provide them with the information, services or access to resources and services that they needed for all the years I've been a member of Congress. Madame Speaker, I can't tell you how grateful I am for her capable service and how proud I am of the honor and distinction she has brought to my office.

In addition to being an effective Constituent Services Director, Judy is also a loving wife, mother and grandmother. Married to her husband, Elisheous Tucker for 38 years, she and her husband are faithful members of the Miracle House of Prayer Church. As she settles into her well deserved retirement, while my staff and I will miss her, I suspect she'll be able to spend more time with her church community, her family and friends. In addition to traveling, I can imagine her spending much more time tending to her garden, a hobby that I know she truly enjoys.

What more can I say other than every Member of Congress should be blessed to have someone of the caliber, grace and professionalism of Mrs. Judy Tucker. While my staff and I will miss her presence in our office, she will always be a valued member of the permanent ''Rush Team'' for years to come.

On behalf of my staff, my wife, Carolyn, and the people of the 1st Congressional District of Illinois, I wish Mrs. Judy Tucker all the joy and gifts that God can bestow upon her, and her family, for years and years to come.

Thank you so much, Judy, for a job well done. I value our friendship and you and your family are forever in my thoughts and prayers. My God richly bless you now and always.

CELEBRATING THE 50TH ANNIVERSARY OF THE RHAWNHURST—BUSTLETON AMBULANCE ASSOCIATION

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate the Rhawnhurst-Bustleton Ambulance Association on its 50th anniversary. This volunteer ambulance corps, located in Northeast Philadelphia, serves the residents of the Bustleton and Rhawnhurst neighborhoods.

Fifty years ago Rhawnhurst and Bustleton were not served by the ambulances operated by area hospitals. This lack of emergency medical services was a serious safety and health challenge for these residents and businesses. Seeing this need, a small group of dedicated citizens took action. Five individuals met in the basement of a neighborhood home to take an oath to provide this much needed service. Six months later, with two ambulances in its fleet, the Rhawnhurst-Bustleton Ambulance Association incorporated as a nonprofit organization.

The ambulance association is now state-licensed and certified, operating 24 hours a day, 365 days a year. Over the past 50 years these dedicated volunteers have incorporated advanced technologies and practices into their daily operations. This neighborhood has been safer and more secure over these past 50 years because this small group of committed people decided to take an extra step to care for their neighbors.

Madam Speaker, I ask that my colleagues join me in congratulating and wishing the Rhawnhurst-Bustleton Ambulance Association many more years of faithful service to the community.

A PROCLAMATION HONORING GOLDIE MORROW LONG BOERNER HARRISON ON HER 100TH BIRTHDAY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SPACE. Madam Speaker,

Whereas, Goldie Morrow Long Boerner Harrison was born in Tuscarawas County, Ohio, on October 3, 1910,

Whereas, Goldie joined the SPARS during World War II, where she sang and danced in a show for enlisted personnel in the Coast Guard,

Whereas, Goldie opened a hair salon in Massillon where she styled the hair of the stars who performed at the Canal Fulton Playhouse, including Vivian Vance, Tammy Grimes, Imogene Coco and President Truman's daughter Margaret,

Whereas, Givin now lives in Dover, Ohio, where she will celebrate with close friends and family,

Resolved that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Goldie Harrison on achieving her 100th birthday, and for her contributions to her community and country.

TESTIMONY OF MR. CHRISTOPHER COATES BEFORE THE U.S. COMMISSION ON CIVIL RIGHTS REGARDING UNEQUAL ENFORCEMENT OF THE LAW

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. WOLF. Madam Speaker, I submit certain sections of the testimony of Mr. Christopher Coates before the U.S. Commission on Civil Rights in which he discusses the unequal enforcement of federal voting laws by political and career officials in the Department of Justice.

THE DECISION TO DISMISS AND TO LIMIT INJUNCTIVE RELIEF IN THE NBPP CASE

It was within this atmosphere, with these managers, and with pressure being applied by an organization—NAACP LDF—that is close to the Obama Administration's CRD management, that the decision to gut the NBPP case was made. Although there have been recent reports that indicate that senior political appointees at higher levels in the Department were involved in the NBPP case, it was Ms. King, along with her Deputy, Steve Rosenbaum, who the Justice Department has claimed made the decision to dismiss three of the party-defendants in the case and ordered the limitation on the broader injunctive relief recommended by both Voting Section and Appellate Section attorneys against the one remaining defendant.

It is my opinion that this disposition of the NBPP case was ordered because the people calling the shots in May 2009 were angry at the filing of the Ike Brown case and angry at our filing of the NBPP case. That anger was the result of their deep-seated opposition to the equal enforcement of the VRA against racial minorities and for the protection of whites who have been discriminated against. Ms. King, Mr. Rosenbaum, Mr. Kappelhoff, Ms. Clarke, a large number of the people who work in the Voting Section and the CRD, and many of the liberal private groups that work in the civil rights field believe, incorrectly but vehemently, that enforcement of the protections of the VRA should not be extended to white voters but should be limited to protecting racial, ethnic and language minorities.

The final disposition of the NBPP case, even in the face of a default by the defendants, was caused by this incorrect view of civil rights enforcement, and it was intended to send a direct message to people inside and outside the CRD. That message is that the filing of voting cases like the Ike Brown and the NBPP cases would not continue in the Obama Administration. The disposition of the NBPP case was not required by the facts developed during the case or the applicable law, as has been claimed, but was because of this incorrect view of civil rights enforcement that is at war with the statutory language in the VRA and with racially fair enforcement of federal law.

FAILURE TO ENFORCE SECTION 5

If anyone doubts that CRD and the Voting Section have failed to enforce the VRA in a race-neutral manner, one only has to look at the enforcement of the Section 5 preclearance requirements. Those requirements mandate that federal preclearance for voting changes within the covered jurisdictions be obtained for any covered change and that preclearance not be given for changes that have a racially discriminatory purpose or effect. The statutory language of Section 5 speaks in terms of protecting all voters from racial discrimination. But the Voting Section has never interposed an objection under Section 5 to a voting change on the ground that it discriminated against white voters in the forty-five (45) year history of the Act.

This failure includes no objections in the many majority-minority jurisdictions in the covered states. Indeed, the personnel in the Voting Section's unit which handles Section 5 submissions are instructed only to see if the change discriminates against racial, ethnic, and language minority voters. This practice of not enforcing Section 5's protections for white voters includes jurisdictions, such as Noxubee County, Mississippi where the Ike Brown case arose, where white voters are in the racial minority. It is in those jurisdictions the Voting Section's failure to apply Section 5's protections for the white minority is particularly problematic. On two occasions, while I was Chief of the Voting Section, I tried to persuade officials at the CRD level to change this policy so that white voters would be protected by Section 5 in appropriate circumstances, but to no avail. I believe that present management in both the CRD and the Voting Section are opposed to race-neutral enforcement of Section 5 and continue to enforce those provisions in a racially selective manner.

REASONS GIVEN BY THE DOJ FOR ITS ACTIONS IN NBPP CASE

As I have indicated, I am not going to testify about the statements made during my meetings with Ms. King and Mr. Rosenbaum, because of the DOJ's assertion of the deliberative process privilege. However, the DOJ and Mr. Perez have publicly articulated the reasons for the disposition of the NBPP case, and I will therefore address here several of

these publicly stated reasons for dismissals of three of the defendants and the limitation on the injunctive relief.

The primary reason cited by the CRD for not obtaining injunctive relief against Black Panther Jerry Jackson who stood at the Philadelphia polling place in uniform with fellow Panther King Samir Shabazz, but without a weapon, was that a Philadelphia police officer who came to the polling place made the determination that King Samir Shabazz had to leave the polling place, but that Black Panther Jackson could stay because he was a certified Democratic Party poll watcher. During my thirteen and one-half (13½) years in the Voting Section, I cannot remember another situation where the decision not to file suit under the VRA, much less to dismiss pending claims and parties, as in the NBPP case, was made in whole or in part on a determination of a local police officer. In my experience, officials in the Voting Section and the CRA always reserved for themselves, and correctly so, the determination as to what behavior constitutes a violation of federal law, and what does not. One of the reasons for this federal preemption of the determination of what constitutes a VRA violation is that a local police officer is not normally trained in what constitutes a VRA violation. In addition, in the Philadelphia Police Incident Report provided to this Commission, the Philadelphia police officer who came to the polling place did not determine that Black Panther Jackson's actions were not intimidating; instead, he simply reported that Mr. Jackson was certified by the Democratic Party to be a poll watcher at the polling place.

Further, as the history underlying the enactment and extension of the VRA shows, local police on occasion have had sympathy for persons who were involved in behavior that adversely affected the right to vote and violated the protections of the VRA. In this case, however, the fact that one Philadelphia police officer did not require Black Panther Jackson to leave the area became such a compelling piece of evidence that it was cited by the Assistant Attorney General Perez in his May 14, 2010 statement to this Commission. There Mr. Perez stated that ''the Department placed significant weight on the responses of the law enforcement first responder to the Philadelphia polling place,'' in allowing Black Panther Jackson to escape a default judgment and escape the entry of injunctive relief against his future actions. Based upon my experience, this reasoning is extraordinarily strange and an unpersuasive basis to support the CRD's disposition of the NBPP case.

Another publicly stated reason by the DOJ was in a July 13, 2009 letter to Congressmen Frank Wolf and Lamar Smith that pointed out that Panther Jackson lived at the apartment building whose lower level was being used as the polling place. This reason was later abandoned by the CRD, but the fact that it was asserted by the DOJ as a reason for the dismissals in the NBPP case strongly suggests that it was a reason asserted at some point close to the time of the dismissals. Regarding the location of Black Panther Jackson's residence, our investigation determined that Jackson's claim that his residence was at this apartment building was not true. However, even if Black Panther Jackson had resided there, it should be quite clear to all that such a fact would not have provided him a legal basis for intimidating voters.

To understand the irrationality of these articulated reasons for gutting this case, one only has to state the facts in the racial reverse. Assume that two members of the KKK, one of which lived in an apartment building that was being used as a polling place, showed up at the entrance in KKK uniform and that one of the Klansman was carrying a billy stick. Further assume that the two Klansmen were yelling racial slurs at black voters who were a minority of people registered to vote at this polling place, and the Klansmen were blocking ingress to the polling place. Assume further that a local policeman comes on the scene and determines that the Klansman with the billy club must leave but that the other Klansman could stay because he was certified as a poll watcher for a local political party.

In those circumstances does anyone seriously believe that the Assistant Attorney General for Civil Rights would contend that on the basis of the facts and law, the CRD did not have a case under the VRA against this hypothetical Klansman because he resided in the apartment building where the polling place was located, or because he was allowed to stay at the polling place by a local police officer because he was a poll watcher? I certainly hope Mr. Perez would not find that hypothetical case lacking in merit, and I will guarantee you that Ms. King, Mr. Rosenbaum, Mr. Kappelhoff and Ms. Clarke would not either. However, such reasons are a part of the publicly articulated grounds for the CRD's decision to instruct me to dismiss a significant portion of the NBPP case.

Based upon my own personal knowledge of the events surrounding the NBPP case and the atmosphere that has existed in the CRD and the Voting Section against racially fair enforcement of certain federal voting laws, I do not believe these publicly stated representations to this Commission and other entities accurately reflect what occurred in the NBPP case. They do not acknowledge the hostile atmosphere that has existed within the CRD against race-neutral enforcement of the VRA.

MS. FERNANDEZ'S STATEMENTS TO THE VOTING SECTION

In the summer of 2009, Julie Fernandez was appointed as the Deputy Assistant Attorney General for Civil Rights by the Obama Administration. One of her responsibilities is to oversee the Voting Section. Ms. Fernandez and I had worked together in the Voting Section during the Clinton Administration. She had spent years working for civil rights groups since our Clinton Administration days, mainly with the Leadership Conference for Civil Rights, but I hoped that she might have an enforcement approach different than Ms. King's and Mr. Rosenbaum's. I was to be disappointed.

Mr. Fernandez began scheduling lunches in the conference room of the Voting Section at which times the various statutes the Voting Section has the responsibility for enforcing were discussed as well as other enforcement activities. In September 2009, Ms. Fernandez held such a meeting to discuss enforcement of the anti-discrimination provisions of Section 2 of the VRA. At this meeting one of the Voting Section trial attorneys asked Ms. Fernandez what criteria would be used to determine what type of Section 2 cases the CRD Front Office would be interested in pursuing.

Ms. Fernandez responded by telling the gathering that the Obama Administration was only interested in bringing traditional types of Section 2 cases that would provide political equality for racial and language minority voters, and she went on to say that this is what we are all about, or words to that effect. When Ms. Fernandez made that statement, everyone in the room understood exactly what she meant—no more cases like the Ike Brown or NBPP cases. Ms. Fernandez reiterated that directive in another meeting held in December 2009 on the subject of federal observer election coverage, in which she stated to the entire group in attendance that the Voting Section's goal was to ensure equal access for voters of color or minority language.

In November 2009, a similar lunch meeting was held by Ms. Fernandez on the subject of the National Voter Registration Act (NVRA). The NVRA has three provisions that have led to enforcement activity by the Voting Section. The first is Section 7 which requires that certain government offices, such as the local office that provides public assistance, also provide their clients the opportunity to register to vote. The other two provisions of the NVRA are found in Section 8 of that Act. They require states to ensure that voter registration list maintenance be conducted so that registration lists do not have the names of persons who are no longer eligible to vote in the jurisdiction. Further, Section 8 also provides that certain notice procedures are to be followed in order to legally remove persons from a voter registration list.

In discussions specifically addressing the list maintenance provision of Section 8 of the NVRA, Ms. Fernandez stated that list maintenance had to do with the administration of elections. She went on to say that the Obama Administration was not interested in that type of issue, but instead interested in issues that pertained to voter access. During the Bush Administration, the Voting Section began filing cases under the list maintenance provision of Section 8 to compel states and local registration officials to remove ineligible voters. These suits were very unpopular with a number of the groups that work in the area of voting rights. When Ms. Fernandez told the Voting Section that the Obama Administration was not interested in Section 8 list maintenance enforcement activity, everyone in the room understood exactly what she meant. We understood that she was not talking about Section 8 cases in which there is a claim that the removal procedures of Section 8 were not being complied with; instead, she was talking about the types of cases that the Voting Section filed during the Bush Administration whose purpose was to compel the states to comply with the Section 8 directive that they do list maintenance by removing ineligibles from the list.

In June 2009, the Election Assistance Commission (EAC) issued its bi-annual report concerning which states appeared not to be complying with Section 8's list maintenance requirements. The report identified eight states that appeared to be the worst in terms of their non-compliance with the list maintenance requirements of Section 8. These were states that reported that no voters had been removed from any of their voters' list in the last two years. Obviously, this is a good indication that something is not right with the list maintenance practices in that state. As Chief of the Voting Section, I assigned attorneys to work on this matter, and in September 2009, I forwarded a memorandum to the CRD Front Office asking for approval to go forward with Section 8 list maintenance investigations in these states.

During the time that I was Chief, no approval was given to this project, and it is my understanding that approval has never been given for that Section 8 list maintenance project to date. That means that we have entered the 2010 election cycle with eight states appearing to be in major noncompliance with the list maintenance requirements of Section 8 of the NVRA, and yet the Voting Section which has the responsibility to enforce that law has yet to take any action. From these circumstances I believe that Ms. Fernandez's statement to the Voting Section in November 2009 not to, in effect, initiate

Section 8 list maintenance enforcement activities has been complied with.

In Mr. Perez's letter to this Commission of August 11, 2010, he stated that the CRD currently has active matters under the NVRA, ''including investigations under Section 8.'' In making this statement, I do not believe Mr. Perez was referring to Section 8 list maintenance cases, the kind of cases Ms. Fernandez was referring to when she talked about no interest in enforcing Section 8, because I do not believe that the Voting Section has recently been involved in any list maintenance enforcement during the Obama Administration.

I believe that federal prosecutors, criminal and civil, have prosecutorial discretion in deciding how we are going to use our resources, but I do not think that discretion goes so far as to allow us to decide not to do any enforcement of a law enacted by Congress, because political appointees determine that they are not interested in enforcing that law. That is an abuse of prosecutorial discretion.

Further, not to enforce the list maintenance provisions of Section 8 are likely to have partisan consequences as well. A number of the jurisdictions that have bloated voter registration lists are where there are sizable minority populations and are Democratic strongholds. For example, at the time of the trial in the Ike Brown case, the Noxubee County Election Commission had not purged its list, as required by Mississippi law and Section 8 of the NVRA, so that the number of persons on the voter registration list was approximately 130 percent of the number of people in that county who were eighteen (18) years or older. As Congress recognized in enacting the list maintenance provisions of Section 8, bloated voter registration lists increase the risk of voter fraud.

THE IMPORTANCE OF RACIAL-NEUTRAL ENFORCEMENT OF THE VRA

Equal enforcement of the VRA is absolutely essential for a number of reasons. First, it is required by the statutory language of the VRA. Congress did not use statutory language that speaks in terms of discrimination against racial or language minorities, but in terms of discrimination on the basis of race or color. In extending and amending Section 5 of the Act in 2006, the Congress used the term ''any voter'', not racial or ethnic minority voters. Further, the statutory construction given the VRA by the courts supports that the Act is written in race-neutral terms and is intended for the protection of all.

When we go to work with the DOJ, we all take an oath faithfully to enforce the laws of the United States. Enforcing the VRA in a racially selectively manner or choosing not to enforce certain provisions of federal voting law is not in compliance with the oaths that we have taken.

Second, when the VRA was originally enacted in 1965, it probably did not make a great deal of difference, as a practical matter, whether its prohibitions against race discrimination and intimidation were enforced against minority wrongdoers as well as white wrongdoers. During that time period, there were very few minority election officials in the overwhelming majority of jurisdictions, and in a number of jurisdictions there were no minority election officials. However, during the last forty-five (45) years, the United States has changed for the better. Large numbers of minority persons now serve as election and poll officials in hundreds of jurisdictions throughout America. In such a multi-racial and multi-cultural country, not the one of Bull Connor or Ross Barnett, but the country in which an African American serves as the President and as the Attorney General of the United States, and it is absolutely essential that the VRA be enforced equally against all racial and ethnic groups.

During my years in the Voting Section, and particularly during the time I served in a management capacity, I became acutely aware based on complaints and conducting investigations that a sizable number of voting illegalities are committed by members of racial and ethnic minorities. Noxubee County, Mississippi is a prime example. Noxubee was not, as some critics have claimed, a mere aberration. Let me give you two other examples.

During the time I was Chief of the Voting Section, we conducted a prolonged investigation in Wilkinson County, Mississippi, a majority-black county in the southwestern part of the State. A long battle between an all-black faction and a racially integrated faction had been going on for a substantial period of time in that county. Relations between the two factions had reached the point where the all-black faction would not allow members of the racially-integrated faction to play any role in the conduct of the local elections, including the counts of absentee ballots or the choosing of persons to work at the polls. After a local election in Wilkinson County in 2007, the home of a white candidate for local office was burned. No one was ever prosecuted for this burning, and the burning of this candidate's home never received any national attention. The Voting Section in the end did not file a VRA lawsuit in Wilkinson County for a number of reasons, including the pendency of multiple election contests in state courts during the time of our investigation and the fear that the filing of suit by the DOJ would suggest we were taking sides in election disputes. We did send federal observers to elections there, including the 2008 election. I came away from the Wilkinson County investigation with the clear impression that African American officials there were involved in voting-related acts of racial discrimination against whites.

In addition in 2005, I conducted an investigation in Hale and Perry Counties, Alabama, two other majority-black counties. Again, there were political factions in these counties with one faction all-black and the other a racially integrated faction. There were multiple claims by the racially integrated faction of absentee ballot and other types of voter fraud being perpetrated by the all-black factions in these counties. While investigating in Hale County, I learned that there had been a recent highly contentious election, and on the night of that election, election materials, including absentee ballots, were placed for safe keeping in a local bank vault so that those materials could be reviewed the next morning by election officials. Overnight that bank was set on fire. No one was ever prosecuted for that burning. Again, the Voting Section did not end up filing a VRA lawsuit in either of these Alabama counties for a number of reasons, including on-going voting fraud investigations by the state Attorney General's office in those counties. I have recently learned that several African American political officials have been convicted for absentee ballot fraud in Hale County. Again, I came away from the Hale and Perry County investigations with the clear impression that some individual African Americans in those counties were involved in acts of racial discrimination against whites.

In pointing these examples out, I am not suggesting that minority election and poll officials or minority political activists are more likely to commit voting law violations than are their white counterparts. What I am pointing out is that I believe that some minorities are just as likely to resort to lawlessness in the voting area as are some whites. For the CRD and Voting Section to pursue enforcement practices that ignore VRA violations by members of minority groups will encourage lawlessness in the voting area by those who will have no fear that the Federal Government will enforce the federal law against them. In our increasingly multiethnic society, that is a clear recipe to undermine the public's confidence in the legitimacy of our electoral process.

I have heard some argue that prosecutors, both criminal and civil, have prosecutorial discretion that gives attorneys in the CRD and the Voting Section the authority not to bring VRA lawsuits against minority wrongdoers. It is certainly true that prosecutors have discretion to decide what cases to bring based upon resource issues and other legal considerations. But we do not have the discretion to decide not to enforce the law based upon the race of the perpetrators or the race of the victims of the wrongdoing. Those discretionary decisions cannot constitutionally be based upon race.

In conclusion, I thank you for the time you have given me to testify on these important enforcement issues. I commend the Civil Rights Commission for making inquiries into these areas. Individuals of good will, regardless of their race, ethnicity or language-minority status, should be concerned about the CRD not enforcing laws in a race-neutral manner. As important as the mandate in the VRA is to protect minority voters, white voters also have an interest in being able to go to the polls without having race-haters such as Black Panther King Samir Shabazz whose public rhetoric includes such statements as ''kill cracker babies'' standing at the entrance of the polling place with a billy club in his hand hurling racial slurs. Given this outrageous conduct, it was a travesty on justice for the DIN not to allow attorneys in the Voting Section to obtain nation-wide injunctive relief against all four of the defendants.

CALLING ON JAPAN TO ADDRESS CHILD ABDUCTION CASES

SPEECH OF

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. BECERRA. Mr. Speaker, I rise today in support of H. Res. 1326, a resolution calling on the Government of Japan to immediately address the urgent problem involving United States citizen children who are abducted by one parent and unlawfully taken to Japan without intervention by the Japanese Government.

This resolution urges the Government of Japan to work closely with the United States Government to return American children to their custodial parent in the United States and to adopt the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

As a father of three beautiful daughters, I have cherished every moment I have spent watching them grow up and I look forward to seeing them continue to develop into confident, young women. Sadly, not all parents have been as fortunate as me.

Since 1994, the State Department's Office of Children's Issues had opened 194 cases involving 214 American children taken to Japan. As of March 25, 2010, there were 95 open