

For much of its history, Missouri provided vastly inferior services to black students.

After the Supreme Court's ruling in *Brown v. Board of Education*, the Missouri Attorney General's office, rather than ordering the dismantling of segregation, simply issued an opinion stating that local districts "may permit" white and colored children to attend the same schools, and could decide for themselves whether they must integrate. Local school districts in St. Louis and Kansas City perpetuated segregation by manipulating attendance boundaries, drawing discriminatory busing plans and building new schools in places to keep races apart.

The now well-known St. Louis case, which was debated in these proceedings before the Senate Judiciary Committee, was filed in 1972. In brief, St. Louis had adhered to an explicit system of racial segregation throughout the 1960s. White students were assigned to schools in their neighborhood; black students attended black schools in the core of the city. Black students who resided outside the city were bused into the black schools in the city. The city had launched no effort to integrate; it simply adopted neighborhood school assignment plans that maintained racial segregation.

Senator Ashcroft, then the Attorney General, challenged the desegregation plan. He argued that there was no basis for holding the State liable and that the State had taken the "necessary and appropriate steps to remove the legal underpinnings of segregated schooling as well as affirmatively prohibiting such discrimination." The courts rejected his attempts; even the U.S. Supreme Court denied certiorari.

In 1983, the city school Board and the 22 suburban districts all agreed to a "unique and compressive" settlement, implementing a voluntary 5-year school desegregation plan for both the city and the county. Importantly, the plan was voluntary—it relied on voluntary transfers by students rather than so-called "forced busing." The district court approved this plan.

Attorney General Ashcroft, representing the State, was the only one that did not join the settlement. He opposed all aspects of the settlement. In fact, he sought to have it overturned by the Eighth Circuit. The Eighth Circuit upheld most of the provisions of the plan, and emphasized that three times over the prior three years, specifically held that the State was the primary constitutional violator. Can this man be the next Attorney General of the United States of America.

We need a nominee that enforces the civil rights laws of the Nation, that brings strength and confidence to the top law enforcement post of our great country, and to affirm equal protection and fundamental fairness in the United States of America. We owe at least that much to the working people of America and all those who believe the United States remains an example of basic fairness and justice for all.

I strongly believe that some of the beliefs of Senator John Ashcroft are archaic and obsolete. This country has come so far in improving civil rights and fundamental fairness. The confirmation of John Ashcroft will set us years back after all the improvements that have been made. This would be a travesty.

Mrs. JONES of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, I thank the gentlewoman for yielding me this

time, and I commend her for calling this Special Order.

I too rise to express my opposition to the nomination of former Senator John Ashcroft, a man who has spoken repeatedly against gun control, against a woman's right to choose, against affirmative action, against integration of schools, against the Miranda rights of suspects. How can we have this person, as our President wants to nominate and has nominated, and who opposes a qualified person like Bill Lan Lee, who said that even though you are great and I hear what you say, I just do not believe you can do what you say; against Frederica Massiah-Jackson for Federal judgeship; against Dr. David Satcher, one of the tremendous physicians in this country for Surgeon General; against Dr. Foster, another candidate for Surgeon General; against Ronnie White, who, in 71 percent of the cases voted for the death penalty, where Mr. Ashcroft voted for another person who only voted for the death penalty 55 percent, who happened not to be African American.

Finally, when a person said that receiving a doctorate degree, honorary doctorate degree from Bob Jones University, that after he swore he was telling the truth, and when he looked into that camera, when he was asked about that university, Senator Ashcroft sat in that seat and said, in 1999, in June of 1999, that I did not know what Bob Jones University stood for, when George Bush went there to campaign and McCain went there to campaign, and the whole question of when President Bush apologized to the Catholics because he said that he should not have gone there because they are antiCatholic, and never said a word about the antiblack. But that was our new President that wants to bring all people in. I just cannot understand how Senator Ashcroft could put his hand on the Bible, put his hand up to God and say, I did not know, less than a year ago, what Bob Jones University stood for.

Mr. Speaker, for those reasons, I do not think he is qualified to be the Attorney General of the United States of America.

Mrs. JONES of Ohio. Mr. Speaker, I thank the Speaker for the additional 1 minute. In light of our discussion, very quickly, the relief for the minorities over the years have come through the courts. This year, we were let down by the United States Supreme Court in their decision that ultimately decided the election that allowed President Bush to become President. We were then let down by the executive, the President, by nominating John Ashcroft to be Attorney General. We need the legislature, even though we cannot urge them to vote in any way; the Senate, the only remaining branch of government who has not yet acted, to stand up for Americans, stand up for minorities, stand up for women, stand up for gays and lesbians, and stand up for all Americans, and not confirm the nomination of John Ashcroft.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore (Mr. COOKSEY). The Chair urges all Members not to urge action of Members of the Senate.

OPPOSING ATTORNEY GENERAL NOMINATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, as the ranking Democrat on the House Committee on the Judiciary and the senior Member of the Congressional Black Caucus, I am unalterably opposed to John Ashcroft's nomination to be Attorney General of the United States. I have reached this decision with some regret and consternation. In my 36 years in Congress, I have never publicly opposed a nominee for Attorney General. However, in the present case, my reservations about the Senator's ability and inclinations to support and uphold the law in such critical areas as civil rights, reproductive choice and gun safety are so grave; and his pattern of misleading and disingenuous responses at his confirmation hearings so serious, that I believe it is in the national interests that his nomination be either withdrawn or rejected by the Senate.

I am also concerned that the Senator's personal lack of responsiveness to me foreshadows a pattern of conscious avoidance or, at best, benign neglect of me and my colleagues in the House.

First, in terms of civil rights, I am troubled by the fact that notwithstanding Senator Ashcroft's general statements about support for civil rights enforcement, he declined to state specific agreement with the Department's position in a host of civil rights cases, including its support of the University of Michigan's affirmative action program.

I am also dismayed that the Senator has taken public positions opposing voluntary school desegregation, and that he wrongly asserted that the State had done nothing wrong, and was quote, found guilty of no wrong, end quote, in the Missouri desegregation cases.

As we all know, there are two separate Federal Court of Appeals decisions and numerous district court decisions holding the State expressly responsible for the unconstitutional discrimination that occurred. I am also profoundly disappointed in the manner by which the Senator thwarted Judge Ronnie White's nomination to be Federal district court judge, the first African American justice ever to serve on the Missouri Supreme Court. Senator Ashcroft's unwillingness at his confirmation to acknowledge or to express a scintilla of regret for the disingenuous manner in which he distorted