prosecutor, was more blunt. ''It just riles me to no end that the Texas Defender Service and the Equal Justice Center didn't bother to inquire of people with knowledge in each of these counties,'' he said. Counties generally follow the regional plan for appointment of counsel in capital cases, he said, and Dallas County follows the plan of the first administrative judicial region. That region covers 34 counties in northeast Texas.

Judge John Ovard of Dallas, who presides over the 1st administrative region, said he had not had a chance to read the report but said the county's failing grade surprised him. ''We're in compliance with the task force . . . which is the primary state agency we report to,'' he said. ''I certainly am interested in looking at it and see why they came to those conclusions.''

Task Force staff meets quarterly with the 9 Administrative Presiding judges. The Task Force provides administrative assistance to the 9 Administrative Judicial Regions in posting the lists of standards and attorneys qualified for appointments in electronic format readily available to anyone in Texas. This collaborative effort is not mandated by State law but is being done at the request of the 9 Administrative Presiding judges to ensure that this process is open to the public and administered consistently across the State.

Summary—For the first time in Texas history the State is providing oversight, fiscal assistance, and technical support to local government and courts to improve the delivery of indigent defense services. All 254 counties in Texas are in compliance with the state reporting requirements. Each indigent defense plan in Texas has been reviewed by the Task Force to ensure it provides for prompt appointment of qualified counsel and reasonable compensation for appointed counsel. Since the passage of the Fair Defense Act, staff has provided presentations across the state to more than 4000 judges, county commissioners, defense attorneys, county employees, and other criminal justice stakeholders on their responsibilities and the responsibilities of State regarding effective indigent defense representation. The key criminal justice stakeholders in Texas are being trained and the Texas system has improved dramatically since the passage of this law. Furthermore, in what may be its greatest achievement, the Task Force has created an efficient and collaborative infrastructure for continuing implementation of the Fair

Defense Act and for future improvements to indigent defense procedures statewide.

Thank you for considering my views. If you need any further information, feel free to contact me or any member of the Task Force. We are at your disposal to build on the successes all Texans have experienced since the passage of the Fair Defense Act.

Sincerely,

JAMES D. BETHKE,
Director, Task Force on Indigent Defense.

THE COURAGEOUS TUSKEGEE AIRMEN

Mr. LEVIN. Mr. President, today I would like to make my colleagues aware of my intention, when the 109th Congress convenes in January, 2005, to introduce bipartisan legislation, to authorize the awarding of the Congressional Gold Medal, collectively, to the Tuskegee Airmen.

The Tuskegee Airmen were not only unique in their military record, but they inspired revolutionary reform in the Armed Forces, paving the way for integration of the Armed Services in the U.S. The largely college-educated Tuskegee Airmen overcame the enormous challenges of prejudice and discrimination, succeeding, despite obstacles that threatened failure. What made these men exceptional was their willingness to leave their families and put their lives on the line to defend rights that were denied them here at home. Former Senator Bill Cohen, in remarks on the floor of the Senate in July of 1995 summed it up this way:

> . . . I listened to the stories of the Tuskegee airmen and . . . the turmoil they experienced fighting in World War II, feeling they had to fight two enemies: one called Hitler, the other called racism in this country.

Prior to the 1940s, many in the military held the notion that black servicemen were unfit for most leadership roles and mentally incapable of combat aviation. Between 1924 and 1939, the Army War College commissioned a number of studies aimed at increasing the military role of blacks. According to the Journal of the Air Force Magazine, Journal of the Air Force Association, March 1996:

> . . . these studies asserted that blacks possessed brains significantly smaller than those of white troops and were predisposed to lack physical courage. The reports maintained that the Army should increase opportunities for blacks to help meet manpower requirements but claimed that they should always be commanded by whites and should always serve in segregated units.

Overruling his top generals and to his credit, President Roosevelt in 1941 ordered the creation of an all black flight training program at Tuskegee Institute. He did so one day after Howard University student Yancy Williams filed suit in Federal Court to force the Department of Defense to accept black pilot trainees. Yancy Williams had a civilian pilot's license and received an engineering degree. Years later, ''Lt. Col. Yancy Williams'' participated in an air surveillance project created by President Eisenhower.

''We proved that the antidote to racism is excellence in performance,'' said retired Lt. Col. Herbert Carter, who started his military career as a pilot and maintenance officer with the 99th Fighter Squadron. ''Can you imagine . . . with the war clouds as heavy as they were over Europe, a citizen of the United States having to sue his government to be accepted to training so he could fly and fight and die for his country?'' The government expected the experiment to fail and end the issue, said Carter. ''The mistake they made was that they forgot to tell us . . .''.

The first class of cadets began in July of 1941 with 13 men, all of whom had college degrees, some with PhD's and all had pilot's licenses. From all accounts, the training of the Tuskegee Airmen was an experiment established to prove that ''coloreds'' were incapable of operating expensive and complex combat aircraft. Stationed in the segregated South, the black cadets were denied rifles.

Months passed with no call-up from the government. However, by 1943, the first contingent of black airmen were sent to North Africa, Sicily, and Europe. Their performance far exceeded anyone's expectation. They shot down six German aircrafts on their first mission, and were also the first squad to sink a battleship with only machine guns. Overall, nearly 1,000 black pilots graduated from Tuskegee, with the last class finishing in June of 1946, 450 of whom served in combat. Sixty-six of the aviators died in combat, while another 33 were shot down and captured as prisoners of war. The Tuskegee Airmen were credited with 261 aircraft destroyed, 148 aircraft damaged, 15,553 combat sorties and 1,578 missions over Italy and North Africa. They destroyed or damaged over 950 units of ground transportation and escorted more than 200 bombing missions. Clearly, the experiment, as it was called, was an unqualified success. Black men could not only fly, they excelled at it, and were equal partners in America's victory.

A number of Tuskegee Airmen have lived in Michigan, including Alexander Jefferson, Washington Ross, Wardell Polk, and Walter Downs, among others. Tuskegee Airmen also trained at Michigan's Selfridge and Oscoda air fields in the early 40s. In the early 1970s, the Airmen established their first chapter in Detroit. Today there are 42 chapters located in major cities of the U.S. The chapters support young people through scholarships, sponsorships to the military academies, and flight training programs. Detroit is also the location of the Tuskegee Airmen National Museum, which is on the grounds of historic Fort Wayne. The late Coleman Young, former mayor of the city of Detroit, was trained as a navigator bombardier for the 477th bombardment group of the Tuskegee Airmen. This group was still in training when WWII ended so they never saw combat. However, the important fact is that all of those receiving flight-related training—nearly 1,000—were instrumental in breaking the segregation barrier. They all had a willingness to see combat, and committed themselves to the segregated training with a purpose to defend their country.

The Tuskegee Airmen were awarded three Presidential Unit Citations, 150 Distinguished Flying Crosses and Legions of Merit, along with The Red Star of Yugoslavia, 9 Purple Hearts, 14 Bronze Stars and more than 700 Air medals and clusters. It goes without question that the Tuskegee Airmen are deserving of the Congressional Gold Medal.

According to existing records, a total of 155 Tuskegee Airmen originated from Michigan, I wish to recognize each one of them. I ask unanimous consent that their names be included for the RECORD. They are as follows:

Kermit Bailer; Clarence Banton; James Barksdale of Detroit; Hugh Barrington of Farmington Hills; Naomi Bell; Thomas Billingslea; Lee Blackmon; Charles Blakely of Detroit, Robert Bowers of Detroit; James Brown of Ypsilanti; Willor Brown of Ypsilanti; Ernest Browne of Detroit; Archibald Browning; Otis Bryant; Joseph Bryant, Jr. of Dowagiac; Charles Byous; Ernest Cabule of Detroit; Waldo Cain; Clinton Canady of Lansing; Carl Carey of Detroit; Gilbert Cargil; Nathaniel Carr of Detroit; Donald Carter of Detroit; Clifton Casey; David Cason, Jr; Peter Cassey of Detroit; Robert Chandler of Allegan; Pembleton Cochran of Detroit; Alfred Cole of Southfield; James Coleman of Detroit; William Coleman of Detroit; Eugene Coleman; Matthew Corbin of Detroit; Charles Craig of Detroit; Herbert Crushshon; John Cunningham of Romulus; and John Curtis of Detroit. Donald Davis of Detroit; Cornelius Davis of Detroit; Eugene Derricotte of Detroit; Taremund Dickerson of Detroit; Walter Downs of Southfield; John Egan; Leavie Farro, Jr.; Howard Ferguson; Thomas Flake of Detroit; Harry Ford, Jr. of Detroit; Luther Friday; Alfonso Fuller of Detroit; William Fuller of West Bloomfield; Frank Gardner; Robert Garrison of Muskegon; Thomas Gay of Detroit; Charles Goldsby of Detroit; Ollie Goodall, Jr. of Detroit; Quintus Green, Sr.; Mitchell Greene; James Greer of Detroit; Alphonso Harper of Detroit; Bernard Harris of Detroit; Denzal Harvey; James Hayes of Detroit; Ernest Haywood of Detroit; Minus Heath; Milton Henry of Bloomfield Hills; Mary Hill; Charles Hill, Jr. of Detroit; Lorenzo Holloway of Detroit; Lynn Hooe of Farmington Hills; Heber Houston of Detroit; Ted Hunt; and Hansen Hunter, Jr. Leonard Isabelle Sr., Leonard Jackson; Lawrence Jefferson of Grand Rapids; Alexander Jefferson of Detroit; Silas Jenkins of Lansing; Richard Jennings of Detroit; Louie Johnson of Farmington; Ralph Jones; William Keene of Detroit; Laurel Keith of Cassopolis; Hezekiah Lacy of River Rouge; Richard Macon of Detroit; Albert Mallory; Thomas Malone;