

to sell long distance services at wholesale. This resulted in brisk new competition among MCI, Sprint, and GTE that lowered prices for consumers. AT&T's local business was split into seven Bell companies. But they retained their monopoly in local service, guaranteeing no competition, but a guaranteed profit for them.

In the early 1990s the Bells decided they, too, wanted to compete in long distance. Congress agreed in the 1996 Telecommunications Act, but first we employed the Judge Green approach by requiring access to the Bell network by competitors. For one full year, the Bell lawyers hammered out a step-by-step process how to open their networks. They came up with a 14-point checklist, and once they complied, the Bells could offer long distance in their region. They were so eager, they told us they would comply within a year. Thus, the 1996 Act passed in the Senate by a vote of 91 to 5 and in the House by a vote of 414 to 16.

But instead of moving into long distance, the Bells immediately launched a 6-year stonewalling in the courts against competition. First, they claimed unconstitutional what their lawyers had just written. They lost at the Supreme Court. And instead of competing, they extended their monopoly by combining: Southwest Bell bought Pacific Bell and Ameritech calling it SBC; Qwest bought US West, Bell Atlantic bought NYNEX and GTE calling it Verizon; and BellSouth joined in holding off competition.

Time and again the FCC and State commissions fined the Bells for violating the checklist they wrote. So far they have been fined upwards of \$1.8 billion. But what do they care? The Bells merely write off these fines in their rates and continue their monopolistic conduct.

To their credit, Verizon and SBC moved to qualify for long distance in a few States, but today the Bells control roughly 93 percent of the last lines for communication into every home and business in America. They contend that they are forced to provide access to their network while cable is not. But the move should be toward competition, not monopolization; and the Bells should simply comply with the law they wrote.

Now comes the Bells' grand maneuver—Tauzin-Dingell. It veritably repeals access requirements and the roadmap for opening the Bell markets to competition. Worse, the FCC and all State commissions' safeguards as to pricing and service by the Bell companies are repealed, further strengthening their monopoly control.

Pass Tauzin-Dingell and long distance companies will have to either submit or sell to the local Bell monopoly. The competitors spawned by the 1996 Act are already on the ropes. Just the threat of enactment of Tauzin-Dingell has caused the capital markets to freeze their financing, and some 200 companies have dropped like flies. Pas-

sage of Tauzin-Dingell will squash them totally and the country will return to an AT&T-like monopoly control of communications.

At present, there is no legal restriction upon the Bells or anyone from providing broadband. The problem is not availability, but demand. In fact, broadband is already available to 80 percent of Americans.

But only one in four Americans who have Internet in their homes are signed up for broadband. Who wants to pay \$50 a month for faster access to their e-mail? Content providers are awaiting copyright protection legislation before they render more content for broadband users, and the lack of legislation protecting privacy on the Internet keeps users away.

Where there is an availability problem, of course Congress should assist in extending broadband to rural and economically depressed areas. Bills for rural subsidies and tax credits are now pending in Congress. But the first order of business is to defeat the monopoly grab of Tauzin-Dingell, and then enforce the intent of the 1996 Telecommunications Act.

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#### KEEPING AMERICA'S PROMISE: EXERCISING VIGILANCE AND LEADERSHIP IN SUPPORT OF CIVIL RIGHTS

Mr. BIDEN. Madam President, each year, we pause in February—Black History Month—to celebrate the outstanding achievements of African-Americans past and present, and the extraordinary contributions they have made to American history. When the annual tradition originated more than 75 years ago, "black history" was barely studied. African-Americans had been in this country at least as far back as colonial times, but the history books largely ignored the black American population and the experiences that sprang from it.

However, prodded by the vision and ambition of Dr. Carter G. Woodson—one of this country's great historians and the son of former slaves—all of that began to change in 1926. In that year, we first recognized "Negro History Week" and later, in 1976, expanded the celebration to span a full month. Now, Black History Month is celebrated all over North America.

Our Nation is far different today from the nation that existed when we started this annual tradition. Racial discrimination—once buttressed by our legal system—is no longer sanctioned by law. Segregated lunch counters and water fountains—commonplace only a few decades ago—are now relics of the past. Barriers like poll taxes and other shams—once tolerated—are no longer permitted to bar African-Americans from voting.

Yes, America is a far better and much richer country today because of the enlightenment delivered, in no small part, by the leaders and foot soldiers of the movement for civil rights.

They awakened a nation to the cause of equality and justice for all—and, because of their courage and foresight, America is stronger. We are undoubtedly better thinkers because of it . . . and better citizens because of it.

Yet, it is that sense of accomplishment that is, perhaps, our greatest enemy. Having survived the civil rights movement and then reaped the benefits that struggle produced, we are inclined to believe that our work is done, that racial disparities don't exist. But that simply is not true.

While we may no longer tolerate legal discrimination and segregation—more than ever before—we live segregated lives in segregated neighborhoods. We worship in segregated churches, synagogues and mosques. And nearly a half century after the landmark desegregation case *Brown v. Board of Education*, our kids still attend largely segregated schools.

Now is no time to rest on the accomplishments of yesteryear. We must remain vigilant in our efforts and true to the vision of legends like Dr. Martin Luther King, Jr. and Shirley Chisholm and Thurgood Marshall and Barbara Jordan—all of whom knew what we now know—namely, that America can only be great when all her citizens are afforded an equal opportunity to grow and learn and, themselves, be great.

I was called to the U.S. Senate 30 years ago, inspired largely by this promise of equal opportunity and by the legions of civil rights workers who risked life and limb to ensure that America kept that promise.

When I commenced my service in 1972, we were living in tumultuous times—only a few years before, this country had witnessed the assassination of her bravest sons; we had survived a war abroad; and our security at home threatened, then, by unfriendly foreign powers and a deeply divided public—was uncertain. I thought then, as I do now, that vigilance and strong, outspoken leadership could usher in the healing and transformation we so desperately needed.

Today, as America commemorates Black History Month, we are again facing troubled times. The tragic events of September 11th have tested our commitment to keeping America's promise to all her citizens. We honor the nearly 3,000 innocents who died in New York, at the Pentagon and in that field in western Pennsylvania not by cowering in fear or by abandoning our guarantee of traditional civil rights. Rather, we honor their lives by, again, remaining vigilant and by exercising strong leadership in opposition to intolerance and prejudice in our society. We honor them by remaining true to our democratic principles and sense of justice. We honor them by seeking opportunities to speak out against hatred and unfairness and inequality.

During this Black History Month and every month, we must remind ourselves of the great road we've traveled

but, at the same time, renew our commitment to the basic truths and objectives that inspired the journey in the first place. This month and every month, we must re-dedicate ourselves to keeping America's promise.

#### BLACK HISTORY MONTH

Mr. SMITH of Oregon. Madam President, in honor of Black History Month, I have come to the floor twice this month to discuss some of the early contributions of black Americans to my home state of Oregon. Today, I come to the floor for a third time to discuss some of the changes to Oregon civil rights that occurred during the middle part of the 20th Century, at the same time similar changes were sweeping across our entire nation.

In the early 1900's, Oregon was not home to many black Americans. Eighty-five percent of Oregonians were born in the state, and the rest generally came from Canada and northern Europe. This was no accident Oregon, which had joined the Union as a "free state" had, in its constitution, technically barred black Americans from moving to the state until 1926. While it may not have been uniformly and vigorously enforced across the state, Article I, Section 35 of the Constitution of the State of Oregon read:

No free negro, or mulatto, not residing in this State at the time of the adoption of this Constitution, shall come, reside, or be within this State, or hold any real estate, or make any contracts, or maintain any suit therein; and the Legislative Assembly shall provide by penal laws, for the removal, by public officers, of all such negroes, and mulattoes, and for their effectual exclusion from the State, and for the punishment of persons who shall bring them into the state, or employ, or harbor them.

Thus, during the first decades of the 20th Century, Oregon was probably home to no more than 2500 black citizens, a population only one-tenth the size of Oregon's then politically active Ku Klux Klan.

The nature of race relations in Oregon changed for the better, however, when World War II created an explosion of jobs in Portland's shipyards and other defense-related industries. A large influx of black laborers immigrated to the region—primarily from Oklahoma, Texas, Arkansas, and Louisiana—and, almost overnight, ballooned Oregon's black population to more than 21,000. These new citizens forced Oregonians to reckon with the civil rights issues they had ignored for decades.

These new Oregonians immediately faced widespread discrimination in local businesses, public parks and playgrounds, and on the job. Black workers were routinely denied membership in local unions, and members of the Portland NAACP and Urban League worked diligently to organize black workers and integrate them fully into the workplace. In explaining the refusal of Harry Mills, a black longshoreman, into the International Longshoremen's

and Warehousemen's Union, Local 8, a union vice-president stated that "We are not opposed to Harry Mills. We are fighting the Negro race! We cannot open our doors to the Negro people after having kept them closed all this time."

The doors which had always been closed to black Oregonians were slowly opened after the end of the war. In 1947, a Fair Employment Practices bill was introduced in the state legislature in Salem. While soundly defeated initially, the bill was immediately resurrected by then State Representative Mark Hatfield, whose tireless efforts led to the bill's passage in 1949. In 1953, the State Public Accommodations Act was passed, guaranteeing black Oregonians access to the restaurants and public parks which had for so long denied them service.

Those two bills changed the civil rights landscape in a state which had only years before explicitly excluded black Americans in its constitution. World War II, and events across the country, served as a catalyst to that change. Oregon, which had never had a large population of black Americans, was suddenly forced to confront the civil rights demands of a growing group of citizens, and responded slowly through its laws and practices. Positive change occurred during the middle part of the last century, and more positive change, which I will discuss later in the week, was still to come.

#### A TRIBUTE TO THE HEROES

Mrs. FEINSTEIN. Madam President, in the past year, America witnessed the extremes of both tragedy and humanity. On September 11, 2001, we endured the most atrocious and devastating attacks on our soil. After such tragic events, we searched for answers and solace and found leaders and hope. Amidst the rubble and ashes, have arisen tales of heroism, courage and compassion and we, as a nation, have emerged stronger and more united. Indeed, African Americans have contributed enormously to this outcome. As we celebrate Black History Month and honor those outstanding heroes of the past, we should also take this time to recognize the leaders of the present and their outstanding efforts.

In the political arena, leadership among African Americans has transcended political and racial lines. One need look no further than to Colin Powell, our Secretary of State and Condoleezza Rice, the National Security Adviser to the President. Both have served the country ardently and tirelessly during our war against terrorism.

In times of economic uncertainty, we can look to Kenneth Chenault, the Chief Executive Officer of American Express; E. Stanley O'Neal, poised to become CEO at Merrill Lynch; and Richard Parsons, soon to become CEO at AOL Time Warner, all models of successful economic achievement and leadership.

From Washington, D.C. to Wall Street, African Americans have left an indelible impression on the face of American recovery and strength. Yet while these leaders have played their tremendous roles on the national stage, African Americans in communities across the country have made contributions of innumerable value. Let us not forget that the strength of our Nation is inextricably linked to the fabric of our communities.

In my hometown of San Francisco, Reverend Cecil Williams has served for 35 years as the Pastor of the Glide Memorial United Methodist Church. Rev. Williams was one of five students to break the race barrier at Southern Methodist University in the 1950s and accompanied Rev. Dr. Martin Luther King, Jr. in the 1963 civil rights march. Under his leadership, the Glide Church has over 9,000 members and has become the most comprehensive nonprofit provider of human services in the city. The church maintains a wide variety of community outreach and assistance programs, such as providing people with three meals a day, 365 days a year, substance abuse treatment, support against domestic violence, job re-entry help and a free health clinic.

In Los Angeles, one can find the headquarters of Operation HOPE, Inc., America's first non-profit social investment banking organization, founded by John Bryant. John is also the chairman of the board and CEO of the community-based banking organization, which strives to bring economic self-sufficiency and revitalization to inner city communities. In 1994, John was selected by Time magazine as "One of America's 50 Most Promising Leaders of the Future" and just last year he was the recipient of Oprah Winfrey's Angel Network "Use Your Life" Award. As a result of his hard work and ingenuity, Operation HOPE, Inc. has indeed become a symbol of hope to many.

Miriam Shipp-Tolliver-El has helped educate an estimated 1,200 students during her 36 years as a teacher of children from kindergarten through eighth grade in the Oceanside Unified School District and 25 years as an adjunct professor at Palomar College in Oceanside, CA. Miriam encountered many racial barriers during her childhood in North Carolina. While in high school in the 1940s, she hoped to become a Roman Catholic nun, but no convents would accept an African American woman. Her next choice of becoming a civil rights lawyer was also unfulfilled because law schools in her area would not admit African American students. So Miriam became a teacher and a very accomplished one at that. She was a co-founder of the North County NAACP chapter in Oceanside. She also created a multicultural program in Oceanside schools and started black studies classes at the college. Just last year, at the age of 73, Miriam was the recipient of the Lifetime Achievement Award from the NAACP chapter and a commendation from the city of Oceanside for her endeavors and achievements.