

It happened first on Nov. 7, 2000, when Vice President Al Gore was the choice of the American people, with more than half a million more votes around the country than George W. Bush. But Bush won the White House thanks to a few hundred ballots in Florida, and a recount stopped short by the Supreme Court.

It happened again in 2016. Two times in less than two decades. And there's a very plausible chance it could happen again in November.

If Senator Bayh were here, I know he would say this is a crisis for our democracy. It is a crisis for our republic.

In fact I don't have to speculate. He stayed deeply involved in the politics of electoral reform after leaving the Senate. In 2005, a team of lawyers and activists devised a plan to elect the president by a national popular vote, not by abolishing the Electoral College but by using it exactly as it was designed in the Constitution. They came to Washington to test the political waters, to see whether they could get support for this plan. The first person they spoke to was Birch Bayh.

I was lucky enough to meet the senator—two years ago this week, at his home on the eastern shore of Maryland. It was the last interview he gave before his death. We were joined by his wonderful wife, Kitty, and Kevin Feely, one of his longtime Senate staffers.

When I asked him about his early life, he recalled a childhood spent working on his grandparents' farm in Terre Haute. "Nobody in my family background had ever been involved in politics," he said. "When my father found out what I was doing, I think he wondered what he'd done wrong as a parent."

On the topic of the popular-vote amendment, the pain of the loss was still there. If anything, it was keener, now that the Electoral College has awarded the White House to two popular-vote losers in the past two decades.

"I don't know," he told me when I asked how he thought of the issue today. "I like to think as a country, as we grow older, we learn. It just makes such good sense."

I asked about the familiar charge that eliminating the Electoral College would lead to "mob rule." He was nonplussed. As he saw it, the "mob" was the American people. He said, "That, to me, is the positive end of it. Why shouldn't they be able to determine their own destiny?"

This was emblematic of Bayh's broader commitment to fairness, equality and inclusion. Birch Bayh's America is a big, open, welcoming place. It has room for everyone, and it treats all of us as equals.

I think it's fair to say that Birch Bayh was one of this nation's founding fathers. He changed the country for the better, and he would have done even more if he could. The fact that he didn't succeed in changing how we choose our President . . . well, Madison didn't get everything he wanted either. But the seeds have been planted.

Speaking of seeds, I found a short article about Senator Bayh in a Reader's Digest from November 1948. It was titled "GI Ambassador."

Of course, we know that the senator was raised in a farming family, and had a knack for the work. When he was a teenager, he won \$200 for the best teenaged tomato patch in the state. So, when he joined the army and learned he was being shipped overseas to help with the recovery effort, what's the first thing he did?

He ordered seeds. "Please send at once \$4 worth of vegetable garden seeds," he wrote to the county agent in Terre Haute. "Be sure to put in some sweet corn."

He got 18 packets in the mail. But when he showed up for inspection, he nearly lost

them all. "Regulations state that you can take only military equipment and personal belongings," his sergeant said. "But vegetable seeds—get rid of 'em!"

So he broke open each packet and emptied its contents into a different pocket on his uniform. When he arrived in the small German village where he was stationed, he slowly redistributed the seeds into their 18 packets. "It was quite a job," he said. "But I did want a garden."

He helped build 45 garden plots and got 2 village children to tend each plot. By the end of the growing season, they'd produced mountains of cabbage, beans, spinach, turnips, tomatoes, cucumbers, beets, lettuce, kale, chard . . . and sweet corn. The village was fed all winter.

In an interview years later, he said, "The thing I love about agriculture is that it's pretty hard to get away from the facts. There it is. Mother Nature takes care of it. If you do something wrong, you pay."

Birch Bayh was a farmer of democracy. He planted the seeds of a more equal and more just America. He helped us cultivate a national debate by connecting our modern lives to the fundamental principle of universal human equality embedded in the Declaration of Independence.

This was not a dry intellectual exercise for him. Bayh's conviction was profound, and his inability to achieve a national popular vote pained him deeply for the rest of his life. It was, he would say, the single greatest disappointment of his career.

As an example, in the fall of 2000, John Feerick, the former dean of Fordham Law School and an instrumental figure in the passage of the 25th Amendment, was teaching a seminar at Georgetown Law School, and invited Senator Bayh as a guest speaker.

Bayh visited the class in October. In a few weeks, the nation would be upended with the drama and chaos of a contested election—the recount in Florida, the butterfly ballot, the hanging chads, the Brooks Brothers riot. . . and finally, a tense resolution by the Supreme Court, giving George W. Bush a bare Electoral College majority, and sending the first popular-vote loser to the White House in more than a century.

All of that was in the future when Feerick, sitting next to Bayh in his law-school seminar, posed what seemed at the time like an innocent hypothetical.

"I put the question to him," Feerick said, "'What do you think the reaction of the American people will be if there's a difference between the electoral vote and the popular vote winner?'"

"And his response to me was that the people would accept the legal system we have, and the outcome of that system. The one we have. And then he started to cry."

I want to return a final time to the words Birch Bayh spoke on the Senate floor in 1966. A national popular vote is "a logical, realistic and proper continuation of this nation's tradition and history—a tradition of continuous expansion of the franchise and equality in voting."

That is the essence. In my book I write, "Maybe this is the real American exceptionalism: our nation was conceived out of the audacious, world-changing idea of universal human equality. And though it was born in a snarl of prejudice, mistrust, and exclusion, it harbored in its DNA the code to express more faithfully the true meaning of its founding principles. Over multiple generations, and thanks to the tireless work and bloody sacrifices of millions of Americans—some powerful but most just regular people who wanted to be treated the same as everyone else—that code has been unlocked, and those principles, slowly but surely, have found expression."

I believe a central reason Birch Bayh's effort in the late 1960s came so close was that this was his argument. It was irrefutable, and it resonated with millions of Americans.

Now here we are, 50 years later, facing the same questions he faced, fighting the same battles he fought, and relying all along on his wisdom, his vision and his humanity to help us find our way to an answer—and to a more perfect Union.

#### HONORING RECOLOGY

#### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2020*

Mr. THOMPSON of California. Madam Speaker, I rise today to honor Recology in celebration of its 100th anniversary on September 20, 2020.

Since its founding in San Francisco in 1920, Recology has become a leader in resource recovery and landfill diversion. As a result of its commitment to Waste Zero, Recology has worked to reduce the amount of accumulated waste by converting the waste that they collect for reuse, recycling, composting, or energy generation. Recology has expanded its efforts to cover over 140 communities in California, Oregon, and Washington.

Recology is not just a leader in waste management, but also a leader in employee ownership. Since 1986, Recology has been 100 percent employee-owned and is now one of the nation's ten largest fully employee-owned companies. Recology's efforts to empower its employees through employee ownership has especially served to empower female and minority employees, who currently hold a majority of the company's shares.

Recology has become an integral part of my own Congressional district in California, with offices and facilities in Santa Rosa and Vallejo employing 135 employee-owners. Not only has Recology helped communities in my district with its commitment to Waste Zero and employee ownership, but it has also continued to give back through participation in civic engagement projects and community organizations.

Madam Speaker, Recology emulates the type of company that we should expect from all American companies. Recology is a corporate leader in environmental sustainability, employee ownership, and community involvement within countless communities. It is therefore fitting and proper that we honor Recology here today as they celebrate their 100th anniversary.

#### CONGRATULATING JAKE BURKE UPON HIS RETIREMENT WITH TRI-COMMUNITY ACTION

#### HON. SCOTT PERRY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 29, 2020*

Mr. PERRY. Madam Speaker, I'm honored to congratulate Gerald "Jake" Burke upon his retirement after 50 years of service with Tri-County Community Action to our community, Commonwealth, and Country. Jake was born on September 11, 1944 in Shippensburg, delivered by his grandmother at home. Growing