

is also experiencing a resurgence, as AIDS makes it easier for the parasite to survive once it enters the body. Together these diseases represent an incredible challenge to public health systems worldwide, but particularly in developing nations that lack the infrastructure or resources to adequately deal with these three epidemics.

Back in 1998 when I was first elected to Congress, we already knew that AIDS in combination with tuberculosis was creating a humanitarian disaster in many parts of Africa. Together with my good friend and colleague, former Congressman Ron Dellums, and with strong support and help from Congressman JIM LEACH, we helped create the first truly global response to this pandemic through passage of the Global AIDS and Tuberculosis Relief Act of 2000—which established the framework for what would become the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

At the same time, the G-8 had also reached a watershed moment in its response to AIDS and other infectious diseases at the Okinawa summit meeting in 2000. Recognizing the link between HIV/AIDS and poverty, the G-8 produced an ambitious plan to combat AIDS, tuberculosis and malaria. And yet, overall global funding for these diseases was slow in rising.

The UN Secretary General's formal call for the establishment of the Global Fund in the summer of 2001 did produce a total of \$1.3 billion in pledges of support from members of the G-8. Although this was a noteworthy development, it represented only about a tenth of the total estimated need. Coming from the world's richest nations, this was a paltry commitment of resources.

At the same time, here in the House of Representatives we were working on legislation that would authorize about \$1.4 billion for global AIDS programs, while the Senate was seeking to provide around \$5.5 billion over two years. Both efforts recognized the importance of international institutions like the Global Fund, and committed between \$750 million to \$1 billion for the Fund in FY'03. Ultimately we were unable to reconcile these two bills. Tragically, another opportunity was lost.

In 2002, at the summit meeting in Kananas, Canada, the G-8 drafted and endorsed in partnership with a variety of African countries, the G-8 Africa Action Plan. This plan laid out a specific set of strategies to help empower Africans in combating the AIDS pandemic. Despite pledging their whole-hearted support for the initiative, little new actual funding materialized from the G-8 in the months following the meeting.

This year, AIDS has become an even more urgent issue for us to deal with. The President's pledge to provide \$15 billion to combat AIDS stimulated our negotiations on this year's authorization bill, and finally provided the extra push to dramatically increase our level of funding.

House passage of H.R. 1298, The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, on May 1, 2003, and the pending action on the bill in the Senate provides us with an even greater incentive to encourage the rest of the international community, particularly the G-8, to match our commitment to defeating these three pandemics.

My resolution follows on the recent passage of H.R. 1298, and would accomplish this objective. I encourage all members to support

this resolution, and I hope that it will be considered on the floor.

DAMON KEITH—GUARDIAN OF THE  
CONSTITUTION

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 14, 2003*

Mr. CONYERS. Mr. Speaker, I rise today to remind America what we all owe to the Honorable Damon J. Keith, who has faithfully served on the Federal Bench for some 35 years. His giant legacy looms large on America's legal landscape. He is widely respected by his fellow judges, by the Bar and by informed citizens throughout the land, not only for his constitutional scholarship, but also for the courage of his convictions and his judicious compassion.

Judge Keith has had a truly illustrious career. Above all, his decisions have protected the Bill of Rights from assaults by the Executive; and they have vindicated the Founding Fathers' wisdom in giving us an independent Judicial Branch. Like his namesake, the "Damon" of Greek mythology, Judge Keith's boundless love of the law and steadfast devotion to justice has won the respect of allies and adversaries alike.

Judge Keith was appropriately born on the Fourth of July in 1924. He holds a law degree from Howard Law School and a masters degree in law from Wayne State University. Judge Keith's accomplishments and commitment have garnered awards too numerous to enumerate fully. I will cite just a few.

Both the State of Michigan and the City of Detroit have repeatedly honored their native son. The Michigan Chronicle chose Judge Keith to represent the legal profession as one of Ten of "The Century's finest Michiganders." The Detroit Legal News recognized him as one of Michigan's 16 "Legal Legends of the Century." In recognition of his dedication to quality education for all, the Detroit Board of Education named the Damon J. Keith Elementary School in his honor. He was honored by the Detroit Urban League with its Edward J. Devitt Distinguished Service to Justice Award. (He was nominated for the Devitt Award by judges and attorneys throughout the country.)

The national legal community has equally recognized his contributions to the rule of law and his devotion to the Constitution. In 1990 President George Bush appointed him to the National Commission on the Bicentennial of the Constitution. Judge Keith's rejection of discrimination in any form earned him the Distinguished Public Service Award from the Anti-Defamation League of the B'nai B'rith. The NAACP awarded Judge Keith its highest accolade, the Spingarn Medal (whose previous recipients include Rev. Martin Luther King, Justice Thurgood Marshall and General Colin Powell.) Almost 40 universities and colleges have conferred honorary degrees on Judge Keith.

In 1997, The American Bar Association summed up why Judge Keith is universally held in such high esteem when it gave him its prestigious Thurgood Marshall Award:

Judge Keith represents the best in the legal profession. His work reflects incisive analysis of issues, principled application of

laws and the Constitution, passionate belief in the court's role in protecting civil rights, a commitment to community service and, most significantly, an independence of mind to do what's right that is at the core of his view of professional responsibility.

In 2001, the ABA also conferred on Judge Keith its ABA Spirit of Excellence Award.

This brief recital illustrates Judge Damon Keith's extraordinary standing within the Bar. In order for you to understand how he has earned that reputation, however, it is helpful to recall several of his most noteworthy opinions.

THE "PONTIAC SCHOOL DESEGREGATION CASE"

This weekend, many of us in Detroit will be celebrating the anniversary of the Supreme Court's historic opinion in *Brown v. Board of Education*, unquestionably one of the greatest of that court's decision in our history. As you well know, however, it took decades of determined labor by many dedicated people to actually implement the proud promise of *Brown*. They were led, in the North as in the South, by brave federal judges who simply believed that the Constitution, as interpreted by the Supreme Court, must be enforced.

Judge Keith's opinion in the Pontiac school desegregation case will always be remembered by those in the struggle as a profile in courage. Judge Keith was not eager to reject the benefits of neighborhood school assignments, nor unmindful of the very strong community feelings. Still, he stayed true to his oath to uphold the Constitution. He enforced the necessary remedies of past de jure school segregation.

THE "KEITH CASE"

Perhaps Judge Keith's most famous decision is aptly now known among constitutional scholars as the "Keith case." Prior to 1970, every modern President had claimed "inherent Executive power" to conduct electronic surveillance in "national security" cases without the judicial warrant required in criminal cases by the Fourth Amendment to the Constitution. Then Attorney General John Mitchell, on behalf of President Richard Nixon sought to wiretap several alleged "domestic" terrorists without warrants, on the ground that it was a national security matter. Judge Keith rejected this claim of the Sovereign's inherent power to avoid the safeguard of the Fourth Amendment. He ordered the government to produce the wiretap transcripts. When the Attorney General appealed to the U.S. Supreme Court, the Court unanimously affirmed Judge Keith.

The *Keith* decision not only marked a watershed in civil liberties protection for Americans. It also led directly to the current statutory restriction on the Government's electronic snooping in national security cases. The Supreme Court had limited its agreement with Judge Keith that judicial warrants were required in cases involving alleged domestic security threats. The Court left open the question of whether judicial warrants also were required in the case of suspected foreign threats to national security. Nevertheless, the Nixon Administration was afraid to risk a subsequent Supreme Court ruling that they were required in that area, as well. Therefore, President Nixon reluctantly agreed to sign the Foreign Intelligence Surveillance Act creating a special "FISA Court" to hear applications for warrants in foreign national security cases.

THE "HADDAD CASE"

Some thirty years later, history has come full circle. Once again, an overreaching Attorney General is undermining the Bill of Rights

on many fronts, ranging from secret, indefinite detention without charges and denial of counsel to ever-expanding efforts to spy on persons for whom no reasonable suspicion of criminal activity has been established. The Attorney General tells us, in essence, that Americans must choose between the liberties that have made our country great and a superficial sense of security. He is wrong.

In the post 9-11 world, millions of Americans are deeply concerned about this current struggle between civil liberty claims and Government claims of national security. The Government's intense efforts to weaken the FISA law, that was birthed by the *Keith* case, have been a centerpiece of that debate. But the FISA Court aftermath of Judge Keith's 1970 opinion in the *Keith* case is not the only way in which he has left his indelible mark on the current controversy.

One of the starkest examples of this Attorney General's disdain for the Bill of Rights came in the recent *Haddad* case. In a strongly worded, landmark opinion, Judge Keith, speaking for the United States Sixth Circuit Court of Appeals, flatly rejected the Attorney General's claim that it could hold deportation proceedings against Rabih Haddad in secret, beyond the scrutiny of press and public. Once against Judge Keith's deeply-rooted concern for the rule of law was offended. He offered a stern rebuke:

Today, the Executive Branch seeks to take this safeguard away from the public by placing its actions beyond public scrutiny \* \* \* The Executive Branch seeks to uproot people's lives outside the public eye and behind a closed door.

Then, with characteristically concise eloquence, Judge Keith reminded the Department of Justice, in words headlined around the world, that "Democracies die behind closed doors."

When he is not crafting judicial thunderbolts from the bench, Judge Keith and his physician wife Rachel Boone Keith, delight in their three daughters, Gildea, Debbie and Cecile, and in their two granddaughters, Nia and Camara. All those who know Damon Keith delight in him.

Mr. Speaker, like so many others whose lives he has touched, I am proud to call Damon Keith a mentor, a friend, and an inspiration. He is indeed a national treasure.

THE 49TH ANNIVERSARY OF THE  
BROWN VS. BOARD OF EDU-  
CATION CASE

**HON. SHEILA JACKSON-LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 14, 2003*

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in celebration of the 49th Anniversary of the historic Brown vs. Board of Education of Topeka, Kansas case, which struck down the doctrine of separate but equal in *Plessy v. Ferguson*, and desegregated public schools across this great Nation.

In early 1950, racial segregation in public schools was the norm throughout the United States. Although all the schools in a given district were supposed to be equal, most black schools were inferior to their white counterparts.

The situation was no different in Topeka, Kansas. In the early 1950s in Topeka, a

young black fifth-grade student named Linda Brown had to walk over a mile to get to her segregated elementary school. Her daily journey took her through a railroad switchyard to get to her all-black. A white elementary school was only seven blocks away from Linda's home. Oliver Brown, Linda's father, attempted to enroll her in the all-white elementary school, but the principal of the school refused.

Oliver Brown then turned to McKinley Burnett, the head of the Topeka branch of the National Association for the Advancement of Colored People (NAACP), and asked for help. The NAACP was eager to assist Oliver and Linda Brown because they had long wanted to challenge segregation in public schools. With Brown's complaint, it had "the right plaintiff at the right time." Soon, other black parents joined Oliver and Linda Brown, and in 1951 the NAACP filed an injunction that would forbid the segregation of Topeka's public schools.

The U.S. District Court for the District of Kansas heard Brown's case from June 25-26, 1951. At the trial, the NAACP argued that segregated schools sent the message to black children that they were inferior to whites. Therefore, the schools were inherently unequal.

The Board of Education's defense was that, because segregation in Topeka and elsewhere pervaded many other aspects of life, segregated schools simply prepared black children for the segregation they would face during adulthood. The board also argued that segregated schools were not necessarily harmful to black children; great African Americans such as Frederick Douglass, Booker T. Washington, and George Washington Carver had overcome more than just segregated schools to achieve what they achieved. Because of the precedent of *Plessy v. Ferguson*, the court felt "compelled" to rule in favor of the Board of Education. Brown and the NAACP, led by the great Thurgood Marshall, appealed to the Supreme Court on October 1, 1951. After several arguments over several years, on May 17, 1954, Chief Justice Earl Warren read the decision of the unanimous Court:

We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does. . . . We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.

The Supreme Court struck down the "separate but equal" doctrine of *Plessy* for public education, ruled in favor of the plaintiffs, and required the desegregation of schools across America.

Mr. Speaker, as we celebrate the anniversary of Brown vs. Board of Education, we must not lose sight that civil rights are still under attack today. On April 1, 2003, I attended the oral argument in the United States Supreme Court on the University of Michigan affirmative action cases. I listened with disgust

as the Administration argued that the university sets aside seats for minority applicants and that there is a two-track system for reviewing applications. The Administration also characterized the admissions program as one that uses a quota system based upon race. Mr. Speaker, this simply is not true of affirmative action programs.

The Administration's position on affirmative action illustrates that the civil rights of African-Americans, Hispanic-Americans, and all Americans who believe in peace and equality are under attack.

On March 30, 2003 in Houston, Texas, Members of the Congressional Black Caucus held a town hall meeting titled the "Call to Action: Summit to Stop the Attack on Affirmative Action."

As we discussed the status of affirmative action in America we reached several conclusions. We concluded that the civil rights and the fundamental human rights of all Americans are in peril. Our right to vote is under attack. Our very survival has been jeopardized by an exclusionary and discriminatory health care system. Our economic opportunity has been diminished by flawed federal policies that enrich the few, while millions of other Americans face financial ruin. Our children's future has been endangered by educational policies that starve our public schools and subject millions of American children, of every background, to the most damaging segregation of all: "the segregation of poverty."

Mr. Speaker, we have come a long way since Brown vs. Board of Education, and I am proud to stand today and celebrate our advancements. I also stand today to encourage every American to recognize that we still have a long way to go.

A RESOLUTION HONORING JESSICA  
CAUTHON, LEGRAND SMITH  
SCHOLARSHIP WINNER OF JACK-  
SON, MI

**HON. NICK SMITH**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 15, 2003*

Mr. SMITH of Michigan. Mr. Speaker, let it be known that it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Jessica Cauthon, winner of the 2003 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Jessica is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Jessica is an exceptional student at Jackson High School, and possesses an outstanding record of achievement in high school. Jessica has received numerous awards for her excellence in academics and athletics, as well as her volunteer activities with the Aware Shelter.

Therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Jessica Cauthon for her selection as winner of a LeGrand Smith Scholarship. This honor is a testament to the parents,