

(2) honors and recognizes—

(A) the contributions of the members of Gold Star Wives of America, Inc.; and

(B) the dedication of the members of Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(3) encourages the people of the United States to observe Gold Star Wives Day to promote awareness of—

(A) the contributions and dedication of the members of Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(B) the important role Gold Star Wives of America, Inc. plays in the lives of the spouses and families of the fallen members and veterans of the Armed Forces of the United States.

SENATE CONCURRENT RESOLUTION 5—EXPRESSING THE SENSE OF CONGRESS THAT JOHN ARTHUR “JACK” JOHNSON SHOULD RECEIVE A POSTHUMOUS PARDON FOR THE RACIALLY MOTIVATED CONVICTION IN 1913 THAT DIMINISHED THE ATHLETIC, CULTURAL, AND HISTORIC SIGNIFICANCE OF JACK JOHNSON AND UNDULY TARNISHED HIS REPUTATION

Mr. MCCAIN (for himself, Mr. REID, and Mr. COWAN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 5

Whereas John Arthur “Jack” Johnson was a flamboyant, defiant, and controversial figure in the history of the United States who challenged racial biases;

Whereas Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves;

Whereas Jack Johnson became a professional boxer and traveled throughout the United States, fighting White and African-American heavyweights;

Whereas, after being denied (on purely racial grounds) the opportunity to fight 2 White champions, in 1908, Jack Johnson was granted an opportunity by an Australian promoter to fight the reigning White titleholder, Tommy Burns;

Whereas Jack Johnson defeated Tommy Burns to become the first African-American to hold the title of Heavyweight Champion of the World;

Whereas the victory by Jack Johnson over Tommy Burns prompted a search for a White boxer who could beat Jack Johnson, a recruitment effort that was dubbed the search for the “great white hope”;

Whereas, in 1910, a White former champion named Jim Jeffries left retirement to fight Jack Johnson in Reno, Nevada;

Whereas Jim Jeffries lost to Jack Johnson in what was deemed the “Battle of the Century”;

Whereas the defeat of Jim Jeffries by Jack Johnson led to rioting, aggression against African-Americans, and the racially motivated murder of African-Americans nationwide;

Whereas the relationships of Jack Johnson with White women compounded the resentment felt toward him by many Whites;

Whereas, between 1901 and 1910, 754 African-Americans were lynched, some simply for being “too familiar” with White women;

Whereas, in 1910, Congress passed the Act of June 25, 1910 (commonly known as the “White Slave Traffic Act” or the “Mann

Act”) (18 U.S.C. 2421 et seq.), which outlawed the transportation of women in interstate or foreign commerce “for the purpose of prostitution or debauchery, or for any other immoral purpose”;

Whereas, in October 1912, Jack Johnson became involved with a White woman whose mother disapproved of their relationship and sought action from the Department of Justice, claiming that Jack Johnson had abducted her daughter;

Whereas Jack Johnson was arrested by Federal marshals on October 18, 1912, for transporting the woman across State lines for an “immoral purpose” in violation of the Mann Act;

Whereas the Mann Act charges against Jack Johnson were dropped when the woman refused to cooperate with Federal authorities, and then married Jack Johnson;

Whereas Federal authorities persisted and summoned a White woman named Belle Schreiber, who testified that Jack Johnson had transported her across State lines for the purpose of “prostitution and debauchery”;

Whereas, in 1913, Jack Johnson was convicted of violating the Mann Act and sentenced to 1 year and 1 day in Federal prison;

Whereas Jack Johnson fled the United States to Canada and various European and South American countries;

Whereas Jack Johnson lost the Heavyweight Championship title to Jess Willard in Cuba in 1915;

Whereas Jack Johnson returned to the United States in July 1920, surrendered to authorities, and served nearly a year in the Federal penitentiary at Leavenworth, Kansas;

Whereas Jack Johnson subsequently fought in boxing matches, but never regained the Heavyweight Championship title;

Whereas Jack Johnson served his country during World War II by encouraging citizens to buy war bonds and participating in exhibition boxing matches to promote the war bond cause;

Whereas Jack Johnson died in an automobile accident in 1946;

Whereas, in 1954, Jack Johnson was inducted into the Boxing Hall of Fame; and

Whereas, on July 29, 2009, the 111th Congress agreed to Senate Concurrent Resolution 29, which expressed the sense of the 111th Congress that Jack Johnson should receive a posthumous pardon for his racially motivated 1913 conviction: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it remains the sense of Congress that Jack Johnson should receive a posthumous pardon—

(1) to expunge a racially motivated abuse of the prosecutorial authority of the Federal Government from the annals of criminal justice in the United States; and

(2) in recognition of the athletic and cultural contributions of Jack Johnson to society.

Mr. MCCAIN. Mr. President, I come to the floor to speak about a resolution I have submitted which calls on the President of the United States to posthumously pardon the world's first African-American heavyweight champion, John Arthur “Jack” Johnson. I am proud to be joined in this effort by my friend, the majority leader, HARRY REID and the Senator from Massachusetts Mr. COWAN.

I would point out that the majority leader of the Senate was once an excellent fighter himself, of great skill and agility, which he continues to display here as majority leader of the Senate.

I would also like to thank him for his commitment to the sport of boxing and for joining me again in attempting to do justice for a man who was done a great injustice.

For my colleagues who may not be familiar with the story of the late Jack Johnson, he is considered by many to be the most dominant athlete in boxing history. Arthur John Johnson was born in Galveston, TX, in 1878 to parents who were former slaves. At an early age, he realized his talent for the sweet science. In order to make a living, Johnson traveled across the country fighting anyone willing to face him. But he was denied repeatedly, on purely racial grounds, a chance to fight for the world heavyweight title. For too long African-American fighters were not seen as legitimate contenders for the championship. Fortunately, after years of perseverance, Johnson was finally granted an opportunity in 1908 to fight the then-reigning title holder, Tommy Burns, in Sydney, Australia. Even though the fight lasted 14 rounds, Johnson handily defeated Burns to become the first African-American heavyweight champion of the world.

Jack Johnson's success in the ring, and sometimes indulgent lifestyle outside of it, fostered resentment among many and raised concerns that his continued dominance in the ring would somehow disrupt what was then perceived by many as a racial order. So as history tells us, a search for a Caucasian boxer who could defeat Johnson began. This recruitment effort became known as the search for the “Great White Hope.” The so-called hope arrived in the person of former champion Jim Jeffries, who returned from retirement to fight Johnson in 1910. Johnson went on to defeat Jeffries, and as a shameful consequence race riots broke out in several cities as many sought to avenge Jeffries' defeat.

Following the loss of the “Great White Hope,” the Federal Government launched an investigation into the legality of Johnson's relationships with Caucasian women. At that time the Mann Act, which was enacted in 1910, outlawed the transport of Caucasian women across State lines for the purpose of prostitution or debauchery or for “any other immoral purpose.” Using the “any other immoral purpose” clause as a pretext, Federal law enforcement officials set out to get Jack Johnson.

On October 18, 1912, the Federal Government got their man. On that day, Johnson was arrested for transporting his Caucasian girlfriend across State lines in violation of the Mann Act. However, the charges were subsequently dropped when the Caucasian female, whose mother had originally tipped off Federal officials, refused to cooperate with authorities. She later married Jack Johnson.

Not to be outdone, the Federal authorities remained persistent in their determination to persecute Johnson, persuading a former scorned Caucasian

girlfriend of Johnson's to testify that he had transported her across State lines. Her testimony resulted in Johnson's conviction in 1913, when he was sentenced to 1 year and a day in Federal prison. During Johnson's appeal, one prosecutor admitted:

Mr. Johnson was perhaps persecuted as an individual, but that it was his misfortune to be the foremost example of the evil in permitting the intermarriage of whites and blacks.

After the trial, Johnson fled the country to Canada and then traveled to various European and South American countries before losing his heavyweight champion title in Cuba in 1915. Ultimately overcome by homesickness, Jack Johnson returned to the United States in 1920, surrendering to Federal authorities, and served nearly 1 year in Federal prison. Despite this obvious and clear injustice, Johnson refused to turn his back on the country that betrayed him. Mr. Johnson died in an automobile accident in 1946 at the age of 68 years.

Today, as we look back on our Nation's history, the Jack Johnson case is a shameful stain apparent to all. Rectifying this injustice is long overdue. The resolution we submit today calls on the President to pardon Mr. Johnson posthumously. It recognizes the unjustness of what transpired and sheds light on the achievements of an athlete who was forced into the shadows of bigotry and prejudice. Jack Johnson may have been a flawed individual, and he was certainly controversial during his day, but he was also a historic American figure whose life and accomplishments played an instrumental role in our Nation's development and progress toward true equality under the law.

There is no doubt Jack Johnson deserved much better than a racially motivated conviction which denied him his liberty and served to diminish his athletic, cultural, and historic significance. As a body we should adopt this resolution and continue to fight for a posthumous pardon for Jack Johnson to afford future generations the opportunity to grasp fully what Jack Johnson accomplished—against great odds—and appreciate his contributions to society unencumbered by the taint of an unjust, racially motivated criminal conviction.

Sadly, there is no way for us to possibly right the wrong that was done to Jack Johnson during his lifetime, but what we can do is take this small step toward acknowledging his mistreatment and remove the cloud that casts a shadow on his legacy. After all, that cloud over Jack Johnson's legacy says more about our past wrongs than it could honestly ever say about Johnson's own. As such, I urge my colleagues to support and swiftly adopt the resolution which requests the President of the United States grant Jack Johnson a posthumous pardon.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 5, 2013, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on March 5, 2013, at 10:00 a.m. in room SD-G50 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 5, 2013, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 99-498, as amended by Public Law 110-315, appoints the following individual to the Advisory Committee on Student Financial Assistance: Roberta Johnson of Iowa vice Norm Bedford of Nevada.

ORDERS FOR WEDNESDAY, MARCH 6, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, March 6, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume executive session to consider the nomination of Caitlin Halligan to be a U.S. circuit judge for the DC Circuit, with the time until 10:30 a.m. equally divided and controlled in the usual form; further, that at 10:30 a.m. the cloture vote on the Halligan nomination occur.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. There will be a cloture vote, then, Mr. President, on the Halligan nomination at 10:30 a.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the

Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:15 p.m., adjourned until Wednesday, March 6, 2013, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 5, 2013:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL ARNOLD W. BUNCH, JR.
BRIGADIER GENERAL THERESA C. CARTER
BRIGADIER GENERAL SANDRA E. PINAN
BRIGADIER GENERAL JEFFREY L. HARRIGAN
BRIGADIER GENERAL TIMOTHY J. LEAHY
BRIGADIER GENERAL GREGORY J. LENGUEL
BRIGADIER GENERAL LEE K. LEVY II
BRIGADIER GENERAL JAMES F. MARTIN, JR.
BRIGADIER GENERAL JERRY P. MARTINEZ
BRIGADIER GENERAL PAUL H. MCGILLICUDDY
BRIGADIER GENERAL ROBERT D. MCMURRY, JR.
BRIGADIER GENERAL EDWARD M. MINAHAN
BRIGADIER GENERAL MARK C. NOWLAND
BRIGADIER GENERAL TERENCE J. O'SHAUGHNESSY
BRIGADIER GENERAL MICHAEL T. PLEHN
BRIGADIER GENERAL MARGARET B. POORE
BRIGADIER GENERAL JAMES N. POST III
BRIGADIER GENERAL STEVEN M. SHEPRO
BRIGADIER GENERAL DAVID D. THOMPSON
BRIGADIER GENERAL SCOTT A. VANDER HAMM
BRIGADIER GENERAL MARSHALL B. WEBB
BRIGADIER GENERAL BURKE E. WILSON
BRIGADIER GENERAL SCOTT J. ZOBRIST

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL NINA M. ARMAGNO
COLONEL SAM C. BARRETT
COLONEL STEVEN L. BASHAM
COLONEL RONALD D. BUCKLEY
COLONEL CARL A. BUHLER
COLONEL JOHN A. CHERREY
COLONEL JAMES C. DAWKINS, JR.
COLONEL PATRICK J. DOHERTY
COLONEL DAWN M. DUNLOP
COLONEL THOMAS L. GIBSON
COLONEL JAMES B. HECKER
COLONEL PATRICK C. HIGBY
COLONEL MARK K. JOHNSON
COLONEL BRIAN M. KILLOUGH
COLONEL ROBERT D. LABRUTTA
COLONEL RUSSELL L. MACK
COLONEL PATRICK X. MORDENTE
COLONEL SHAUN Q. MORRIS
COLONEL PAUL D. NELSON
COLONEL JOHN M. PLETCHER
COLONEL DUKE Z. RICHARDSON
COLONEL BRIAN S. ROBINSON
COLONEL BARRE R. SEGUIN
COLONEL JOHN S. SHAPLAND
COLONEL ROBERT J. SKINNER
COLONEL JAMES C. SLIFE
COLONEL DIRK D. SMITH
COLONEL JEFFREY B. TALIAFERRO
COLONEL JON T. THOMAS
COLONEL GLEN D. VANHERCK
COLONEL STEPHEN N. WHITING
COLONEL JOHN M. WOOD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBIN RAND

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN M. BEDNAREK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GENERAL LLOYD J. AUSTIN III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LIEUTENANT GENERAL ROBERT L. CASLEN, JR.