

to the Nation, and I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Appalachian News Express, Mar. 2, 2011]

ELSWICK SAYS HE IS BLESSED

(By Nancy M. Goss)

"I've been here all my life, on this creek," says 88-year-old Lawrence Elswick. "My dad bought this place back in 1943 when I was in the service. All my kids were born here but my youngest."

Lawrence was born Sept. 30, 1922, the oldest of eight children. He and two brothers, Bill Elswick of Elyria, Ohio, and Sonny Elswick of London, are the only ones still living.

He attended a one-room school on Meathouse Fork. His dad taught school for two years and was a deputy clerk for Bessie Arnold Riddle. He was killed in a mining accident just a few days after Lawrence returned from the service.

Lawrence Elswick and Rachel Fuller were married Feb. 21, 1942. They had five children: Lawrence Jr. of Meathouse Fork of Big Creek, Judith Gail Baker (deceased), Connie Sue Chapman of Meathouse Fork of Big Creek and Patsy Blackburn and Madonna Kaye Williamson, both of Stratton Fork of Canada. They have 12 grandchildren and 16 great-grandchildren. Rachel died Aug. 15, 2007.

"Mom was known countywide for her biscuits," Patsy said. "And she would cook for anybody who would show up."

Lawrence's nickname is Curly. He has naturally curly hair, but admits to getting perms. "I was black headed," he says. "They used to call me Dean Martin."

Lawrence is a World War II veteran.

In the beginning of his Army career, he was stationed in Mississippi.

"I was put in the 99th Division, then after my training, I came to Camp Shanks, New York, and caught a ship—The George Washington. I was 14 days getting over there, to France." He was then in the 4th Infantry Division. Later, he was also part of the military police at Fort Campbell.

His medals include The Purple Heart, The Bronze Star, Combat Infantry Badge, the American Campaign, Good Conduct, ETO, Ruptured Duck, Presidential Citation Ribbon, four major battle stars on ETO ribbon, World War II, and Expert Rifleman.

"I had a rough life in the service," he says. "I went in on Normandy Beach. I was missing in action . . . cut off behind enemy lines for a week."

"I got out on Oct. 3, 1945," Lawrence says. "I was supposed to get out on my birthday, up at Camp Breckinridge. But they held me in the hospital for three days because I was a diabetic—the sugar showed up on me, you know."

"Dad worked in the mines for a while when he first came out of the service," Patsy said. "And he's put plumbing and bathrooms in every house all up and down Meathouse."

"I'm one of the best blessed men on Big Creek," Lawrence says. "I never drew an unemployment check and I never was cut off from a job in my life. I worked 38 years for the gas company. I was the maintenance man and worked in four counties. I was a compressor engineer, is what they called it. I'd take care of these pump stations."

Lawrence did plumbing on the side in the evenings while working for the gas company. He said Al Reed helped him plumb every house.

"I'd get him to help me. He was a real nice friend of mine. Another good friend was

Sonny Hall of Pikeville. He was like a son to me," Lawrence said. "And I can't not mention Willie B. Thacker and Bethel Thacker. They were just like a daddy and mother to me."

Lawrence says he's always been involved in politics.

"I've been a politician all my life and voted Democrat all my life. Paul Patton came to my house and sat right down there in that chair when he started to run for county judge the first time. And Rick Bartley sat on my porch when he was running . . . and Ira Branham, and Keith Hall, and Eddy Coleman and his wife . . ."

"Dad's friends with all of them," Patsy said. I had an anniversary party for him and mom on their 50th wedding anniversary and we had over 300 people show up! I was afraid I would run out of food."

Many years ago, Lawrence also had about 50 game cocks, roosters, on strings at one time.

"That was back before Daddy ever belonged to church . . . he'd referee. He had a colorful life!" Patsy said.

"That was over in McDowell in Floyd County. I was the head referee over there," Lawrence said. "Now, I'm against it the worst in the world . . . and I used to do it all the time."

Lawrence is a Kentucky Colonel. He's also an ordained deacon in the Big Creek Primitive Baptist Church. He and Rachel were baptized in 1996, but attended church long before that.

"I love my church," Lawrence says. "There ain't but one church and one God and he controls all of it. That's the way I see it. You've got different denominations, but God controls it all."

Today, Lawrence lives alone, but Patsy comes everyday to check on him. She and her husband, Thomas, a Vietnam veteran, have four children: Jenny Rebecca Hatfield of Stratton Fork, Thomas Patrick of Columbus, Ohio, Zachary Slade and Rebecca Cheyenne Webb, both of the home. They have five grandchildren.

Although he had a stroke in 2002, Lawrence appears to be in excellent health. He has a wonderful sense of humor, good eyesight, still drives, still goes out and "gins" and does favors for neighbors and friends. He works on everything from lawn mower motors to car engines.

"I just gin all the time," he said. "And I raise a garden every year and I give it all away . . . to anybody that wants it."

Patsy says people just come and take the vegetables right out of the garden.

"And when he gets a lot, he'll take it to the service station and give it away!" she says with a laugh.

To echo what Lawrence said earlier, he's "one of the best blessed men on Big Creek!"

TRIBUTE TO ETHEL MARTIN

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a Kentuckian who has led a remarkable and inspirational life, Ms. Ethel Richardson Martin. In 1911 in Kenton County, KY, Ethel Martin was born—meaning that this March, she celebrated her 100th birthday. And she has much to be proud of, looking back at a century of a life well lived.

Ms. Martin came from a large family; her parents Eugene and Frances had 11 children. Ethel and her sisters liked to sing, and I am told they once sang at Renfro Valley, site of many great Kentucky music performances. Ms. Martin

graduated from Western Kentucky State Teachers College—now Western Kentucky University—and served as a missionary in Georgia, mostly in the area of Macon. In 1943, with America at war with the Axis Powers, she enlisted in the Women's Army Corps, the branch of our country's Armed Forces that GEN Douglas MacArthur once called "my best soldiers."

Ms. Martin began her WAC training in Des Moines, IA. She served her country with distinction and rose to the rank of captain. When the war ended, she participated in the prosecution of the Germany's war criminals. She was one of the first Americans to see the inside of Adolf Hitler's mountain retreat called the Eagle's Nest, and she served as an adjunct to an attorney who worked on the Nuremberg Trials.

In 1947, Ms. Martin was discharged from Army service. She returned to America, and she earned her master's degree and her doctorate from the University of Cincinnati. She also met and married the love of her life, Ansel C. Martin. Ansel was a music teacher, and he has been missed by all who knew him since his passing in 1991.

Ethel found a career in education, and she and Ansel lived in North Carolina for a time. She was a leader in the efforts of her church, the First United Methodist Church located in Hendersonville, NC, to sponsor Cambodian refugees to the United States in the 1970s and 1980s. In 2001, she returned to her native Kentucky. We are lucky to have her back in the Bluegrass State and happy to help celebrate her 100th birthday. Her long life of service to her country and her community are an inspiration to us all.

FALL CASES BEFORE THE SUPREME COURT

Mr. WHITEHOUSE. Mr. President, I wish to alert my colleagues to an important set of cases that will be heard by the Supreme Court this fall. The cases—consolidated under the caption Maxwell-Jolly v. Independent Living Center—concern the ability of Americans to assert their constitutional rights in court. The issue before the Court is important not just to the parties involved but to the effective functioning of our constitutional system.

The cases come to the Court out of California. In 2008, the State announced a plan to sharply reduce the reimbursements paid to medical providers under Medi-Cal, the State's Medicaid program. A broad range of parties—including pharmacies, medical clinics, hospitals, doctors, health care providers, senior citizens' groups, and Medicaid beneficiaries—brought suit asking for an injunction to stop the change from going into effect. They are not looking for money, just an order requiring California to follow Federal law.

They argued that the California plan violated—and was preempted by—the Federal Medicaid statute. In particular, they contended that the plan

failed to “assure that payments are consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available . . . at least to the extent that such care and services are available to the general population,” as required by 42 U.S.C. § 1396a(a)(30)(A). In other words, they took California to court to make the State obey Federal law and ensure patients have access to the Medicaid benefits required by Congress.

The court of appeals agreed with the plaintiffs’ claims that the California plan was preempted by Federal law. But that wasn’t the end of it. The Supreme Court decided to review the case. Denying review on the underlying issue of whether California’s action is, in fact, preempted by Federal law, the Court has taken up the question whether the parties should be allowed to assert that California’s plan is unconstitutional. The California attorney general has argued that they should not, claiming that private parties cannot have a day in court to raise a preemption claim, regardless whether the State’s action is illegal under Federal law.

This case will be significant for our country, and Constitution, for years to come.

As my colleagues know, it is foundational to our system of government that States must comply with duly enacted laws of this Congress. The supremacy clause, in article VI of the Constitution, makes clear that the Constitution and “the Laws of the United States which shall be made in Pursuance thereof . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.”

Our carefully balanced Federal system, designed by the Framers, would fall apart without the supremacy clause. As James Madison wrote in Federalist No. 44, without that clause we would be left “a system of government founded on an inversion of the fundamental principles of all government; it would have seen the authority of the whole society every where subordinate to the authority of the parts; it would have seen a monster, in which the head was under the direction of the members.” For this reason, the Supreme Court has enforced the supremacy clause since 1796, striking down State measures incompatible with Federal law.

It has previously been widely accepted in the courts of appeals, legal treatises, and filings by the United States—that the American people can go to court to protect themselves from preempted State law.

The Supreme Court has repeatedly allowed big corporations to argue in court that State actions are preempted by Federal laws and regulations. To take one example, in *Chamber of Commerce of the United States v. Brown*,

2008, business interests sued to enjoin enforcement of a California law that prohibited employers in that State from spending State funds to deter union organizing. The Supreme Court held that the National Labor Relations Act, NLRA, preempted the California law. It didn’t tell the corporation that it could not assert this argument in the first place. So too, in *Rowe v. New Hampshire Motor Transport Association*, 2008, a group of transport carrier associations brought suit to argue that a Maine statute regulating tobacco delivery in order to protect minors was preempted by Federal law. Again, the Supreme Court found that the State law was preempted, striking it down without prohibiting the corporate interests from making their argument in court. And in *Watters v. Wachovia Bank*, 2007, the Court allowed a big national bank to argue that Federal law preempted Michigan’s State banking regulations, once again without denying the corporate interest the chance to raise such an argument in court.

Now is not the time to inhibit the supremacy clause and preclude regular Americans from having their Federal rights enforced in court, particularly when that privilege has been respected for corporations.

If the Court does take that step, it will create a legal loophole that invites states to ignore Federal law, and weaken the supremacy clause. It will put Americans at risk, weakening hard-won statutory protections. Most important, it will warp the carefully balanced Federal system that has served us so well through the centuries.

#### HONORING OUR ARMED FORCES

SPECIALIST DONALD L. NICHOLS

Mr. GRASSLEY. Mr. President, it is with deep regret that I must inform the Senate about the passing of a soldier from my home State, specialist Donald L. Nichols of Shell Rock, IA. He was 21 years old. Specialist Nichols enlisted in the Iowa National Guard in March of 2008 and was assigned to the Iowa Army National Guard’s Headquarters and Headquarters Company, 1st Battalion, 133rd Infantry, 2nd Brigade Combat team, 34th Infantry Division, based in Waterloo, IA. Specialist Nichols was killed by an improvised explosive device that struck the armored vehicle while he was patrolling in the Mehtar Lam District, Laghman Province, Afghanistan.

Specialist Nichols is survived by his mother Becky Pooch; his father Jeff Nichols; his fiancée Chelsey Bliss; two brothers, and many other family and friends.

The family and friends of Specialist Nichols remember him as a dedicated soldier who truly loved serving his country. His fellow soldiers remember him as a “studious soldier who took his duty with zeal.” Donald had decided that he wanted to join the Armed Forces even before he graduated high school. He showed a dedication to serv-

ice that is typical of all of the men and women fighting for our Nation but one that is so rare in the common man. The memory of his sense of humor and his love for family, friends, and country will remain constantly with his loved ones.

SPC Donald L. Nichols will be missed by all that were privileged to know him and my thoughts and prayers go out to his loved ones in this incredibly difficult time.

#### ASIAN PACIFIC AMERICAN HERITAGE MONTH

Mrs. FEINSTEIN. Mr. President, since 1978 we have set aside the month of May to honor Americans who are of Asian and Pacific Islander descent. Today I am pleased to join the celebration of Asian Pacific American Heritage Month and the many accomplishments and contributions of such an inspiring, spirited, and industrious group of people.

Efforts to establish an Asian Pacific American Heritage Month first took shape in 1977 when U.S. Representatives Frank Horton and Norman Y. Mineta introduced a resolution calling on the President to declare a weeklong commemoration. Senators DANIEL INOUE and Spark Matsunaga followed suit in the Senate. Both resolutions were ultimately passed, and President Carter in 1978 officially designated a weeklong celebration to honor the first Japanese immigrants to the United States and the Chinese laborers who completed the Transcontinental Railroad.

In 1990, President George H.W. Bush extended the event to a month-long celebration, and in 1992 the designation of May as Asian Pacific American Heritage Month was signed into law.

More than 17 million Asian Pacific Americans live in the United States today, with more than 5 million living in California. Together, these Americans represent more than 30 countries and ethnic groups and enhance the diversity that is a hallmark of our Nation. Asian Pacific Americans enrich California through their famous and iconic communities including Chinatown in San Francisco, Filipino Town and Little Tokyo in Los Angeles, Little Cambodia in Long Beach, and Little Saigon in Westminster.

Asian Pacific Americans have also left a large imprint on the economy of the United States, although in this time of economic challenge, it is important that we offer as much support as possible to keep those businesses thriving. This is why I support the White House Initiative on Asian Americans and Pacific Islanders, which is focused on increasing Asian Pacific American participation in areas such as commerce, labor and employment, and economic and community development. I am also a cosponsor of legislation that will help create small businesses and improve small business owners’ access to capital.