

technicians at the Honeoye Falls advanced fuel cell research and development facility have brought the future today. Their leader, Mr. Matthew Fronk, a man who will soon retire from his position and seek a leadership role in academia, is to be commended for his vision and for his leadership. And it is not he alone, because it is a classic example of the ability of private industry, in this case, General Motors, a company often maligned and much in the press, who has brought to the Nation a unique, forward-looking capability that no other Nation in the world today has, and yet we are at the cusp of losing them. Right when we had the future in our hands, brought to us by hardworking and highly educated, incredibly passionate and dedicated technicians and engineers, we are about to surrender it as we surrendered battery technologies, as we surrendered hybrid technologies.

So, Mr. Speaker, allow me to conclude by reading an article that appeared in CNN Money magazine just last week. It is titled, "The Hydrogen Car Fights Back." President Obama is betting on biofuels and batteries, but that isn't stopping some automakers from investing in hydrogen fuel cars. As it appeared in Fortune magazine, I quote, "The valley of death is auto industry speak. It is a metaphorical desert where emerging technologies reside while car executives figure out which of the experiments ought to make their way into actual cars. Every automotive leap forward has done time in the valley, turbo chargers, fuel injections, even gasoline electric hybrids like Toyota's Prius. Hydrogen fuel cell vehicles, the alternative energy flavor of the month back in 2003, are the ones languishing today, along with hovercraft and other assorted concept cars, but perhaps not for much longer.

A number of automakers are now renewing their push for hydrogen, and now it is looking as though hydrogen cars will make its way out of this conceptual vehicular valley of death. Last month, Daimler, the German Government, and several industrial companies announced a plan to build 1,000 hydrogen fuel cell stations across Germany. Days later, Daimler's CEO, Dieter Zetsche, showed off Mercedes Benz's latest hydrogen fuel cell effort, the F-Cell hatchback. Toyota, this summer, announced it will put hydrogen fuel cell cars into production by 2015. Honda, GM, and Hyundai all have hydrogen fuel cell programs running, and Honda has actually put vehicles—heavily subsidized by the car maker to be sure—in the hands of some real customers as opposed to its own engineers. Parenthetically, GM, today, is focusing most of its energy on the plug-in hybrid Chevy Volt, but the company still says it expects to have fuel cell technology ready for commercialization by 2015.

Mr. Speaker, as we debate the great issues of the day, and there are many to debate, we hear them on the floor of

this House every afternoon and every evening, be it national foreign policy issues that weigh heavily on our minds in Iraq and Afghanistan, whether it be a contentious debate about health care, allow us not to lose the vision of the future. Allow us not to do what has been done before. Allow us not to forget and give away the decades of advancement and work that have accomplished so much in this very focused area of technological development that holds so much promise not only for the automotive fuel sector, but for energy independence. We speak on the floor of the House in great and grand and umbrella arching metaphors, and yet now it is time to speak of specifics.

And so, Mr. Speaker, I thank you that for this last hour I was given the opportunity to highlight a specific technology that holds so much promise, because back home at the Honeoye Falls research and development facility it can truly be said that not often in history have so few done so much for all of us.

Mr. Speaker, I yield back the balance of my time.

ENERGY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I am honored to have the privilege to address you here tonight on the floor of the House of Representatives. And having been privileged to listen to the gentleman before me speak of the energy issue, and not taking particular issue with the delivery that he has given nor the facts that he has such a good handle on, I would just make this point, Mr. Speaker, and that is that a little over 1 year ago, 1 year ago last August, many of us Republican Members stood on the floor of the House of Representatives and argued that we needed to expand the energy for the entire United States of America; all energy all the time.

We started that debate before the adjournment for the August recess, and the Speaker didn't want to hear the debate on energy. And so there was a motion that was delivered to adjourn abruptly, which was passed on a purely partisan vote. We kept debating energy. We were geared up to come here and debate energy 1 year ago August. And as we debated energy, the microphones were cut off, the lights were shut down, and the House of Representatives would have been cleared by order of the Speaker except we do have enough sovereignty here to bring in the citizens of the United States and our constituents. And even though Speaker PELOSI shut down the microphones, turned the C-SPAN cameras off to the side and tipped them down and dimmed the lights—didn't shut them completely off—we continued to debate energy every single business day all the way through August and into Sep-

tember and after Labor Day and back again.

□ 2250

Our argument was not to reject hydrogen. Our argument was to expand access to all energy in America. It was the case the American people wanted. It remains the case of what the American people want, and the American people want access to all energy all the time.

We are a country that's blessed with a tremendous amount of energy. We can produce the nuclear energy that we need and more than we're using by far right now. We're blessed with a lot of coal. We have a lot of natural gas. If we would utilize the resources that we have, we could expand our ethanol, our biodiesel, our wind energy as we're doing. If we would develop the energy that we have, we would have a surplus of energy.

It strikes me as a bit odd that the gentleman would focus exclusively on hydrogen. I don't take issue with his hydrogen argument; but I will say that, as the gentleman says, if we expand our hydrogen energy instead of importing a large percentage of our energy, we will be exporting renewable energy. That is a long, long way from a reality; and we will never be to the point where we can export renewable energy unless we're willing to develop all of America's energy.

Here are some of the answers: All energy all the time. Let's drill in ANWR. Why would you leave hydrocarbons underneath Mother Earth? Why would we not go out into the gulf and drill for the natural gas and for the oil that's out there? Why would we not go up to ANWR and drill up there where we have proven on the North Slope that we can drill effectively and in an environmentally safe fashion and where the most extreme environmentalists can fly over the North Slope or walk across it or ride around on Todd Palin's snowmobile?

They couldn't find an oil well if you directed them to it because they aren't big, wooden derricks with oil bursting into the air from a gusher or a geyser. They are submersible pumps in casings that are underground, and they are wells that are drilled on permafrost, and they are roads that are accessed only during the time of the many months when there's actually frost there for them to run on ice roads. You can fly over that countryside, and you can't see the wells unless you know exactly what you're looking for.

We need to drill in ANWR. We need to drill in the Outer Continental Shelf, in all of our Outer Continental Shelf. We need to open up the leases on it. We need to drill it for oil. We need to drill it for gas. We need to expand our nuclear.

JOHN MCCAIN, in his Presidential campaign, said we need to build 45 new nuclear plants in the United States in a short period of time. Now, I don't know if that's the right number, but I

know that zero is the wrong number. The people on the other side of the aisle, the Pelosi majority, are opposed to nuclear; they're opposed to ethanol; they're opposed to biodiesel. They argue some food versus fuel argument that's completely specious, and they can't make the argument with me.

I'd be happy to yield to any one of you who thinks you can. I'll take you on directly right now. The facts are in my head, and they're not even in your data because they don't exist.

We need to expand more and more of this energy. They're opposed again to anything that is petroleum. They're opposed even to the expansion of natural gas, although the Speaker was informed a year and three or four months ago that natural gas is actually a hydrocarbon. It isn't one that puts as much CO₂ into the air as burning oil or gas or diesel fuel does.

I'm having trouble finding a source of energy that's suitable to the liberals and to the environmental extremists in this Congress, Mr. Speaker.

I look across the spectrum of the energy that we have, and I'll tell you the energy that I'm for. I'm for hydroelectric. I'm for hydrocarbons of all kinds. I'm for drilling every place that I have said for gas and oil. I'm for coal. I'm for nuclear. I'm for wind, ethanol, biodiesel, solar. There are a number of them I'm probably forgetting. I want all energy all the time. I want the whole energy pie to grow, and I want to be able to use American energy. We can be energy independent. It doesn't necessarily have to be our goal, but we have to be where we have the capability to be energy independent.

The idea that comes from the other side of the aisle is to make energy more expensive. I mean, I listened to the gentleman talk about let's follow the European model. Let's hurry up because the Germans are going to be ahead of us. Well, they are all right. Their \$9 gasoline is ahead of us. They've had a policy that has been costly energy, fewer cars and more bicycles for a long time; and the Germans aren't the champions in Europe of bicycle riding. I will submit that the Danes may well be the ones in the running for first place in bicycle riding in Europe, but their idea is that there is no such thing as bad weather. It's just bad clothing. It rains 170 days a year in Denmark, and they ride bicycles 365 days a year in Denmark.

That's all right. Ride those bicycles, but you don't have a mountain in that country, and you barely have a hill. In this country, we have long distances between places. Grandma is not going to put chains on her bicycle and ride it to town through the hills and through the mountains in America. We have a different lifestyle. We have different demands. We have different priorities.

Let's let the markets decide. Let's not drive up the price of gas as they've done in Europe and make it scarce and costly, \$7.50 to \$9 a gallon. Let's keep it competitive, because energy, like

money, Mr. Speaker, is fungible, and it takes energy to make anything that we decide to make. Whatever we decide to manufacture takes energy. Even if you sold a minimal amount of energy to manufacture it, it still takes energy to deliver.

So every component of our economy is linked to the cost of energy; and if we're going to compete against the rest of the world, it's our responsibility to have a price of labor that's competitive, a lower regulation so the burden of government is not too high on our businesses that are producing products and services, and we have to have an intellectual property and know-how and low energy costs so we can compete with the rest of the world.

If you look at America's industrial might, a lot of it grew during the period of time when we led the world in energy production. They discovered oil in Pennsylvania; and shortly after that, they discovered oil in Texas. They developed the ability to drill and to produce oil, which was a cheap, compressed, concentrated form of energy; and it remains that way. We developed the skills also, and those skills that we market around the world, this source of energy and the knowledge base that came from drilling and developing wells, is something we've sold to the rest of the world. It has had great profit to the United States.

We simply cannot be a Nation, a huge Nation as we are, that is shifting over into this idea of green jobs. Green jobs are not green jobs. They're government-regulated, -created jobs. That means that they're not market-driven jobs, but they're jobs that are driven by government regulation. When you drive jobs by government regulation, that means they're more costly than the market would have them. The costs go up because of the regulation that's produced by government. So the argument that we will create green jobs is a false promise argument because it's the government that sets the regulations that produces the necessity to have green jobs.

Now, I want renewable energy. I want it to compete with the rest of the energy in this country and on the planet. It's clearly true, in looking at my record, that I have been a long-time supporter of renewable energy. There are 435 congressional districts in America. I have the privilege and the honor to represent the Fifth Congressional District of Iowa. That is one of 435 districts, the western third of the State, roughly speaking.

We raise a lot of corn and soybeans and cattle and hogs and eggs. When you add up the BTUs that are generated from ethanol, from biodiesel and from the wind generation of electricity and when you put it into the common denominator of British Thermal Units, the 5th District of Iowa, out of 435 congressional districts in America, produces more renewable energy than any other.

Now, there are a few reasons that we've done that. One is to meet the de-

mand. We have the resources, and we've created the know-how, and now we've become the knowledge base that can export that knowledge to the rest of the country and, one day, to the rest of the world.

Even though I'm in the middle of renewable energy and even though I've been engaged in it for many, many years and even though I've watched, let me say, the successes, the victories and some of the calamitous defeats that have taken place and the resurgence of the business model that shows that they can compete against the other sources of energy, at least given the structure that we're working with today, I work with all of that.

Mr. Speaker, I'll tell you that we have to have all energy all the time, not a simple focus on a single kind of energy, not a lockout of petroleum because some people say that it produces more CO₂. I'll not argue the science of that, but this myopic belief that we can limit the emissions of CO₂s and that somehow or another we can set the thermostat of the Earth is simply false.

The premise of the science is wrong. Some will say, Well, just argue the economics because you can't win the argument on science. No, Mr. Speaker. When you have a huge policy like cap-and-trade that's built upon a flawed premise such as CO₂ emissions by the United States have dramatically increased the temperature on the planet and if we significantly reduce the CO₂ emissions in the United States it will turn the Earth's thermostat down, it's a false scientific premise, Mr. Speaker.

□ 2300

And I have looked at this and asked some simple questions that aren't answered very well by the people who claim to be the scientists, and they fall into this category.

How much volume is the Earth's atmosphere altogether? So if you would take the total metric tons of the volume of the Earth's atmosphere and draw it into a circle, a graph that would describe how much that is, and draw it into an 8-foot circle, because that is what fits on the wall, a foot higher than my hand, an 8-foot circle in diameter, and that represents all of the Earth's atmosphere, then Mr. Speaker, you draw how big would the circle be, the circle of CO₂, carbon dioxide that has been emitted by U.S. industry into the atmosphere of the Earth and that is suspended in the atmosphere that might—might, but not certainly—but might affect the Earth's temperature, that CO₂, the cumulative level of all CO₂ emitted by the United States into the atmosphere since the dawn of the Industrial Revolution, Mr. Speaker, how much is that?

What have we done? And my data goes back 205 years. What has the United States industrial might and the totality of its emissions in burning all the coal and all the natural gas and all the crude oil in the form of gasoline

and diesel fuel and other forms, kerosene and jet fuel, the other forms, propane, all of those forms of energy that have been burned and then the CO₂ that has been emitted and suspended in the atmosphere, how much in 205 years, as compared to all of the Earth's atmosphere that you might draw in an 8-foot circle, how big would that circle be, the cumulative total of all U.S. CO₂ in the atmosphere be in 205 years?

Mr. Speaker, it is shocking to boil these numbers down to the real truth. An 8-foot circle of all the Earth's atmosphere, the cumulative, and that means 205 years' worth of CO₂ from the United States put into the atmosphere, that circle is certainly not 8-foot, that is all the atmosphere, or 7 foot or 6 foot or 5 foot or 4, 3, 2 or 1. We might think that circle is a couple feet, if we listen to the environmental extremists.

But the real size in relation to all the Earth's atmosphere as drawn in an 8-foot circle, the real diameter of the cumulative total of CO₂ is .56 inches, Mr. Speaker. That is about like this, about the size of a bullet, the tip of my little finger. That is how big that circle would be, .56, just a little over half an inch in diameter. That is the cumulative total of all the CO₂ in 205 years.

The Waxman-Markey bill proposes that if we would just reduce one year of that, in annual figures that would be $\frac{1}{205}$ of the cumulative total, by 17 percent for a few years and then raise that up a little more and finally reduce it to 83 percent by the time we get to the year 2100, and by that year they believe that the Earth will have diminished its increased temperature by let's say 1.5 degrees centigrade.

That is their calculus. And we here on the floor of the House of Representatives would conclude and America would accept the leadership of this Congress because they don't know and they don't have access to the truth, and they are certainly not hearing it from both sides of the aisle, they accept the idea that surely no person in this Congress and certainly not a majority would be cynical enough to advance some idea of science that was bogus in an effort to try to create a plan called cap-and-trade, which would be the largest and most insidious tax increase in the history of the world. And for every dollar it collected, only about one out of five would get into the United States Treasury, and the rest of it is wasted in the process like friction in a motor.

That, Mr. Speaker, is what we are dealing with with cap-and-trade. And when I listened to the gentleman talk about hydrogen, I don't take issue with his data or his argument. I will just add that there is much more that we need to do to see the big picture. The big picture means all energy all the time, and let's go ahead and use it.

There is no reason to store a lot of hydrocarbons underneath the crust of mother Earth in the territory of the sovereign United States of America and not use it. The only reason I have

heard, and it is not a very good one, is the Speaker of the House's statement, "I am trying to save the planet. I am trying to save the planet." And, yes, it was a broken record delivery, Mr. Speaker.

So, that is the energy issue that needed to be talked about for a long time. We have talked about health care for so long we have about forgotten to take up the energy issue.

I would take us then to a contemporary issue that emerged today in the news, and it is something that the American people do need to know about, Mr. Speaker, as any subject matter that comes up here on the floor, the American people need to know. There are more subjects than we can possibly have time to address.

Mr. Speaker, at the end of my talk I will introduce this article into the RECORD, The Washington Times published at 4:45 a.m. and updated at 7:25 a.m. today, October 20, 2009, by Ben Conery entitled "Justice Concludes Black Voters Need Democratic Party. I will make that available at the conclusion.

Here is the article. The Justice Department concludes that black voters need the Democratic Party. This is a Washington Times article, and I will go through some of the highlights here and then seek to summarize it, Mr. Speaker.

Voters in the small city of Kinston, North Carolina, have decided overwhelmingly to do away with party affiliation for their local elections for mayor and city council. They didn't want them to be labeled as Democrats or Republicans or Libertarian or Communist or whatever they might be—I don't know if there are any down there in Kinston, actually—but they wanted to eliminate the party label and just run candidates in a nonparty way. But the Obama administration overruled the overwhelming majority of the electorate of the city of Kinston, North Carolina, and decided that they couldn't offer ballots and elect their local candidates unless they had a party label.

The Justice Department's ruling, and it affects the races for city council and mayor, went so far as to say this: Partisan elections are needed so that black voters can elect "candidates of choice" identified by the Department as those who are Democrats and almost exclusively black.

The Justice Department—I would say they are questionable in the way they are currently named—the Department ruled that white voters in Kinston will vote for blacks only if they are Democrats. What that means, that is veiled language for, white voters that aren't Democrats are racists. That is what it says in this article. It is a conclusion drawn by the Justice Department. And I will say their conclusion and their decision on its face is racist, Mr. Speaker.

It says, therefore, that the city cannot get rid of party affiliations, this is

a Department of Justice ruling, for local elections because that would violate black voters' rights to elect candidates they want.

What does this possibly mean? It doesn't fit the logic where I come from. It says that several Federal and local politicians would like the city to challenge the decision in court, and I would too.

Mr. Speaker, I would call upon the city of Kinston to challenge this Justice Department decision in court. They have a right to hold their local elections, and the Department of Justice should not be making the presumption based on the racist presumptions that they are.

The voter apathy, they say, is the largest barrier to black voters' election of candidates they prefer. A little code word, "candidates they prefer." How do they know who these candidates are who are preferred? The way you have to register who you prefer is, go to the polls and vote. Voter apathy cannot be fixed by a wrongly made decision on the Department of Justice.

There is some language here by Mr. Steven LaRoque, who led the drive to end the partisan local election. He called the Justice Department's decision "racial as well as partisan." And he went on to say, "On top of that, you have an unelected bureaucrat in Washington, D.C., overturning a valid election. That is un-American." Steven LaRoque, Kinston, North Carolina.

Continuing on, the point is made that this is the Justice Department, the Eric Holder Justice Department, that ended and dismissed the voting rights case against the New Black Panthers Party in Philadelphia.

□ 2310

Now, I have seen this film, and I've examined this case, at least to a respectable depth, where they have, let me say, as the New Black Panthers in Philadelphia, there is videotape that's in the possession of the Department of Justice, unless somehow they have destroyed the evidence on their hands, of four members of the Black Panther Party in Philadelphia in quasi-paramilitary garb standing before the polling places in Philadelphia, one of them at least wielding a billy club and intimidating white voters that came in to vote in the polls, and the video that I heard, one of those Panthers called a white voter a "cracker." This was the most open-and-shut case of voter intimidation in the history of the United States of America, Mr. Speaker, and the Eric Holder Justice Department cancelled the case and dropped it even though there was, and I'll go down through some of the details of this, a judgment that was, I believe, agreed to.

Now, going on, then in Kinston, here are some comments that come from the U.S. Commission on Civil Rights, and this is Abigail Thernstrom, whom I know and whose judgment that I respect tremendously. She said, the Voting Rights Act is supposed to protect

against situations when black voters are locked out because of racism. This is Abigail Thernstrom, Civil Rights Commission, U.S. Civil Rights Commission. She continues, and I quote, "There is no entitlement to elect a candidate they prefer on the assumption that all black voters prefer Democratic candidates"; Abigail Thernstrom, U.S. Commission on Civil Rights.

So Kinston, the city that decided they didn't want to have partisan elections, now is essentially ordered by the Department of Justice to have partisan elections on the assumption of the Department of Justice that apparently black voters won't know who to vote for if they go to the polls and they don't have a Democrat label on the names of the candidates that are apparently black Democrat candidates.

And that's been the history of what's going on in Kinston. They should have the right to select candidates without regard to race, and this is a decision that is based on race at its core. It says that the city had uncommonly high voter turnout in the last election with more than 11,000 of the city's 15,000 voters casting ballots, but Kinston's blacks voted in greater numbers than whites the last election, presumably because Barack Obama was on the ballot, where he won in that city by a margin of 2-1, and that was—excuse me. He won a victory in that city, but the election, the vote to determine that they would be electing their local candidates on a nonpartisan ballot passed by a 2-1 margin in Kinston, and yet the Justice Department overturned that decision because they concluded that black candidates—or, excuse me, black voters wouldn't know who to vote for unless they had a D beside their name.

That is pandering. That is a racial decision on its face, Mr. Speaker, and America can't tolerate that kind of thinking from a Justice Department that shut down the most open-and-shut voter intimidation case in history, Philadelphia.

And so I go on. One of the statements made is in a letter dated August 17. The city received this letter from the Justice Department. Their answer was elections must remain partisan because the change's effect will be strictly racial. In other words, if you don't label the candidates as Democrats or Republicans and you look at the anticipated result of the elections, there might be somebody that's not black that gets elected to office. This is the logic of the Justice Department.

What happened to Martin Luther King, Jr.'s "I Have a Dream"? What happened to the content of the character rather than the color of the skin? We have come 180 degrees, Mr. Speaker, from the time when Martin Luther King, Jr. stood down here in front of the Lincoln Memorial and gave his "I Have a Dream" speech and inspired a people of this Nation, the people of this Nation and the people of the world

when he talked about content of character, not color of the skin. That's the dream that I've had for America. I was inspired by that speech, and I don't know any American that wasn't inspired by the speech.

But I'm now watching Americans in positions of significant power that have forgotten the philosophy of Martin Luther King, Jr., and they have fallen back to a purely partisan philosophy. This is an Attorney General that declared people that were Republicans as not being willing to discuss the issue of race and being cowards when it comes to the issue of race. Well, Mr. Speaker, I've shown no reticence to discuss that. I think it's important for us to have those open discussions, and if we don't have the open discussions on race, we'll never get to the point where we can actually joke and laugh with each other and be people that are God's children pulling together in the same country for the same cause, which I believe we can and must do, and I think it's God calling to us.

Continuing on in the article, and I will quote Loretta King, who made this, issued this statement from the Department of Justice, and she said, and I quote, "Removing the partisan queue in municipal elections will, in all likelihood, eliminate the single factor that allows black candidates to be elected to office"; Loretta King, who at the time was the Acting Head of the Justice Department's Civil Rights Division, wrote in a letter to the city of Kinston, North Carolina.

She also wrote that voters in Kinston vote more along racial than party lines, and without the potential for voting a straight Democratic ticket, I quote again, Loretta King, "The limited remaining support from white voters for a black Democratic candidate will diminish even more."

Purely a bald-faced racial decision coming from the Department of Justice, and, by the way, from the very DOJ official that formerly killed the case of voter intimidation that was already made in Philadelphia with the new Black Panthers and their billy clubs out in front of the polling places in Philadelphia. That's tolerated by this Justice Department, but being able to go to the polls and vote for someone in a local city election like city council or mayor and not having a party label on them, Democrat and Republican, is not tolerated because this Justice Department does the calculus that somehow it will diminish the elections of Democrats if they're not labeled as Democrats, and they presume that African Americans can't make that decision without the label.

And actually, looking at the Presidential results, you have to wonder, if 96 percent of African Americans voted for Barack Obama, one would be able to draw that as an indication that certainly ethnicity was a factor when they went to the polls. I don't think that can be denied. But again, Loretta King's statement that the limited re-

maining support from white voters for the Democratic candidate will diminish even more. Now, she is, as I said, the same official that put the brakes on the New Black Panther case of voter intimidation.

And then we have a situation where, after a judge ordered a default judgment against the Panthers who refused to answer the charges or appear in court, the Justice Department dropped the charges against all but one of the defendants saying, and I quote, this is very likely Loretta King's statement, "The facts of the law did not support pursuing them."

Really? The most open-and-shut case in the history of the United States of America of voter intimidation, videotaped witness after witness, what facts were not there to support pursuing a case of voter intimidation?

I recall the cases in Florida during the Presidential election of the year 2000 when the case was argued that a mile and a quarter away a traffic check was voter intimidation because some people were going to drive through the traffic stop and show up at the polls. That was the argument made by the party of the same people that have decided that you have to have a label of Democrat on the ballot so that African Americans know who to vote for.

□ 2320

That's what's said here. That's Loretta King's decision. She's in the Department of Justice. Eric Holder is her boss; President Obama is his boss. And they are all accountable for this breach of a constitutional concept, if not the Constitution itself.

Ms. King's letter in the Kinston statements said that because of the low turnout, black voters must be viewed as a minority for analytical purposes and that minority turnout is relevant to determining whether the Justice Department should be allowed to change election protocol.

Really.

Can't we get back again to the content of the character? Is it not possible for someone of good conscience and good character and good judgment to represent other people of good conscience, good character, and good judgment? It had better be, Mr. Speaker, because if we can't, if somehow skin color trumps good conscience, good character, and good judgment, this country is in a very sad shape indeed. How in the world with this logic did this Nation then elect Barack Obama as the President of the United States?

And that would be my question. And I don't think it can be answered by the logic, if you call it that, that's been delivered in this decision that's imposed upon the City of Kinston, North Carolina.

Continuing. Loretta King wrote: "Black voters have had limited success in electing candidates of choice during recent municipal elections." Again, that's candidate of choice. Who's to determine what a candidate of choice is?

That would be the candidate that was voted for by the people who went to the polls. And if people of one color show up in a lower percentage than people of another color, that doesn't mean that they're unrepresented; it doesn't mean that you're supposed to jigger the game in order to produce a different result.

If you don't like the results, look at the way you're represented, make a decision upon the people that are elected to the city council and to the mayor's position in Kinston, North Carolina, and everywhere else in America. But don't base it on skin color as the basis.

This is so un-American, so unconstitutional, and it echoes back to the majority decision that was written by Justice O'Connor in the affirmative action cases at the University of Michigan where Justice O'Connor looked at the formulas that were used to produce the proper color and gender of the people that got into the school in Michigan, be it the broad student body at the University of Michigan or the University of Michigan School of Law. And in her decision, her majority opinion, she wrote that, you know, the Nation wasn't—and I am paraphrasing here—the Nation wasn't quite ready for a colorblind admission process, that we really needed to have a quota system as long as that quota system was based on individual analysis of individual applicants rather than a broader application that would be used as a formula.

And Justice O'Connor also wrote, and again this is paraphrasing, she also wrote that but even though that is the case today, perhaps we should come back and revisit this in 25 years or so. Maybe America will be ready for the kind of a policy that allows for merit rather than skin color or gender to be the qualifications that allows people into law school, Mr. Speaker.

That is breathtaking to me to think that a Supreme Court Justice of the United States, with the support of a bare majority, but a majority of the Supreme Court, could write, could put in print something so utterly illogical that only one could conclude that the decision was if we're going to go back and revisit this in 25 years and determine if the equal protection clause in the 14th Amendment actually will apply if society is ready for equal protection in 25 years, Justice O'Connor concluded that the Constitution itself needed to be suspended for 25 years and maybe we could come back and adhere to the Constitution if it was convenient at a later date in a subsequent generation.

This is the rationale of Justice O'Connor that opens the door for this kind of rationale and Department of Justice, civil rights division, and you could have Loretta King write, Black voters have limited success in electing candidates of choice during recent municipal elections—even though the city is about 2-1 black in turnout—doesn't reflect that and she needs to rig the game so the candidates of her choice

are more likely to be elected without regard to justice. And this is the Justice Department of the United States of America.

Abigail Thernstrom of the Civil Rights Commission blasted the Department's interpretation of the law. And I would agree with Abigail Thernstrom when she said, "The Voting Rights Act is not supposed to be compensating for a failure of voters to show up on Election Day."

And she continues, "The Voting Rights Act doesn't guarantee an opportunity to elect a candidate of choice. My candidate of choice loses all the time in elections." So does mine.

Are we really going to rig the game because our candidate of choice didn't win?

And then also continues, "The decision that employs similar reasoning and language as in other cases of the Kinston ruling"—and here's the decision—"implementation of nonpartisan elections appears likely to deprive black-supported candidates of meaningful partisan-based support and to exacerbate racial polarization between black and white voters."

What could more exacerbate racial polarization between black and white voters than a decision by the Department of Justice, Mr. Speaker, based strictly upon skin color that's designed to give an advantage based upon skin color that disregards the idea that a man or a woman can represent another man or a woman with logic and character and understanding and decency without regard to skin color?

Martin Luther King has got to be rolling over in his grave to see where racial politics have taken the United States of America, Mr. Speaker.

And now, Mr. Speaker, I would shift on to a few more subject matters.

As I spoke about the energy issue and the Kinston, North Carolina, issue, I'll take up the issue of Kevin Jennings.

Kevin Jennings, the appointee of President Obama to be the safe and drug-free schools czar. Now, paint that image out in one's mind's eye. All of the schools in America got along fine without someone who was in charge of safe schools. That was a local issue. Drug-free schools, local issue. Nancy Reagan said, "Just Say No," and that got published through our schools and that was a good thing. But we didn't need a safe and drug free schools czar.

Well, now we have one, one of 32—maybe as many as 47 czars—that have been appointed by President Obama. And, Mr. Speaker, these czars have not come under the confirmation hearings, open hearing scrutiny of the United States Senate even though a number of them have power that eclipses that of the Cabinet members themselves. No, these czars are appointed to sometimes circumvent the confirmation process and the vetting process that takes place and just simply give them a job and grant them a power and authority eclipsing, in some cases, that of the Cabinet members who have been vetted

and had hearings and had been confirmed in the United States Senate.

So we have Kevin Jennings, the safe and drug-free schools czar. Kevin Jennings, the man who—and I will go through a list of things—but the part that caught my attention the most and first was as a teacher in Massachusetts—and by law, Kevin Jennings, as a teacher in Massachusetts, was a mandatory reporter, which means under the laws of Massachusetts—and they may have had a different name for it—that is the name for people in Iowa who have to report—if a child that is in your care and custody and responsibility in the class is being abused mentally, physically, or sexually, it's the obligation of the mandatory reporters, which are listed, and all teachers are mandatory reporters, to report to—in Massachusetts, I believe it's their equivalent of HHS, Health and Human Services Department.

Kevin Jennings had a student come in, whom he has written in his book in 1994 and addressed it in the speech in the year 2000. This is Kevin Jennings' words and his analysis, not mine, Mr. Speaker; but his speech and his writings are about a 15-year-old boy who came in and sought the counsel of teacher Kevin Jennings.

□ 2330

He said, Well, I have been having sexual relations with an adult male in the restroom at the bus stop, and I want to talk to you about it. Kevin Jennings' advice was, I hope you knew to use a condom. It seems to be the sum total of his advice, Mr. Speaker. And that is the focus of his repeated narrative of the 15-year-old boy.

Now here are some problems. As a mandatory reporter, this child was being abused. It was a violation of the law. It was statutory rape under Massachusetts law. Kevin Jennings was compelled by law to report this as a teacher, a mandatory reporter. He did not. But he wrote about it in his book. He talked about it in his speeches. And some have argued, after the fact, that the young man was actually 16, not 15. But as long as Kevin Jennings argues that he is 15, then what he knew or what he thought he knew is a controlling factor, and he was obligated to report the sexual abuse of a child, the intergenerational sexual abuse, statutory rape of a child. He did not do that.

And he has repeated himself up until recently, by my documentation, and probably after that, by the year 2000. Now he has been appointed the "Safe and Drug-Free Schools" czar, a man with such a colossal lack of judgment that he couldn't follow the law in the Commonwealth of Massachusetts to protect the safety of the children. The legislature of Massachusetts, as left-wing as they are, saw fit to put into the law guidelines for their teachers and their other mandatory reporters. And Kevin Jennings, the czar of "Safe and Drug-Free Schools," couldn't see

fit to even follow the law in Massachusetts, let alone possess a moral compass that would have been a prudent one. He has since said he could have made a better decision.

Now I wouldn't argue that a man that made a single mistake in, I believe the year was 1988, should be punished for that in perpetuity. I would argue, though, that a man that made that mistake, that saw fit to highlight it in his book in 1994 or 1995 and highlight it in at least one speech in the year 2000—it happened to be in Iowa, by the way, Mr. Speaker—a man that has that kind of flawed judgment that is standing in front of groups that promote homosexuality and making the case that he has been a protector and advocate of that lifestyle was pretty proud of his decision to advise this young man whom he referred to as "Brewster," "I hope you knew to use a condom."

That is a colossal lack of judgment. The momentary flaw in his judgment in his advice to Brewster, the colossal lack of judgment and repeating it as if it were a merit rather than a demerit in his book and in his speech in Iowa in the year 2000, and I would suspect many times before and after until he has been called on it, a single incident is not enough to judge a man by and not enough to disqualify him by, but it is something to get our attention.

And then, Mr. Speaker, we can look at Kevin Jennings in a broader view. What has been the totality of his record as an adult professional? And his focus has been on the promotion of homosexuality. In at least four books and perhaps five that he has written, every single one at a very minimum touches on the issue. Most of the material focuses on the issue. He has written the foreword to a book called "Queering Elementary Education." Now I will submit that kids that are in kindergarten, first-, second-, third-, fourth-, and fifth-grade in elementary school don't need to be burdened with those kinds of decisions. They don't need an advocate for homosexuality or any kind of sexuality in those years. They need to be left alone to find their way, to study academically, to go outside at recess and play sports, and get to make friends and build an understanding of parental, adult and teacher guidance. They don't need to be burdened with the idea of trying to queer elementary education, to quote the title of the book that Kevin Jennings has written the foreword to. And by the way, on the back cover is William Ayers' comments on the value of that book, "Queering Elementary Education." This is Kevin Jennings.

Now, we can continue with Kevin Jennings, the hostility towards religion that he has demonstrated clearly. He has written about it in his book, "Mama's Boy, Preacher's Son." He has written cavalierly about his own drug abuse. And rather than put that into the CONGRESSIONAL RECORD, Mr. Speaker, I will just say that if students read

the language, the narrative that Kevin Jennings writes about his own drug abuse and being at the airport watching the planes land, they can only draw one conclusion: That it's all right to use drugs and probably won't end up in a bad result. In fact, if you use drugs, you can end up the "Safe and Drug-Free Schools" czar in the United States of America. That is the model that is there if Kevin Jennings remains as the czar of "Safe and Drug-Free Schools."

So what does he have to offer? What does he have to offer about school safety? Well, the only thing he has to offer is his relentless advocacy to pass anti-bullying laws in the State legislatures across the land. About 20 States have adopted some legislation to that effect. Anti-bullying laws are designed to exclusively protect kids who are viewed as homosexual kids. Now I want to protect all kids. And I don't want any children bullied. By the same token, I don't believe that we need to have special laws that are based upon the perceived notions that go on in people's heads. We can punish the overt acts that are used as violence or intimidation against these kids in school, and we can protect all kids.

Kevin Jennings' advocacy has only been to protect those kids he views as homosexual. He has been offended by what he called the "promotion of heterosexuality." And for want of finding the actual text, Mr. Speaker, I will paraphrase this, Kevin Jennings, in one of his speeches—and I actually typed this up with my hands from the YouTube—said that every time kids read "Romeo and Juliet," they are being aggressively recruited to heterosexuality. Kids are being aggressively recruited to heterosexuality by reading "Romeo and Juliet."

So here is a man who is now today the "Safe and Drug-Free Schools" czar who is opposed to "Romeo and Juliet" because the implication is it's a young man and a young woman who are attracted to each other and who are in love. And he objects because he believes they are being aggressively recruited to heterosexuality. What would please and satisfy Kevin Jennings if "Romeo and Juliet" are anathema to his beliefs?

This goes on. But the lifetime career of 20 years and the totality of his professional engagement has been the promotion of homosexuality, much of it within our schools, and much of it that was within our schools was focused on elementary education. And some of the pamphlets that they handed out, one called "Little Black Book," at Brookline schools in Massachusetts was referred to by then-Governor Romney as something that should never fall in the hands of school kids. This man would be a czar of "Safe and Drug-Free Schools."

And when I asked one of the top principals in the United States of America with the medal commemorating his achievement hanging around his neck

if a man of the resume, the bio, of Kevin Jennings had been hired by his school inadvertently and the resume had been discovered and reviewed, could he continue to teach on the faculty of this top-notch principal's school? And the principal's answer was, No way. No way we could keep someone like that on our faculty.

So, Kevin Jennings, Mr. Speaker, at least in the mainstream schools in America, couldn't teach in the classroom because he has been such a proponent of activism when it comes to dealing with a narrow component of sexuality in America. And he has been pushing it on our kids in this country.

He has also been a supporter of and an admirer of Harry Hay. We saw the White House official just a few days ago who said she was inspired by Mao Tse Tung, the murderer of 70 million Chinese. Kevin Jennings has been inspired by Harry Hay, who is the cover boy for NAMBLA magazine, the North American Man Boy Love Association.

□ 2340

That organization that promotes intergenerational sex between men and boys and says it's all right and it doesn't hurt them—in fact, it may give them pleasure and be healthy for them—this person who has been on the cover of their national magazine was lauded by Kevin Jennings, and Jennings said of Harry Hay, I am always inspired by Harry Hay. Astonishing.

A man of this caliber and this philosophy cannot be the safe and drug-free schools czar in the United States of America. Surely, out of 306 million people, we can find one—can't there be one that has lived an exemplary life? One who wouldn't be objectionable to any parents? One who has advocated for the safety of all of the kids, not a narrow view of those whom he would label as a homosexual kid? Couldn't we find somebody that at least hasn't been public about their drug abuse so as to tell these kids to stay away from drugs, that drugs will ruin your potential, if they don't kill you and end your potential, they will ruin your potential? Can't we have somebody that hasn't been obsessed with sexuality, but someone who has been obsessed with the well-being of our children on the whole? Yes, we should. And the kids in this country do not have the ability to discern on a judgment call when you have an activist like Kevin Jennings as the czar of safe and drug-free schools. And those kids trust the adults that put people in positions of authority and power; they only discern that adults have made the decision to approve Kevin Jennings.

The President of the United States needs to fire Kevin Jennings and put someone in place who is an example for parents and children or else eliminate the position entirely, Mr. Speaker.

And now I have vented myself on that particular issue. I continue onward. And in my pocket, as I will carry for a long time until we get to the bottom of this, Mr. Speaker, is, out of one

of the trees right here outside the United States Capitol, another acorn. Now, never fear, Parliamentarian, I'm not going to ask to introduce this acorn into the RECORD. I just point out that this is something that America needs to be focused upon.

The ACORN organization and their 361 affiliates, headquartered at 2609 Canal Street in New Orleans, Louisiana, originating in Arkansas and having powerful influence in cities such as Chicago, Philadelphia, New York—Brooklyn, for example—Baltimore, Washington, D.C., San Diego—name your city, 120 cities in the United States, ACORN has a presence; ACORN, the Association of Community Organizations for Reform Now. And these are the people that started out advocating for bad loans in bad neighborhoods under the Community Reinvestment Act, shaking down lenders and intimidating lenders to make those bad loans in bad neighborhoods; the people that came to the Capitol building and lobbied to reduce and lower the standards of underwriting for a secondary mortgage market for Fannie Mae and Freddie Mac, lowered their capitalization, their regulatory standards so that they could push these lenders into making more bad loans in bad neighborhoods.

They criticized lenders for red-lining neighborhoods and refusing to loan into these neighborhoods that they had a red line drawn around. And then they had the audacity—that's the President's word, isn't it, Mr. Speaker? Then ACORN had the audacity to go back to these lenders, shake them down, demand a check so that they would move their demonstrations away from the doors of the banks so people would come in and do business. Once they were paid off, they left, but then they came back with another ruse, which is, you need to make more bad loans in these bad neighborhoods—that's the shorthand version. They didn't use that language, I'm sure.

And ACORN got to the point where they drew their own red line. Instead of the lenders drawing a red line around areas and communities and refusing to make loans, ACORN drew a red line around areas and communities and demanded that the lenders make loans into that area, and they demanded specific dollar amounts of loans on real estate, in particular, going into those areas. And so then they positioned themselves to actually broker the loans.

And ACORN Housing opened up, and people walked into those doors like Hannah Giles and James O'Keefe. They walked in with a video camera, and there they posed themselves as a pimp and a prostitute and said that they wanted to borrow some money to buy a home so they could set up a house of ill repute to put teenage girls in as prostitutes, 13-, 14-, 15-year-old girls from El Salvador, obviously illegal kids, in a sex slave arrangement being organized and facilitated by workers at ACORN

in Baltimore, to start out—the film is in sequential order—then Washington, D.C.; then Brooklyn, New York; then San Bernardino, California; then San Diego, California.

All of that unfolded, and what we saw inside the doors of ACORN was essentially the same thing. We saw the face of a criminal enterprise that was set up to draw down tax dollars of all kinds, primarily Federal tax dollars, in a corrupt criminal enterprise to help facilitate child prostitution and gaming the IRS for child tax credits, for—I didn't hear him say first-time homeowners credit, but I did hear them say earned income tax credit.

And so the taxpayers of America are writing checks that are being brokered by ACORN in any way that they possibly can, passing that through into the hands of the individuals who are the beneficiaries of government largesse. And the administration of it is that it's ACORN that takes a cut out of the dollars that go through.

Five cities we saw the film. I believe, tomorrow, we will see the sixth city, the film from the sixth city. And I believe that there are more beyond that yet, Mr. Speaker.

And so this country has got to clean this up. We have an ACORN that has corrupted the home mortgage loan process. They have demanded and maneuvered for bad loans in bad neighborhoods. They have precipitated the decline, and the toxic mortgage component of this economic decline very much traces back to ACORN.

ACORN has admitted to over 400,000 fraudulent or false voter registration forms turned in in the last election cycle. They have denied that that turns into fraudulent votes, Mr. Speaker. Now, why would anyone spend millions of dollars to register hundreds of thousands of fraudulent voters and at the same time argue, well, we paid for all of that—on commission, by the way, so many registrations per pay day—but we didn't get anything out of it because these 400,000 were fraudulent or false, so don't worry, nobody voted illegally? Not true. It is unconceivable, Mr. Speaker. And I have made that argument for months, but here and a couple of weeks ago the story hit the news about Troy, New York, bringing prosecutions against ACORN because of dozens of fraudulent votes that were introduced in Troy, New York, and the ones that I read about were absentee ballots.

So we have the convictions of 70 ACORN employees. We have ACORN under indictment in the State of Nevada as a corporation to be in violation of the election laws in Nevada, and 361 affiliates. All of this we've got to get to the bottom of, Mr. Speaker.

I do appreciate your attention and your indulgence, and I yield back the balance of my time.

[From the Washington Times, Oct. 20, 2009]

JUSTICE CONCLUDES BLACK VOTERS NEED
DEMOCRATIC PARTY
(By Ben Conery)

KINSTON, N.C.—Voters in this small city decided overwhelmingly last year to do away with the party affiliation of candidates in local elections, but the Obama administration recently overruled the electorate and decided that equal rights for black voters cannot be achieved without the Democratic Party.

The Justice Department's ruling, which affects races for City Council and mayor, went so far as to say partisan elections are needed so that black voters can elect their "candidates of choice"—identified by the department as those who are Democrats and almost exclusively black.

The department ruled that white voters in Kinston will vote for blacks only if they are Democrats and that therefore the city cannot get rid of party affiliations for local elections because that would violate black voters' right to elect the candidates they want.

Several federal and local politicians would like the city to challenge the decision in court. They say voter apathy is the largest barrier to black voters' election of candidates they prefer and that the Justice Department has gone too far in trying to influence election results here.

Stephen LaRoque, a former Republican state lawmaker who led the drive to end partisan local elections, called the Justice Department's decision "racial as well as partisan."

"On top of that, you have an unelected bureaucrat in Washington, D.C., overturning a valid election," he said. "That is un-American."

The decision, made by the same Justice official who ordered the dismissal of a voting rights case against members of the New Black Panther Party in Philadelphia, has irritated other locals as well. They bristle at federal interference in this city of nearly 23,000 people, two-thirds of whom are black.

In interviews in sleepy downtown Kinston—a place best known as a road sign on the way to the Carolina beaches—residents said partisan voting is largely unimportant because people are personally acquainted with their elected officials and are familiar with their views.

"To begin with, 'nonpartisan elections' is a misconceived and deceiving statement because even though no party affiliation shows up on a ballot form, candidates still adhere to certain ideologies and people understand that, and are going to identify with who they feel has their best interest at heart," said William Cooke, president of the Kinston/Lenoir County branch of the National Association for the Advancement of Colored People.

Mr. Cooke said his group does not take a position on this issue and would not disclose his personal stance, but expressed skepticism about the Justice Department's involvement.

Others noted the absurdity of partisan elections since Kinston is essentially a one-party city anyway; no one among more than a half-dozen city officials and local residents was able to recall a Republican winning office here.

Justice Department spokesman Alejandro Miyar denied that the decision was intended to help the Democratic Party. He said the ruling was based on "what the facts are in a particular jurisdiction" and how it affects blacks' ability to elect the candidates they favor.

"The determination of who is a 'candidate of choice' for any group of voters in a given jurisdiction is based on an analysis of the

electoral behavior of those voters within a particular jurisdiction," he said.

Critics on the U.S. Commission on Civil Rights are not so sure. "The Voting Rights Act is supposed to protect against situations when black voters are locked out because of racism," said Abigail Thernstrom, a Republican appointee to the U.S. Commission on Civil Rights. "There is no entitlement to elect a candidate they prefer on the assumption that all black voters prefer Democratic candidates."

Located about 60 miles from the Atlantic Coast in eastern North Carolina, Kinston has a history of defying governmental authority. During Colonial times, the fledgling city was known as Kingston—named for King George III—but residents dropped the "g" from the city's name after the American Revolution.

In Kinston's heyday of manufacturing and tobacco farming, it was a bustling collection of shops, movie theaters and restaurants. Now, many of those buildings are vacant—a few have been filled by storefront churches—and residents are left hoping for better days.

In November's election—one in which "hope" emerged as a central theme—the city had uncommonly high voter turnout, with more than 11,000 of the city's 15,000 voters casting ballots. Kinston's blacks voted in greater numbers than whites.

Whites typically cast the majority of votes in Kinston's general elections. Kinston residents contributed to Barack Obama's victory as America's first black president and voted by a margin of nearly 2-to-1 to eliminate partisan elections in the city.

The measure appeared to have broad support among both white and black voters, as it won a majority in seven of the city's nine black-majority voting precincts and both of its white-majority precincts.

But before nonpartisan elections could be implemented, the city had to get approval from the Justice Department.

Kinston is one of the areas subject to provisions of the landmark 1965 Voting Rights Act, which requires the city to receive Justice Department approval before making any changes to voting procedures. Kinston is one of 12,000 voting districts in areas of 16 states, almost exclusively in the South, that the Voting Rights Act declared to have had a history of racial discrimination.

In a letter dated Aug. 17, the city received the Justice Department's answer: Elections must remain partisan because the change's "effect will be strictly racial."

"Removing the partisan cue in municipal election will, in all likelihood, eliminate the single factor that allows black candidates to be elected to office," Loretta King, who (at the time) was the acting head of the Justice Department's civil rights division, wrote in a letter to the city.

Ms. King wrote that voters in Kinston vote more along racial than party lines and without the potential for voting a straight Democratic ticket, "the limited remaining support from white voters for a black Democratic candidate will diminish even more."

Ms. King is the same official who put a stop to the New Black Panther Party case. In that case, the Justice Department filed a civil complaint in Philadelphia after two members of the black revolutionary group dressed in quasi-military garb stood outside a polling place on election day last year and purportedly intimidated voters with racial insults, slurs and a nightstick.

After a judge ordered default judgments against the Panthers, who refused to answer the charges or appear in court, the Justice Department dropped the charges against all but one of the defendants, saying "the facts and the law did not support pursuing" them.

Ms. King's letter in the Kinston case states that because of the low turnout black voters

must be "viewed as a minority for analytical purposes," and that "minority turnout is relevant" to determining whether the Justice Department should be allowed a change to election protocol.

Black voters account for 9,702 of the city's 15,402 registered voters but typically don't vote at the rates whites do.

As a result of the low turnout, Ms. King wrote, "black voters have had limited success in electing candidates of choice during recent municipal elections."

"It is the partisan makeup of the general electorate that results in enough white cross-over to allow the black community to elect a candidate of choice," she wrote.

Mrs. Thernstrom of the civil rights commission blasted the department's interpretation of the law.

"The Voting Rights Act is not supposed to be compensating for failure of show up on Election Day," she said. "The Voting Rights Act doesn't guarantee an opportunity to elect a 'candidate of choice.' . . . My 'candidate of choice' loses all the time in an election."

When asked whether Justice had ever "either granted or denied" requests either "to stop partisan elections or implement partisan elections," Mr. Miyar, the department spokesman, said it was impossible to retrieve past decisions on that basis.

But he did provide, based on the recollection of a department lawyer, a single precedent—a decision during the Clinton administration denying a bid from a South Carolina school district to drop partisan elections.

That decision employs similar reasoning and language as the Kinston ruling: "Implementation of nonpartisan elections . . . appears likely to deprive black supported candidates of meaningful partisan-based support and to exacerbate racial polarization between black and white voters."

But the 1994 decision doesn't mention the necessity of the Democratic Party and doesn't mention low turnout among black voters in that school district as a factor affecting their ability to elect candidates they prefer.

Kinston City Council member Joseph Tyson, a Democrat who favors partisan elections, said nothing is stopping black voters in Kinston from going to the polls.

"Unfortunately, I'm very disappointed with the apathy that we have in Kinston among the Afro-American voters," he said.

Mr. Tyson, who is one of two black members of the six-member City Council, said the best way to help black voters in Kinston is to change the council's structure from city-wide voting to representation by district. Kinston voters currently cast as many votes in the at-large races as there are council seats up for election—typically three, or two and the mayor.

"Whether it's partisan or nonpartisan is not a big issue to me, whether or not the city is totally represented is what the issue is to me," he said. "If you have wards and districts, then I feel the total city will be represented."

Partisan local elections are a rarity in North Carolina. According to statistics kept by the University of North Carolina School of Government in Chapel Hill, only nine of the state's 551 cities and towns hold partisan elections.

The City Council could take the Justice Department to court to fight decision regarding nonpartisan elections, but such a move seems unlikely. The council voted 4-1 to drop the issue after meeting privately with Justice Department officials in August.

"What do I plan to do? Absolutely, nothing," Mr. Tyson said. "And I will fight, within Robert's Rules of Order, wherever necessary to make sure that decision stands."

The Justice ruling and Kinston's decision not to fight it comes in the wake of a key Voting Rights Act case last year. In that decision, the Supreme Court let a small utility district in Texas seek an exemption from the law's requirements to receive Justice Department approval before making any changes to voting procedures. But the court declined to address whether the law itself is constitutional.

Critics of the law argue it has changed little since its 1965 inception and that the same places the law covered then no longer need Justice Department approval to make changes to voting procedures.

Proponents, including Attorney General Eric H. Holder Jr., said the law is still necessary to ensure equal voting rights for all Americans.

In Kinston, William Barker is the only City Council member who voted to continue discussing whether to challenge the Justice Department's ruling.

He said he voted against eliminating partisan elections because the proposed new system would declare a winner simply on who received a plurality of votes instead requiring candidates to reach certain threshold of votes based on turnout.

"Based on the fact that the voters voted overwhelmingly for it, I would like to see us challenge it based on that fact. My fight is solely based on fighting what the voters voted on," he said. "It bothers me, even though I'm on the winning side now, that you have a small group, an outside group coming in and saying, 'Your vote doesn't matter.'"

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CARTER (at the request of Mr. BOEHNER) for today on account of illness.

Mr. SHADEGG (at the request of Mr. BOEHNER) for today and the balance of the week on account of a death in the family.

Mr. WALDEN (at the request of Mr. BOEHNER) for today on account of illness.

Mr. YOUNG of Alaska (at the request of Mr. BOEHNER) for today and the balance of the week on account of attending a memorial service in Alaska for his late wife.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. QUIGLEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MURPHY of Connecticut, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, October 23, 26 and 27.