

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

cases involving 136 American children abducted or wrongfully retained in Japan. One of those cases is that of Melissa Braden, the daughter of one of my constituents, Patrick Braden.

In the midst of a custody dispute in 2006, Melissa was taken to Japan by her mother in violation of a court order giving both parents access to the child and prohibiting either parent from taking Melissa outside of the United States. Melissa has been in Japan ever since. Despite an arrest warrant issued by the FBI for her mother, Japanese authorities have refused to act on this case. Japanese courts give no recognition to the parental rights of the non-Japanese parent, and the Japanese government refuses to enforce U.S. court orders related to child custody or visitation.

I have tried for the past 3 years to help secure the return of Melissa or at the very least reunite Mr. Braden with his daughter in Japan. Unfortunately, Japan is not a signatory to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. Parties to the Hague Abduction Convention agree to promptly return a child who is living in one Convention country and who has been removed to or retained in another Convention country in violation of a left-behind parent's custodial rights. I spoke about Melissa's case before this body last year, but it is important that I continue to speak about her case so that other parents do not have to live through what Mr. Braden is still experiencing today.

As my mother once told me: there is nothing worse than losing your own child, especially when your child is still alive. I thank Chairman BERMAN for his support of this issue and Mr. MORAN of Virginia and Mr. SMITH of New Jersey for standing up for America's parents and children.

I urge all of my colleagues to support this resolution to secure action on behalf of our American families with children retained in Japan.

TRIBUTE TO THE UNIVERSITY OF VIRGINIA WOMEN'S ROWING TEAM

HON. THOMAS S.P. PERRIELLO

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. PERRIELLO. Madam Speaker, I rise to recognize the University of Virginia Women's Rowing Team for their victory at the 2010 NCAA Championships on May 30, 2010. This victory gives the University of Virginia its 20th National Championship in school history.

I commend Head Coach Kevin Sauer and Associate Head Coach Steve Pritzker for their leadership. I also wish to recognize the members of the First Varsity Eight, Coxswain Sidney Thorsten, Jennifer Cromwell, Katrin Reinert, Desiree Burns, Kristine O'Brien, Martha Kuzzy, Helen Tompkins, Nora Phillips, and Summers Nelson, and the members of the Second Varsity Eight, Coxswain Cristine Candland, Victoria Burke, Marie Long, Lauren Hutchins, Sarah Borchelt, Caroline Sweeny, Christine Roper, Claudia Blandford, and Lauren Shook. These young women exemplify the best tradition of the student-athlete: hard work, dedication, and commitment to excellence in sport, in academics, and in teamwork.

The Cavaliers' Varsity Four, Ruth Retzinger, Hunter Terry, Chelsea Simpson, Inge

Janssen, and Coxswain Sarah Pichardo, were also victorious in their own event, finishing more than a boat's length ahead of their closest competitor. Their NCAA Championship marks the final victory in an undefeated season. They are the seventh crew team in Virginia history to win the award, and the first since 2007. I congratulate these dynamic young women for their tremendous hard work, and for the leadership and inspiration they brought to the entire Women's Rowing Team.

I congratulate the women of the rowing team for their exciting victory. Their hard work, determination, and competitive spirit are a credit to the University of Virginia and the Commonwealth. I invite my colleagues to join me in congratulating these impressive student-athletes on their accomplishment.

RECOGNIZING THE AUBURN ALL-STARS LITTLE LEAGUE TEAM FOR THEIR PARTICIPATION IN THE WORLD SERIES

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SMITH of Washington. Madam Speaker, I rise today to honor Auburn, Washington's Little League Baseball team, the Auburn All-Stars, for their performance in the Little League World Series.

The 646th Little League World Series began August 20, 2010 and the Auburn All-Stars advanced to within one game of the United States Championships. The tournament hosts 16 national teams comprised of our country's top young baseball players. The Auburn All-Stars achieved a great accomplishment by reaching the Little League World Series, and even more so for coming so close to advancing to the United States Championships.

Mayor Peter Lewis of Auburn has recognized the team's success in the 2010 tournament. Mayor Lewis has also praised the Auburn All-Stars for bringing the Auburn community together. During the tournament, the Auburn Avenue Theater opened its doors to the public and showed the game free of charge. Many other local businesses supported the team in several ways such as contributing to the players' travel and other expenses. It is clear that the entire community embraced their team through immense pride.

Together, the Auburn All-Stars advanced further than any other team from Washington State since 1982. They should be extremely proud of what they have accomplished through each team member's hard work and dedication.

Madam Speaker, I ask my colleagues to please join me in congratulating the Auburn Little League Baseball team and their outstanding success in the Little League World Series.

HONORING JANE McLAUGHLIN

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. WALDEN. Madam Speaker, I rise today to share with you and my colleagues my pride

in an incredible woman who has the distinction of being the oldest active paramedic in Oregon. Jane McLaughlin is 74 years of age and is completing service as the Emergency Medical Services Chief for the Chiloquin Volunteer Ambulance Service, capping off a long and distinguished career.

Jane began her EMS career almost three decades ago when her youngest son suffered an accidental wound and was treated and transported by Chiloquin Volunteer Ambulance Service. From that day on, she knew that her calling was to meaningfully serve and comfort those in need of emergency medical assistance.

Since accepting this calling, Jane has served her community for over 28 years in a variety of emergency response functions. She has held every level of EMS certification the State of Oregon authorizes and has volunteered thousands of hours of service. Jane has never stopped learning and she has never stopped growing. At 61, she completed her fire fighting academy training.

The many awards and accolades presented to Jane are a strong testimony to how much her community and others value her service to her fellow man. The Klamath County United Way has recognized Jane both with their Accommodation for Excellence and Volunteer of the Year Award. The State of Oregon Department of EMS and Trauma Systems awarded her the Meritorious Service award as paramedic of the year. Jane was chosen by the mayor of Chiloquin to be the grand marshal in the 2009 Fourth of July Parade for her outstanding service.

Madam Speaker, however noteworthy Jane's age, years of service, and many awards are, the real story is the good that she has done for almost three decades of service. Jane's neighbors and local citizens are familiar with her accomplishments, but they know her best for her kindness, her compassion, her dedication, and her unselfishness. In the community, when people think about the Chiloquin Volunteer Ambulance Service, Jane McLaughlin comes immediately to mind.

Jane has demonstrated heroism when she has on many occasions risked her own life to save the lives of others. Jane's comforting ways as a first responder have helped the injured and sick cope with their emergency situation with reduced fear and confidence that their condition will improve. Jane has an incredible gift of healing that goes far beyond the administering of basic medical attention. She not only relieves pain, she delivers comfort and peace to people in distressed situations. The service that Jane has given to others comes from an acute sense of duty and the sincere goodwill of an unselfish, engaged, and compassionate person.

As my esteemed colleagues well know, an impact player like Jane McLaughlin sets the tone of a successful operation, provides a shining example for others to follow in a relentless path to excellence, and engages others to join her in serving their fellow man. Jane will be missed, but her good work will continue in the hands and hearts of those she has inspired and trained to deliver the best in emergency medical service.

Madam Speaker and colleagues, I invite you to join me in honoring Jane McLaughlin, the kind of person who improves our world and restores our faith in our fellow man. Her goodness is contagious, and she sets an example for all of us to follow.