

TRIBUTE TO THE LATE EINEZ YAP

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 2005

Mr. MEEK of Florida. Mr. Speaker, I rise to pay tribute to the late Einez Yap.

Einez Yap, who passed away unexpectedly on May 18, 2005, was a quintessential community activist who went about helping others in a quiet and dignified manner. Her passing is tragic, not just to her family, but to all those who knew her.

She was the visionary behind the establishment of LEASA Industries in 1977, when it began as a small family-owned business. Since its humble beginnings in Liberty City, the company has grown to become one of the largest growers of bean and alfalfa sprouts and one of the largest manufacturers of tofu and suppliers of fresh fruits and vegetables in the state of Florida.

A dutiful partner and wife to George Yap, President/CEO of LEASA Industries, Einez was a doting mother and proud grandmother. Her business acumen was instrumental in enabling LEASA Industries to become a recipient of the prestigious National Minority Manufacturer of the Year Award for 1997–1998 and the acknowledgement of LEASA Industries as one of Florida's fastest growing private companies by the University of Florida's Center for Entrepreneurship and Innovation.

The tremendous success that Einez enjoyed in business, however, was secondary to her impact as a community leader. A member of several community organizations, Mrs. Yap was the resilient president of the Chinese Cultural Foundation and founder of the Organization of Chinese Americans, as well as the untiring entrepreneur spearheading the annual celebration of the Chinese New Year Festival in Miami-Dade County for the past decade. Additionally, she served on the Board of the Asian-American Federation of Florida, as well as Advisory Council of the National Alliance to Nurture the Aged and the Young (NANAY), Inc. She has been the patroness and benefactress of many more community organizations that are at the forefront of seeking equality of opportunity for minority groups; and she has been a featured leader for the Miami-Dade Community Relations Board as it deals with the challenge of inclusion of the disenfranchised and the underrepresented in our community.

Her contributions to our community were recently acknowledged in March of 2005, when she was honored as a Pioneer at Miami-Dade County's "In The Company of Women" Awards—a distinction previously bestowed on the likes of former Congresswoman Carrie Meek and U.S. Attorney General Janet Reno, among others.

Her Catholic faith was the source of inspiration and motivation for her reaching out to the downtrodden—as evidenced by her commitment early on at LEASA Industries to employ hard-to-place and at-risk residents.

"They're God's people, too—and are in need of a second or third-chance in life . . . if we can't help them, then who will . . ." is often the stance that defined her commitment to the community she so loved.

Einez Yap was truly a woman of active compassion and a leader in our community,

and her passing is a heavy blow to our community. I know I speak for all my colleagues in extending our deepest sympathy and condolences to her husband, George Yap, and son Andrew.

HEAD START REAUTHORIZATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 2005

Mr. KUCINICH. Mr. Speaker, the goal of Head Start has always been to help young children in low-income families, specifically those below the poverty line, prepare for school. Head Start has focused its resources on the children most in need, and has been successful in narrowing the gap between disadvantaged children and their peers. Today, we can correct a problem in Head Start and ensure that it serves all the children it was intended to.

The poverty thresholds were developed in the early 1960s and at that time statistics showed that families typically spent one-third of their income on food. The thresholds were designed to take the costs of the Department of Agriculture's economy food plan for families and multiply the costs by a factor of three. Currently, the calculations of the poverty line for Head Start are adjusted by the Consumer Price Index annually to account for the growth in prices. Unfortunately, the current calculation leaves important factors out of the calculation of the poverty line.

Adjusting only for changes in price growth ignores the reality that times have changed. It is not 1965. Today, families are much more likely to spend significant portions of their income on housing. It is more likely that both parents will be working full time jobs. Both childcare costs and the likelihood that a family will need it have also increased.

Additionally, the failure to adjust the poverty line as wages have grown now means that families in poverty today are worse off relative to the typical family than families in poverty were 40 years ago. For instance, the threshold for a family of four, when the poverty thresholds were first introduced—\$18,810 in 2003 dollars—was 42 percent of the median income of a family of that size. By 2003, the value of the poverty threshold for a family of four had fallen to 35.7 percent. Adjusting only for changes in price growth for the past 40 years has slowly eroded the group of intended recipients. Now we are left with families in need of assistance whose children are not even eligible for Head Start.

This amendment seeks to bridge the gap that has been created and ensure that it will not be created again in the future. Currently, the 2005 poverty line for a family of 3 is \$16,090. By tying the poverty line to wage growth, rather than price growth, the poverty line for a family of 3 would become \$19,610. The increase in the poverty line produced by this change by no means raises eligibility to include every child who could benefit from Head Start. But this adjustment will significantly help the families who should have been eligible all along. It is a step in the right direction; the direction of ensuring that the working poor are given the help they need to survive.

This committee is not only charged with ensuring that Head Start programs are per-

forming well but with ensuring that they are serving all the children they were intended to. This amendment will help to ensure that children do not continue to be left behind. I urge my colleagues on the Committee on Education and Workforce to join me in supporting my amendment.

TO HONOR MS. EMMA TORRES

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 2005

Mr. GRIJALVA. Mr. Speaker, I would like to take a moment to recognize an amazing woman from my district, Emma Torres from Yuma, Arizona. She is a role model and inspiration for all; her work and dedication was recently recognized, internationally, when she was honored by Mexico's Ministry of Foreign Affairs with the Ohtli Award. This award acknowledges her contributions to the development of Hispanic communities and for her support in social causes. The Ohtli award is given to distinguished Hispanic leaders who devote their lives promoting and fostering the prosperity of communities in the United States. The word Ohtli means "righteous path" in Nahuatl.

Emma has been a strong border community leader and health advocate for migrant and seasonal farm workers in Western Arizona for more than 20 years. After losing her husband to leukemia in 1982, she turned a personal and painful life experience into a mission to enhance the quality of life of farm workers. She co-founded and is the current Executive Director of Campesinos Sin Fronteras, a grassroots, community-based organization that uses education and advocacy to improve the standard of living for farm workers. Prior to her current position, she was the Field Office Director for Puentes de Amistad/Bridges in Friendship under the leadership of the Arizona Border Health Foundation. In 2004, President George W. Bush appointed Emma to the US/Mexico Border Health Binational Commission.

She has pioneered the Lay Health Worker/Promotora Model in Arizona since 1987, and as a certified Inter-Cultural Affairs (ICA) facilitator has led efforts to bring adequate healthcare coverage to our most vulnerable populations.

Most recently Emma accomplished one of her personal dreams—she received her degree in social work from Northern Arizona University. This is the latest of recognitions for Emma's commitment, persistence, and belief in improving one's personal life and that of one's community.

Emma's life is an example to others; pursue one's dreams, believe in making change, be strong, and progress will prevail.

TRIBUTE TO MS. JACQUELINE H. SMITH, NORTH MIAMI BEACH COUNCILWOMAN

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 2005

Mr. MEEK of Florida. Mr. Speaker, I rise to pay tribute to Ms. Jacqueline H. Smith, North

Miami Beach City Councilwoman. On May 20, 2005, the Commission on the Status of Women of the City of North Miami Beach and Women in Politics will gather at a farewell luncheon to “honor one of their own.”

Throughout Ms. Smith’s 10-year term on the North Miami Beach City Council, she is best known for her work on programs for children and senior citizens. Ms. Smith is a liaison to children’s “Read Aloud Program.” This tremendously rewarding program stimulates children’s interest in reading and also promotes a decrease in television time by allowing children of all ages to listen to volunteers read books aloud. In addition, Ms. Smith is affiliated with the North Dade Children Center, where she is involved in youth and senior health fairs.

Ms. Smith has touched many peoples’ hearts in North Miami Beach through her accomplishments as a member of numerous organizations. I want to applaud her tremendous commitment to community service, dedicating her time to organizations such as the National Organization of Women, the Carl Byoir Neighborhood Association, the Governing Board of Parkway Regional Hospital and the Board of Directors of United Democratic Club, just to name a few.

Besides serving as an elected official and community activist, Ms. Smith takes pride in being a teacher at Gertrude K. Edelman Sabal Palm Elementary School.

Ms. Smith has truly demonstrated that public service and education are achievements never beyond the reach of those willing to dedicate all their energy to accomplish the goals for the greater good of the public. I extend her my heartfelt gratitude for a superb job and wish her the best of luck in her retirement.

PRESERVING THE FOUNDATION OF LIBERTY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 2005

Mr. KUCINICH. Mr. Speaker, I commend my friend and colleague, Representative C. L. “BUTCH” OTTER, as well as Elizabeth Barker Brandt, Professor of Law at the University of Idaho, for their excellent article recently published in the *Journal of Law, Ethics and Public Policy*, Notre Dame Law School. I am proud to be an original cosponsor of Congressman OTTER’s Security and Freedom Ensured Act of 2005 (SAFE Act) that rolls back the most alarming provisions of the Patriot Act. The article, *Preserving the Foundation of Liberty*, is an important critique of the federal government’s expanding prosecutorial powers in the wake of the terrorist events in September 2001.

PRESERVING THE FOUNDATION OF LIBERTY
C. L. “BUTCH” OTTER & ELIZABETH BARKER
BRANDT

The sacred rights of mankind are not to be rummaged for, among old parchments, or musty records. They are written, as with a sun beam, in the whole volume of human nature, by the hand of the divinity itself; and can never be erased or obscured by mortal power.

—Alexander Hamilton

Foundations are supposed to be steadfast. The very idea of a foundation is to provide a pinion between the fixed and the transient, the permanent and the temporary. The foun-

dation is the unalterable base upon which to build. So it is with our Constitution and Bill of Rights. They are the rock upon which we have built our modern republic, while protecting the individual from the government itself. For more than two centuries, they have provided the firm foundation of liberty and opportunity from which America and its people have taken wing, enjoying success and weathering failure, celebrating triumph and mourning tragedy.

After the terrorist attacks of September 11, 2001, forgetting our past and fearing our future, Congress began turning that foundation on its head, acting as if physical security requires the sacrifice of individual rights to government imperatives. While paying lip service to our heritage of limited government and individual liberty, we began acting as if individual rights are conditional, derived not from God nor inherent in the human condition, but subject to the collective expression of our fears. Worst of all, we convinced ourselves we were doing nothing of the kind, or that the manifest benefit of a safer society was worth risking the loss of individual liberties.

Congress passed the USA PATRIOT Act just weeks after the September 11 attacks, while the dead from the World Trade Center towers in Manhattan, the Pentagon in Washington, and from Flight 93 in Pennsylvania were still being buried. An anthrax threat, assumed by many at the time to be another terrorist attack, had forced members of Congress out of their offices. Few, if any, lawmakers were truly aware of the new and expanded law enforcement authority within the PATRIOT Act. They only knew that they had to do something to quiet the public’s fears, and their own.

This was not an executive order from a president reacting to a concrete and immediate threat. This was not the temporary imposition of martial law in response to a natural disaster or military assault. This was the world’s greatest deliberative body hastily enacting an incredibly detailed, complex, and comprehensive piece of legislation without all the facts. That haste and lack of deliberation left advocates backfilling many of the arguments in support of certain provisions of the law that now appear to be glaringly at odds with constitutional principles.

I. CONSTITUTIONAL FOUNDATIONS

The Framers of our Constitution drew on an extensive body of law and tradition to recognize certain rights were inalienable—they transcended the power of government: The colonists who fostered the tree of liberty recognized that individual rights were its taproot. The notion that “a man’s home is his castle,” a place free from the intrusion of government, was a time-honored theme—part of both the Code of Hammurabi and the pronouncements of the Roman Emperor Justinian. This notion was one of the inalienable rights with which Englishmen were thought endowed and which the English barons sought to protect, through the Magna Carta, from the ad hoc interference of King John.

The concept of inalienable rights infused the colonists’ understanding of liberty. It can be seen in diverse writings, from Patrick Henry’s rousing appeal for self-determination in the Parsons’ Cause case of 1763 to the claim of the Declaration of Independence that “all Men are created equal, that they are endowed by their Creator with certain unalienable Rights. . . .” More than a desire for independence or equality, the idea that made America a reality and continues to make America great is that individual rights are God-given and unalienable and that government should be neither more nor less than man’s collective expression of those

rights. That is the contract, the foundation upon which America was imagined. It is designed to protect individuals—their persons, homes, property, speech, worship, associations, and privacy—from the tyranny of government by the majority.

Yet, the Fourth Amendment reflected more than a generalized notion of inalienable rights. It was a specific response to the British government’s pre-constitutional violation of colonists’ individual rights through the use of “Writs of Assistance.” The writs were general, universal, perpetual, and transferable search warrants used to enforce smuggling laws so the cash-strapped British crown could wring revenue from the colonies to satisfy the crushing debt of a worldwide empire. They authorized “all and singular justices, sheriffs, constables, and all other officers and subjects” to enter homes and businesses at will—ostensibly in search of smuggled items—and to seize virtually any property without accounting or recompense. Writs of Assistance blatantly disregarded personal privacy and offended basic civil liberties, as they were understood by colonial times. Not only were the writs broad and intrusive but many of the colonists believed they had been outlawed in Britain—that only the colonists were subject to such intrusions.

The infringement on personal privacy and property rights represented by the Writs of Assistance was so outrageous that, in 1761, it prompted Boston attorney James Otis, a loyal officer of King George III, to resign his position as an advocate general in the vice admiralty court. Subsequently, he was commissioned by Boston merchants to make their case against renewal of the writs. Otis’s stirring five-hour argument indicted the expansion of government authority in violation of the individual rights of British subjects. “It appears to me (may it please your honours) the worst instrument of arbitrary power, the most destructive of English liberty, and the fundamental principles of law, that ever was found in an English law-book.” Otis’s argument in the Writs of Assistance case hinged on several major points, one of which was the invocation of the ancient notion regarding the sanctity of the home. Otis argued that householders would be reduced to servants under the writs because their homes would subject to search at any time: “Now one of the most essential branches of English liberty is the freedom of one’s house. Man’s house is his castle; and while he is quiet, he is as well guarded as a prince in his castle. This writ, if it should I declared legal, would totally annihilate this privilege.”

John Adams, then a young lawyer, was in the courtroom hear Otis’s argument. Fifty-six years later, in a letter to a colleague, the founding father and America’s second president recalled the impassioned defense of liberty as a transcendent moment on the path to revolution: “Then and there, the child Independence was born.”

Also born that day, and reared to maturity by Adams and many others, was a critical element of America’s constitutional foundation—the commitment to protect “the freedom of one house,” which became the Fourth Amendment. The idea that those rights transcend the needs of any particular time and place is embedded in our jurisprudence. Justice Robert Jackson wrote:

The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One’s right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and