

Mr. Emerson's dedication to excellence makes him a role model for his family and co-workers, and I am pleased to honor his impressive accomplishments and wish him well as he begins his service as United States Postmaster in Rome, Georgia.

INTRODUCTION OF THE NATIVE
AMERICAN EQUAL RIGHTS ACT
OF 2000

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to introduce the "Native American Equal Rights Act of 2000."

Most Americans believe that ours should be a color-blind society in which an individual's merit, not his or her race, is the determining factor in whether that individual climbs the ladder of success to achieve the American dream. Most Americans, therefore, oppose any racial preferences in our Nation's laws. Most Americans would be surprised, therefore, to learn that non-Indians may be lawfully discriminated against under what are known as "Indian preference laws."

The Federal Indian preference laws do three things. First, Federal law allows discrimination against all non-Indians with respect to employment at the Bureau of Indian Affairs and the Indian Health Service. Second, Federal law allows discrimination against all non-Indians with regard to certain Federal contracts. Third and finally, Federal law provides an exception to the civil rights laws that allows discrimination against all non-Indians in employment at the two Federal agencies and with respect to contracts.

Mr. President/Mr. Speaker, African-Americans, Asian-Americans, and white Americans should have the same rights to compete for jobs at the Bureau of Indian Affairs and the Indian Health Service that Indians do. Likewise, all Americans should have equal rights, regardless of race, to compete for Federal contracts. Finally, the civil rights laws should protect all Americans equally from the scourge of discrimination. That is why I believe that the Indian preference laws are wrong.

A recent decision by the Supreme Court of the United States has called the constitutionality of Indian preference laws into serious question. On February 23, 2000, the Supreme Court handed down its decision in *Rice v. Cayetano*. The case involved a challenge to a law of Hawaii that limits the right to vote for trustees of the Office of Hawaiian Affairs to persons who are defined under the law as either "Hawaiian" or "native Hawaiian" by ancestry. Harold Rice, who was the plaintiff in the case, is a citizen of Hawaii who nevertheless does not qualify, under the Hawaii law, as "Hawaiian" or "native Hawaiian." Mr. Rice sued Hawaii because he believed that this law deprives him of his constitutional right to vote because of his race.

The U.S. District Court for Hawaii rejected Mr. Rice's claim. In doing so, the District Court argued that the Congress and native Hawaiians have a guardian-ward relationship that is analogous to that which exists between the U.S. government and Indian tribes. Based on this analogy, the District Court determined that

the Hawaii is entitled to the same constitutional deference that the Supreme Court has shown towards the Congress when it enacts laws under its authority over Indian affairs.

The U.S. Court of Appeals for the Ninth Circuit affirmed the District Court's decision. Mr. Rice asked the Supreme Court review his case. The Court agreed to do so.

By a vote of 7-2, the Supreme Court reversed the decision of the Court of Appeals and ruled in Mr. Rice's favor. In his opinion for the Court, Justice Kennedy rejected the lower courts' use of the analogy of the Hawaii law limiting voting rights to the Federal laws granting preferences to Indians.

Under the Federal Indian preference laws, individuals who have "one-fourth or more degree Indian blood and . . . [are] members of a Federally-recognized tribe" are given preferences with respect to hiring and promotions at the Bureau of Indian Affairs of the U.S. Department of the Interior, as well as with regard to employment and subcontracting under certain Federal contracts. The Supreme Court upheld the Indian preference laws in its 1974 decision in a case called *Morton v. Mancari*. Even though the Indian preference laws clearly have the effect of giving one race an advantage over others, the *Mancari* Court held that they are "political rather than racial in nature" because they are not "directed towards a 'racial' group consisting of 'Indians,' but rather only to members of 'federally recognized' tribes."

In his opinion for the Supreme Court in *Rice*, Justice Kennedy said that Hawaii had tried to take the *Mancari* precedent too far. "It does not follow from *Mancari*," Justice Kennedy wrote, "that Congress may authorize a State to establish a voting scheme that limits the electorate for its public officials to a class of tribal Indians, to the exclusion of all non-Indian citizens."

In a technical legal sense, in the *Rice* case the Supreme Court did not reconsider its ruling in the *Mancari* case that the Indian preference laws are constitutional. Instead, the Court avoided the issue by attempting to draw a distinction between the Indian preference law from the Hawaii voting rights law.

In a broader philosophical sense, though, the *Rice* decision seriously calls into question the constitutionality of the Indian preference laws. The racial preference for voters in Hawaii that the Court held to be unconstitutional clearly was politically and not racially motivated. The Court found, however, that a well-meaning political motivation behind a law that has the effect of favoring one race over another does not make it constitutional. Likewise, it is clear that what motivated the Congress to pass the Indian preference laws was not racism, but rather political favoritism. The effect of the Indian preference laws, though, is no less to favor one race over all others than was the case with the Hawaii voting rights law. Under *Rice*, this political motivation should not save the Indian preference law from being found to be unconstitutional for the same reason as was the Hawaii law.

In an insightful opinion article in *The Washington Times* on May 5, 2000, Thomas Jipping, Director of the Free Congress Foundation's Center for Law and Democracy, recognized the inconsistency between the Supreme Court's decisions with respect to the Indian preference laws and the Hawaii voting rights law. "Either it is legitimate to avoid the

Constitution," Mr. Jipping wrote, "by relabeling a racial preference [as a political one] or it is not." "Gimmicks such as relabeling or declaring the context in which a case arises as 'unique' [are] simply not sufficient to overcome a constitutional principle so fundamental and absolute." "Both the U.S. District Court and the U.S. Court of Appeals in this case believed that Hawaii's relationship with Hawaiians is similar to the United States[s] relationship with Indian tribes," Mr. Jipping noted. "They were right and the U.S. Constitution applies to both of them," he asserted. "Rather than preserve a precedent through verbal sleight-of-hand," Mr. Jipping concluded, "the Supreme Court should have said the fundamental constitutional principle that decided *Rice* also calls its precedent in *Mancari* into question."

Mr. Speaker, it is absolutely clear to me that statutory provisions that grant special rights to Indians with respect to employment, contracting, or any other official interaction with an agency of the United States are racial preference laws. Racial preference laws are fundamentally incompatible with the equal protection of the laws that is provided to all Americans by the Constitution. The Constitution simply does not tolerate racial preferences of any kind, for any reason.

The Congress, no less than the Supreme Court, has a duty to uphold the Constitution of the United States. We should not wait for the Supreme Court to recognize the very serious constitutional mistake it made when it upheld the constitutionality of the Indian preference laws. Congress should repeal the Indian preference laws now.

The legislation that I am introducing today, the "Indian Racial Preferences Repeal Act of 2000," does just that. I ask unanimous consent for the full text of my bill, as well as a section-by-section analysis, to be printed in the RECORD immediately following the conclusion of my remarks.

IN HONOR OF THE CYPRIOT PARTICIPANTS IN THE WORLD
MARCH OF WOMEN 2000

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to the 75 Cypriot women participating in this week's World March of Women 2000. The World March of Women is an annual event that occurs in my district that focuses on ending worldwide poverty and violence against women. Women from around the world participated in the march and a great number of them were from Cyprus, representing twenty-four Cypriot Women's Associations and Labor Syndicates. The march took place in front of the United Nations Building where the participants met with U.N. Secretary General Kofi Annan. On October 17, 2000, the official International Day for the Eradication of Poverty, was a time to acknowledge the grave disparities in economic prosperity throughout the world as well as the disturbing issue of violence against women.

The Cypriot participants, hoping to bring attention to the twenty-six year conflict on their Mediterranean island, urged the U.N. and its

member states to take concrete measures toward finding a just and peaceful resolution to Cyprus.

Twenty-six years ago, Turkey invaded the northern section of Cyprus. Today, there is still a barb-wire fence, known as the Green Line, that cuts across the island separating thousands of Greek Cypriots from the towns and communities in which they and their families had previously lived for generations. The Cypriot women came to New York to raise their voices against the years of injustice and seek action toward a final resolution to the divided island.

The Cypriot women also raised the question on many families' minds, "Where are the missing Greek Cypriots?" More than 1600 Cypriots and five Americans have been missing since 1974. They have never been seen or heard from since their capture 26 years ago. Families have waited long enough to hear the truth.

Throughout my years in Congress, I have ardently supported democratic rule of Cyprus. The United Nations has also passed several resolutions calling for democracy in Cyprus. However, even after the passage of resolutions and international meetings between Cyprus and the Turkish-Cypriots, peace is still elusive.

Mr. Speaker, I not only salute these courageous Cypriot women, but I also would like to pay tribute to each one of the participants of the World March of Women 2000. These brave women recognize the plight of women throughout the world. The women participating in the World March encourage international solidarity among women and the development of unique ideas and real solutions to end the troubling state of women in every nation of the globe.

These women deserve our respect for their courage in bringing their concerns before the United Nations and the international community. I sincerely hope that the concerns of the Cypriot women, as well as the concerns of all the women participating in this important event, are addressed by the international community. With a little determination and hope, we will all one day live in a world of peace and one where poverty and violence against women are creatures of the past.

PERSONAL EXPLANATION

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mrs. MORELLA. Mr. Speaker, on rollcall No. 534, had I been present, I would have voted "yea."

GROSSMAN HONORED AFTER 29 YEARS OF SERVICE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Howard J. Grossman, executive director of the Economic Development Council of Northeastern Pennsylvania, who is

retiring on Oct. 31 after more than 29 years of serving in that capacity.

The Council serves Carbon, Lackawanna, Luzerne, Monroe, Pike, Schuylkill, and Wayne counties. Howard came to the region on June 21, 1971, after serving as Deputy Director of the Montgomery County Planning Commission in Norristown. He has served Northeastern Pennsylvania well, with much significant progress having been made under his tenure.

Howard's accomplishments and achievements are too numerous to mention, but I would like to highlight just a few examples of how his leadership has helped the region through his work at EDCNP.

Following the devastation wrought by Hurricane Agnes in 1972, EDCNP was one of the leading organizations to plan our area's long-range flood recovery.

Under his leadership, the council has also participated in the creation of the Montage development in Lackawanna County, which has been termed the most extensive and best development of its kind in the region and perhaps the East Coast. The council also established the Regional Enterprise Development Program, which assists many companies in the region with low-interest loans, technical assistance in procurement, exporting and international trade, and has used community development banking to assist small businesses.

I have known Howard Grossman since he first came to the area and have worked closely with him on many projects over the years. In recent years, he may be best known for his leadership of the community effort to keep the Tobyhanna Army Depot open when it was threatened by the base closing commission.

He helped to organize thousands of volunteers to demonstrate their appreciation for this vitally important community asset, and I will never forget the sight of hundreds of people holding signs and blue ribbons as Congressman Joseph McDade and I traveled with the commission members to Tobyhanna. I am especially grateful for the assistance that Howard provided in preparing the winning application for the Upper Susquehanna-Lackawanna watershed, which led to its designation as an American Heritage River.

Mr. Speaker, like his accomplishments and achievements, Howard's awards and positions of leadership in the community are too numerous to list them all, but please allow me to mention a few as examples of his long and distinguished service.

He has received the J. Roy Fogle Award from the National Association of Development Organizations as the Outstanding Executive Director of a Multi-County Planning and Development Organization, the Professional Planner of the Year award from the Pennsylvania Planning Association and the Distinguished Leadership Award for a Professional Planner from the American Planning Association. Howard also served as a member of the Ben Franklin Partnership Board for 11 years under Pennsylvania Governors Dick Thornburgh and Robert P. Casey.

Howard has been President of many non-profit organizations in the region and state, was a founder of the Pennsylvania Association of Non-Profit Organizations, and was President of the Eastern Pennsylvania BAHIA Brazil Partners of the Americas, a national partnership that took over the Kennedy Alliance for Progress Initiative in 1965. This part-

nership continues today. He has also served in many other national, state, regional and local capacities, and plans to stay active with many of the organizations with which he has been associated in the region.

As David Donlin, president of EDCNP, said in announcing Howard's retirement, speaking for many in the region, "We will miss his leadership and guidance as the Council moves into the 21st Century with a strong view toward continuing its goals and mission: to be the regional advocate, catalyst, innovator, and promoter of economic growth and the highest quality of life in Northeastern Pennsylvania."

Mr. Speaker, I send my best wishes to Howard Grossman on the occasion of his retirement as executive director of the EDCNP.

PROTECTING OUR CHILDREN FROM DRUGS ACT OF 2000

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise in support of the Protecting Our Children From Drugs Act. This bill increases the mandatory minimum sentences for using minors to distribute illicit drugs, distributing illicit drugs to minors and drug trafficking in or near a school. In addition, this bill increases the mandatory minimum sentence for individuals convicted of using minors to distribute illicit drugs. Perhaps, more importantly, this bill cracks down on those who distribute illicit drugs near schools.

Our children cannot learn in an environment that is infested with drug use. To use children to sell drugs is not only disturbing and outrageous, but cruel. Such illicit distribution in our schools deprives our youth of the safe, healthy, and growth-inducing environment they need to learn and become valuable and productive members of our national labor force. Worst of all, this activity strips our children of their innocence and hope.

Among eighth graders alone, the rate of marijuana use tripled in 1996, and the marijuana of today is 15 times more potent than the marijuana used in the 1970s. But even more lethal, cocaine, heroin and methamphetamines are the drugs that are tearing apart families and ruining communities throughout the country and in my state.

California has the worst methamphetamine problem in the country. Over the past few years, there has been a significant increase in methamphetamine use, especially in Los Angeles. From 1990 to 1994, the admissions of Los Angeles residents to addiction treatment centers jumped from 700 to 2,250. That is more than a 30% increase, and this number only includes those who have received treatment. At any given time during the month, some 13,100 Californians who have sought treatment cannot get it because they are placed on waiting lists, which can last from three to sixty days.

The Protecting Our Children From Drugs Act can help change these numbers by enacting tougher laws to stop drug traffickers from reaching our children. Ensuring that law enforcement resources, parents, teachers, and churches come together to prevent the distribution of drugs to youth is critical to lowering the rate of drug use in the entire community.