

the Federal Judiciary, urging the Federal Judiciary to protect against the perception of bias within their ranks and calling for the nomination and confirmation of candidates for the Federal Judiciary that reflect the diversity of American society.

News agencies in Spokane, WA have confirmed accounts from staff members and attorneys stating that, during official proceeding of his court dating back to 1990, Judge McDonald made or participated in numerous communications that referred to racial, ethnic and religious minorities in demeaning, stereotypical and racist language, including references to Latino defendants and lawyers as "greasers," an African-Americans plaintiff as "impo-tent" and maligning Mormons, Jew and Chinese for corrupt financial practices.

Rather than apologizing for any indiscretion, Judge McDonald has attempted to explain away his offensive notes as private and misinterpreted attempts at humor. Similarly, the Chief District Court Judge William F. Nielsen has dismissed the impact of the offensive notes on the minority community and failed to sanction Judge McDonald for his conduct.

There should be no toleration of statements by officials of the United States that evidence prejudice or bias towards individuals on the basis of race, religion, national origin, gender or sexual orientation. The actions of Judge McDonald undermine the promise of integrity and impartiality upon which our Federal Judiciary is built and expressly violate the Judicial Code of Conduct.

Canon 2 of the Code of Conduct for United States Judges cautions a judge to avoid impropriety and the appearance of impropriety in all activities to promote public confidence in the integrity and impartiality of the judiciary, specifically noting that a judge's duty "includes the responsibility to avoid comment or behavior that can reasonably be interpreted as manifesting prejudice or bias towards another on the basis of personal characteristics like race, sex, religion, or national origin."

At a time when minority candidates for federal judgeships are twice as likely not to be confirmed as their white counterparts, this display of bigotry raises issue with regard to the fairness and impartiality of the judicial system.

The 4th and the 7th Circuit Courts have historically been all white courts and remain so today. Further, there are no African-Americans on the 1st, 9th, (which includes California), 10th and Federal Circuit Courts and no Hispanics on the 3rd, 6th, 8th, and D.C. Circuit Courts. The federal judiciary should reflect the diversity of American society to protect against the perception of bias raised by the conduct of Judge McDonald.

This Congress should stand together and condemn the conduct of U.S. District Judge Alan McDonald for bringing the appearance bias upon the Federal Judiciary and call upon President Clinton to renew his efforts to nominate and confirm candidates for the Federal Bench that reflect the diversity of American society.

PERSONAL EXPLANATION

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 2000

Mr. NUSSLE. Mr. Speaker, on Tuesday, February 1, 2000, my vote on rollcall vote No.

5 was recorded as "nay." However, my vote should have been recorded as "aye."

I strongly support H.R. 1838, the Taiwan Security Enhancement Act. For almost half a century, the United States has helped maintain a balance of power in the Taiwan Strait by continuously being committed to defensively preserving Taiwan from attack from the People's Republic of China. There is concern the Clinton Administration will choose not to follow this longstanding policy regarding Taiwan. As a result, the majority in Congress has decided to act on this issue out of concern for the people of Taiwan. I believe that H.R. 1838 allows the United States to remain committed to providing Taiwan with the means necessary to maintain a self-defense capability as expressed in the Taiwan Relations Act. This legislation also allows long neglected contact between high-level American and Taiwanese military personnel.

Again, my vote on rollcall vote No. 5 should have been recorded as "aye."

CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

SPEECH OF

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2000

Mr. UNDERWOOD. Mr. Speaker, I'm speaking in support today of House Resolution 764, the Child Abuse and Protection Act of 1999. The need for legislation to protect children from abuse and neglect increases each year.

H.R. 764 expands the purposes of existing law enforcement grants for child abuse prevention, allowing States and territories greater flexibility in crafting programs to target problem areas specific to their populations. It assists State and territorial child-abuse prevention efforts without additional Federal spending.

This bill helps to improve the access of child protective workers and child welfare workers and to increase information on criminal conviction (Jennifer's Law) and court-orders of protection for child abuse victims.

In 1996, the Department of Health and Human Services reported data showing continued record high levels of child abuse and neglect in the United States. According to their report, "Child Maltreatment 1996: Reports from the States to the National Child Abuse and Neglect Data System," almost 1 million children were identified as victims of abuse or neglect in 1996. Moreover, an estimated 1,077 children died in 1996 as a result of abuse or neglect.

Mr. Speaker and fellow colleagues, the loss of life is the severest result of child abuse and neglect. This is unconscionable. That is why we must unite in our commitment to support policies and innovative programs that work to increase children's safety and reduce children's risk of harm.

Let us keep in mind as spring approaches, the month of April is National Child Abuse and Neglect Prevention Month. Spring is the symbol of new beginnings. Let's give children a chance at a better start of life. I urge my fellow colleagues to give all children the best chance at a healthy and productive life. Please support H.R. 764.

TRIBUTE TO LESTER S. JAYSON

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 2000

Mr. THOMAS. Mr. Speaker, I rise today to pay tribute to the late Lester S. Jayson, who passed away at the age of 84 on December 30, 1999. Lester Jayson served the Congress faithfully for over 15 years, first as a Senior Specialist in American Public Law Division and Chief of the American Law Division of the Congressional Research Service, then as Deputy Director of the Service and finally as the Service's Director from 1966 until his retirement in 1975. Mr. Jayson's distinguished record of public service also included an 18 year career in various capacities with the Department of Justice, including chief of the torts section of the Department's civil division.

Lester Jayson served as CRS Director during the crucial period of the 1970 Legislative Reorganization Act, which transformed CRS from its role as essentially a reference service to an analytical support arm of the Congress. This change was designed to provide Congress with the expertise it needed to effectively perform its legislative role. CRS became a source of objective non-partisan data analysis and information that was, and is, essential to the legislative process. Mr. Jayson's tenure as Director saw a doubling of the staff at CRS and the infusion of high level analytical expertise. His vision and leadership enabled that expertise to be put to use in the service of the Congress. When he retired in 1975, Lester Jayson left a transformed and potent Congressional Research Service. He laid the groundwork for the current infrastructure that provides close analytical support for Members and Committees.

In 1936, Mr. Jayson graduated with honors from the College of the City of New York. After graduating from Harvard Law School in 1939, he went into private practice. His public service began in 1942, when he served as Special Assistant to the U.S. Attorney General and continued through 18 years at the Department of Justice, which he left in 1960 to join CRS. Four years after joining CRS, Mr. Jayson wrote "Federal Tort Claims: Administrative and Judicial Remedies, considered the preeminent source on federal torts, which he last updated in 1997. In 1964, he also was supervising editor of "The Constitution of the United States of America: Analysis and Interpretation," published by the Government Printing Office.

After retiring from CRS in 1975, Mr. Jayson was a professor of constitutional and American law at Potomac Law School. He continued to stay active in the Federal Bar Association, of which he was a past chairman of the federal tort claims committee. He was also active in the American Bar Association, the Cosmos Club, the Harvard Club of Washington, and American Friends of Wilton Park.

Mr. Speaker, Lester Jayson was a man who was dedicated to public service and service to the United States Congress. This is his legacy, which we honor here today. To his wife Evelyn, his children Diane and Jill, his family, friends, and former colleagues, I extend our deepest sympathies.