

I call upon my colleagues to support the inclusion of H.R. 418 in the Heroes Earning Assistance and Tax Relief Act of 2007 in order to expand the options of military families whose loved ones have given their lives in the name of freedom and in defense of this Nation.

Mr. Speaker, I close by asking God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. And also, I will ask God to continue to bless America.

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

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CONGRESSIONAL BLACK CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Ohio (Mrs. JONES) is recognized for 60 minutes as the designee of the majority leader.

Mrs. JONES of Ohio. Mr. Speaker, over the past 9 months, the Congressional Black Caucus has been at the forefront of many major issues here in Congress, from raising the minimum wage, to the Don Imus debacle, to the upcoming Southwick nomination vote that will be taken up in the Senate this week. We have been at the forefront of raising the issue about the need to cover 10 million children under SCHIP. And we've been at the forefront as well raising issues with regard to the war in Iraq and the number of people who have been killed, as well as the recent Jena Six situation.

Tonight, however, we will be focusing in on the Southwick nomination. And as we focus in on that nomination, we always remember that for people of color the court has been the place of last resort. Many of the opportunities that we've had to raise issues with regard to school desegregation, civil rights, economic opportunities, equal employment opportunity, have come through the courts. And it is that reason that we are particularly raising our voices with regard to this nomination.

I am joined this evening by my colleague and good friend, the Chair of the Homeland Security Committee, Mr. BENNIE THOMPSON. And Judge Southwick, the nominee, actually is a resident of Mississippi and being considered for that seat which oversees Mississippi and several other States

where the population of people of color is significant.

I yield such time as he may consume to my colleague and good friend, the Chair of the Homeland Security Committee, BENNIE THOMPSON.

Mr. THOMPSON of Mississippi. Thank you very much.

Mr. Speaker, I join members of the Congressional Black Caucus, who have unanimously opposed the nomination of Leslie Southwick to the Fifth Circuit Court of Appeals.

For the record, Mr. Speaker, the Fifth Circuit is composed of Mississippi, Louisiana and Texas. This circuit historically was one of those circuits that moved civil rights and voting rights issues in a manner that allowed all people representation. So what we've seen under the President's administration, we've seen this court move in the opposite direction.

As a resident of Mississippi and a representative for the Second Congressional District, we have yet to have a member of the Fifth Circuit Court of Appeals who is an African American. We have the highest population of any circuit in the State in the circuit; yet we are completely void of representation.

I don't have to go through the litany of problems we've had in Mississippi with respect to civil rights. As you know, and as so many know, Mr. Speaker, had it not been for the Federal court system, many of us would not be in elected office. Many of us would not hold positions of higher responsibility because our State denied African Americans, for a number of years, equal representation under law and denied that representation because of color.

And so what we have in the Southwick nomination, Mr. Speaker, is a continuing pattern of nominating people who have demonstrated racial insensitivity toward people of color. In the *Richmond v. Mississippi Department of Human Services*, a white employee was fired for using the phrase "good ole nigger" toward an African American coworker. When the white employee was fired, a hearing officer reinstated the employee.

In upholding the reinstatement, the majority, Mr. Speaker, which Judge Southwick joined, concluded that using the phrase "good ole nigger" was equivalent to calling the other employee her "teacher's pet". This opinion, I'm happy to say, Mr. Speaker, was unanimously reversed by the Mississippi Supreme Court. And this is our President's number one nominee for the Fifth Circuit, who says that it's all right to use the "N" word when referring to people of color because it's equivalent to being called the "teacher's pet," or as he said in later words, "a term of endearment." That's an insult. But it goes to the crux of the issue of whether or not the temperament of this gentleman, Leslie Southwick, fits promotion to the Fifth Circuit Court of Appeals.

In addition to that, on another case, *McWilliams v. Mississippi*, when a prosecutor cites nonracial readiness for strikes, *Davis v. Mississippi* is another case. Judge Southwick denied the defense's warranted attempts to strike white jurors, even when the defense used the same nonracial reasons for strikes. *Webb v. Mississippi*. In other words, it's all right to strike black people from juries for nonracial reasons, but you can't strike white people from juries for nonracial reasons.

So, Mr. Speaker, we have a problem. This is the person under consideration this week by the United States Senate. I'm happy to say that the Congressional Black Caucus has taken up a number of issues this session, but the Southwick nomination really goes to the heart of why we are all here. We cannot put people on the bench for a lifetime job who demonstrate this kind of insensitivity.

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So, Mr. Speaker, I am happy to join my colleagues with the Congressional Black Caucus in unanimously opposing the elevation of Judge Southwick to the Fifth Circuit Court of Appeals. His nomination is not just an affront to people of color, but it is an affront to people of good will. That someone who demonstrated a lack of judicial temperament can actually be nominated and be given serious consideration by the United States Senate is beyond me.

But, again, I want to express my sincere opposition to the nomination of Leslie Southwick to the Mississippi Fifth Circuit Court of Appeals. Mississippi needs a nominee who will not look to discourage or impede its growth, but instead support and empower Mississippi's legacy. I appreciate my colleague from Ohio yielding me the time.

Mrs. JONES of Ohio. Mr. Chairman, just for a moment, I recall only a few months ago that you and the Chair of our Congressional Black Caucus, CAROLYN CHEEKS KILPATRICK, were actually over at the Senate side when this was in committee.

Mr. THOMPSON of Mississippi. That's correct.

Mrs. JONES of Ohio. Can you recount for us briefly what you encountered in that hearing?

Mr. THOMPSON of Mississippi. Well, the record will reflect, Mrs. TUBBS JONES, that at that hearing significant evidence was introduced as to the statistical probability of African Americans being nominated to the court. It was also introduced that the population of African Americans was the greatest in the State of Mississippi, that Mississippi had fewer individuals on the Fifth Circuit Court of Appeals and has never had an African American on a court in its entire history from the State of Mississippi. So this is a golden opportunity, it was a golden opportunity for President Bush to do the right thing. But this was his third nominee for this one judgeship. Each of