

two homeowners don't want to budge. Susette Kelo has extensively remodeled her waterfront-view home. Wilhelmina Dery was born in her house in 1918 and has lived there her entire life.

You ask, why worry, how often? According to Institute for Justice, the public interest law firm litigating for the homeowners, nationwide, more than 10,000 properties were threatened or condemned in recent years.

Of the majority (Justices Stevens, Souter, Ginsburg, Breyer, and Kennedy), Justice Kennedy provided the dimmest hope, that states are free to pass additional protections. Fortunately for citizens of Connecticut,

Governor M. Jodi Rell is urging careful review, and possibly legislative solution in Hartford.

Florida is one of eight states that forbids the use of eminent domain when the purpose is not to eliminate blight. This does not reassure. A dismayed constituent cried that this decision has turned us into serfs who no longer own the land, we just inhabit it at the whim of the government. The Supreme Court's justices are appointed by our elected President and confirmed by our U.S. Senators, and affirm to uphold the U.S. Constitution, under which we think we are living. The Gainesville Sun polled "How do you feel about the Supreme Court ruling giving local governments power to seize private property to generate tax revenue?" Huge mistake, said 363 to 31. Similarly, the Marion Pulse of the Ocala Star Banner polled that 98.2 percent of its readers disavowed the ruling.

Justice O'Connor (joined by Rehnquist, Scalia, and Thomas) impassioned: "The specter of condemnation hangs over all property. Nothing is to prevent the state from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory. . . . Any property may now be taken for the benefit of another private party, but the fallout from this decision will not be random. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms. . . . As for the victims, the government now has license to transfer property from those with fewer resources to those with more. The Founders cannot have intended this perverse result."

What did the Founders say? Thomas Jefferson wrote that "Charged with the care of the general interest of the Nation, and among these with the preservation of their lands from intrusion, I exercised, on their behalf, a right given by nature to all men, individual or associated, that of rescuing their own property wrongfully taken" (to W. C. C. Claiborne, 1810).

Yes, the less-connected and the feeble have more to fear. Justice Thomas reminded that urban renewal has historically resulted in displacement of minorities, the elderly and the poor. This is why civil rights-promoting groups such as the NAACP and AARP filed friendly briefs. Non-profits and religious organizations also worry—they don't generate taxes. So, the Becket Fund for Religious Liberty were Amicus supporting petitioners.

When I took this job I vowed to uphold the Constitution. I will work with my colleagues, the Institute for Justice, the NAACP, the American Farm Bureau, AARP, Cato Institute, the National Association of Homebuilders, Reason

Foundation and other property rights advocates, to take back the Fifth amendment.

#### PERSONAL EXPLANATION

### HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 28, 2005*

Mr. RAHALL. Mr. Speaker, I was unavoidably detained on official business on the afternoon of Monday, June 27, 2005. Had I been present I would have voted in the following manner: rollcall vote No. 322: yea; rollcall vote No. 323: yea.

#### TRIBUTE TO HOWARD ELINSON

### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 28, 2005*

Mr. WAXMAN. Mr. Speaker, Mr. BERMAN and I ask our colleagues to join us today in honoring Dr. Howard Elinson, who was born on the 11th of January, 1940 in New York City and who passed away on Friday June 17th, 2005 in Los Angeles at Midway Hospital.

Howard earned his B.A. and his Ph.D. in Sociology at UCLA. He taught for 1 year at Yale and for 7 years at UCLA. He worked as Administrative Assistant and Consultant for 27 years for Congressman HENRY WAXMAN. Six of those years were when Mr. WAXMAN was a State Assemblyman.

Howard is survived by his beloved and devoted brother Mark who is an admired and respected high school teacher of Social Studies in the Los Angeles City School system. He also serves as an Adviser to the L.A. Unified School District, instructing Social Studies teachers on the best techniques for teaching Social Studies.

Howard Elinson was and is unforgettable to any or all who knew or met him (no matter how casually or for how short a time). He changed the life of everyone in his personal orbit by his magnetic personality his unique insight into the human condition, his sharp wit his gigantic intellect his mastery of any human behavior subject, and his generosity and kindness.

But, unknown to most Californians and "Angelenos" (and unmentioned in media accounts) Howard Elinson changed the face of California and Los Angeles politics.

It was Howard Elinson who conceived and invented individually targeted computerized mail—the campaign technique that was instrumental in the 1968 primary election victory of HENRY WAXMAN for State Assembly (by, still to this date, the largest margin against an incumbent—this one a 26 year incumbent—of his own party), and the 1972 primary and general election victory of HOWARD BERMAN for State Assembly (the general against, ironically, a 26 year Republican incumbent).

It was Howard Elinson's ideas that were instrumental in electing Congressman HENRY WAXMAN, Congressman HOWARD BERMAN, Congressman Mel Levine, Congressman Julian Dixon, State Senator Herschel Rosenthal, State Assemblyman Burt Margolin, State Assemblyman Terry Friedman, and countless others.

And it was Howard Elinson who inspired the strategy and direct mail efforts that led to the election of Mayor Tom Bradley in 1973.

But Howard Elinson's life was much more than about politics. As a devout and Orthodox Jew his faith came first. And imagine this dark suited, yarmulke wearing, fast-talking man writing the "early 60's seminal study" of voting behavior for his Ph.D. thesis. He conducted lengthy and open-ended interviews, drawing out in their homes 50 white working class voters in Bell, California—the then-place-of-entry of the vast immigration from Oklahoma, the mid-west and the South to Southern California.

These Christian and working class people had perhaps never before met a Jew—and certainly not a readily recognizable Orthodox Jew. Yet they opened their hearts to this amazing man. They trusted him—no matter how "New York" he spoke, no matter how foreign he might have looked. That was the uniqueness, the special nature of Howard Elinson.

Perhaps inspired by his faith, or by his innate decency, Howard Elinson affected the lives of everyone who knew him. Many dozens of interns, staff, and budding politicians that came through HENRY WAXMAN's office sought Howard Elinson's advice and counsel—both personal and career. Hundreds of young people confused by the conflicts between a traditional religious life and modernity sought Howard Elinson's advice on how to cope—"who better to ask?" Children flocked to him—no child was unworthy of his attention, his sense of playfulness, his devotion to the child's value as a human being. No one in need (whether for a religious cause or in personal need) was turned down for a contribution. Howard Elinson's generosity was open ended and well known.

The untimely death of Howard Elinson was not just a loss to his family and friends, but to the people who have had in him a champion of a tolerant, liberal, and more humane America.

#### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

SPEECH OF

### HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 24, 2005*

The House in Committee of the Whole House on the State of the Union had under consideration this bill, (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes:

Mr. LANGEVIN. Mr. Chairman, I rise today in opposition to the Labor, Health & Human Services and Education Appropriations bill before us. This bill fails to address the priorities of the American people.

The bill shortchanges critical health care programs, offers the smallest increase to the National Institutes of Health (NIH) in 36 years, and falls to fulfill promises this Congress made