

Defense Act and for future improvements to indigent defense procedures statewide.

Thank you for considering my views. If you need any further information, feel free to contact me or any member of the Task Force. We are at your disposal to build on the successes all Texans have experienced since the passage of the Fair Defense Act.

Sincerely,

JAMES D. BETHKE,

*Director, Task Force on Indigent Defense.*

### THE COURAGEOUS TUSKEGEE AIRMEN

Mr. LEVIN. Mr. President, today I would like to make my colleagues aware of my intention, when the 109th Congress convenes in January, 2005, to introduce bipartisan legislation, to authorize the awarding of the Congressional Gold Medal, collectively, to the Tuskegee Airmen.

The Tuskegee Airmen were not only unique in their military record, but they inspired revolutionary reform in the Armed Forces, paving the way for integration of the Armed Services in the U.S. The largely college-educated Tuskegee Airmen overcame the enormous challenges of prejudice and discrimination, succeeding, despite obstacles that threatened failure. What made these men exceptional was their willingness to leave their families and put their lives on the line to defend rights that were denied them here at home. Former Senator Bill Cohen, in remarks on the floor of the Senate in July of 1995 summed it up this way:

... I listened to the stories of the Tuskegee airmen and ... the turmoil they experienced fighting in World War II, feeling they had to fight two enemies: one called Hitler, the other called racism in this country.

Prior to the 1940s, many in the military held the notion that black servicemen were unfit for most leadership roles and mentally incapable of combat aviation. Between 1924 and 1939, the Army War College commissioned a number of studies aimed at increasing the military role of blacks. According to the *Journal of the Air Force Magazine*, *Journal of the Air Force Association*, March 1996:

... these studies asserted that blacks possessed brains significantly smaller than those of white troops and were predisposed to lack physical courage. The reports maintained that the Army should increase opportunities for blacks to help meet manpower requirements but claimed that they should always be commanded by whites and should always serve in segregated units.

Overruling his top generals and to his credit, President Roosevelt in 1941 ordered the creation of an all black flight training program at Tuskegee Institute. He did so one day after Howard University student Yancy Williams filed suit in Federal Court to force the Department of Defense to accept black pilot trainees. Yancy Williams had a civilian pilot's license and received an engineering degree. Years later, "Lt. Col. Yancy Williams" participated in an air surveillance project created by President Eisenhower.

"We proved that the antidote to racism is excellence in performance," said retired Lt. Col. Herbert Carter, who started his military career as a pilot and maintenance officer with the 99th Fighter Squadron. "Can you imagine ... with the war clouds as heavy as they were over Europe, a citizen of the United States having to sue his government to be accepted to training so he could fly and fight and die for his country?" The government expected the experiment to fail and end the issue, said Carter. "The mistake they made was that they forgot to tell us ...".

The first class of cadets began in July of 1941 with 13 men, all of whom had college degrees, some with PhD's and all had pilot's licenses. From all accounts, the training of the Tuskegee Airmen was an experiment established to prove that "coloreds" were incapable of operating expensive and complex combat aircraft. Stationed in the segregated South, the black cadets were denied rifles.

Months passed with no call-up from the government. However, by 1943, the first contingent of black airmen were sent to North Africa, Sicily, and Europe. Their performance far exceeded anyone's expectation. They shot down six German aircrafts on their first mission, and were also the first squad to sink a battleship with only machine guns. Overall, nearly 1,000 black pilots graduated from Tuskegee, with the last class finishing in June of 1946, 450 of whom served in combat. Sixty-six of the aviators died in combat, while another 33 were shot down and captured as prisoners of war. The Tuskegee Airmen were credited with 261 aircraft destroyed, 148 aircraft damaged, 15,553 combat sorties and 1,578 missions over Italy and North Africa. They destroyed or damaged over 950 units of ground transportation and escorted more than 200 bombing missions. Clearly, the experiment, as it was called, was an unqualified success. Black men could not only fly, they excelled at it, and were equal partners in America's victory.

A number of Tuskegee Airmen have lived in Michigan, including Alexander Jefferson, Washington Ross, Wardell Polk, and Walter Downs, among others. Tuskegee Airmen also trained at Michigan's Selfridge and Oscoda air fields in the early 40s. In the early 1970s, the Airmen established their first chapter in Detroit. Today there are 42 chapters located in major cities of the U.S. The chapters support young people through scholarships, sponsorships to the military academies, and flight training programs. Detroit is also the location of the Tuskegee Airmen National Museum, which is on the grounds of historic Fort Wayne. The late Coleman Young, former mayor of the city of Detroit, was trained as a navigator bombardier for the 477th bombardment group of the Tuskegee Airmen. This group was still in training when WWII ended so they never saw combat. However, the important fact is that all of those receiving

flight-related training—nearly 1,000—were instrumental in breaking the segregation barrier. They all had a willingness to see combat, and committed themselves to the segregated training with a purpose to defend their country.

The Tuskegee Airmen were awarded three Presidential Unit Citations, 150 Distinguished Flying Crosses and Legions of Merit, along with The Red Star of Yugoslavia, 9 Purple Hearts, 14 Bronze Stars and more than 700 Air medals and clusters. It goes without question that the Tuskegee Airmen are deserving of the Congressional Gold Medal.

According to existing records, a total of 155 Tuskegee Airmen originated from Michigan. I wish to recognize each one of them. I ask unanimous consent that their names be included for the RECORD. They are as follows:

Kermit Bailer; Clarence Banton; James Barksdale of Detroit; Hugh Barrington of Farmington Hills; Naomi Bell; Thomas Billingslea; Lee Blackmon; Charles Blakely of Detroit; Robert Bowers of Detroit; James Brown of Ypsilanti; Willor Brown of Ypsilanti; Ernest Browne of Detroit; Archibald Browning; Otis Bryant; Joseph Bryant, Jr. of Dowagiac; Charles Byous; Ernest Cabule of Detroit; Waldo Cain; Clinton Canady of Lansing; Carl Carey of Detroit; Gilbert Cargil; Nathaniel Carr of Detroit; Donald Carter of Detroit; Clifton Casey; David Cason, Jr.; Peter Cassey of Detroit; Robert Chandler of Allegan; Pembleton Cochran of Detroit; Alfred Cole of Southfield; James Coleman of Detroit; William Coleman of Detroit; Eugene Coleman; Matthew Corbin of Detroit; Charles Craig of Detroit; Herbert Crushshon; John Cunningham of Romulus; and John Curtis of Detroit. Donald Davis of Detroit; Cornelius Davis of Detroit; Eugene Derricotte of Detroit; Taremund Dickerson of Detroit; Walter Downs of Southfield; John Egan; Leavie Farro, Jr.; Howard Ferguson; Thomas Flake of Detroit; Harry Ford, Jr. of Detroit; Luther Friday; Alfonso Fuller of Detroit; William Fuller of West Bloomfield; Frank Gardner; Robert Garrison of Muskegon; Thomas Gay of Detroit; Charles Goldsby of Detroit; Ollie Goodall, Jr. of Detroit; Quintus Green, Sr.; Mitchell Greene; James Greer of Detroit; Alphonso Harper of Detroit; Bernard Harris of Detroit; Denzal Harvey; James Hayes of Detroit; Ernest Haywood of Detroit; Minus Heath; Milton Henry of Bloomfield Hills; Mary Hill; Charles Hill, Jr. of Detroit; Lorenzo Holloway of Detroit; Lynn Hooe of Farmington Hills; Heber Houston of Detroit; Ted Hunt; and Hansen Hunter, Jr. Leonard Isabelle Sr., Leonard Jackson; Lawrence Jefferson of Grand Rapids; Alexander Jefferson of Detroit; Silas Jenkins of Lansing; Richard Jennings of Detroit; Louie Johnson of Farmington; Ralph Jones; William Keene of Detroit; Laurel Keith of Cassopolis; Hezekiah Lacy of River Rouge; Richard Macon of Detroit; Albert Mallory; Thomas Malone;

Ralph Mason of Detroit; J. Caulton Mays of Detroit; William McClenic; Arthur Middlebrooks; Oliver Miller of Battle Creek; Vincent Mitchell of Mt. Clemens; Wilbur Moffett of Detroit; Dempsey Morgan of Detroit; Russell Nalle, Jr. of Detroit; Robert O'Neil of Detroit; Frederick Parker; Robert Pitts of Detroit; Wardell Polk of Detroit; Walter Poole; Calvin Porter of Detroit; Calvin Porter; Leonard Proctor; Della Rainey; Sandy Reid of Southfield; Edward Rembert; Harry Riggs of Bloomfield Hills; Walter Robinson of Detroit; Major Ross of Oak Park; Washington Ross of Detroit; John Roundtree of Westland; Calude Rowe of Detroit; William Ruben; William Rucker; Jesse Rutledge of Detroit; and Issac Rutledge. Calvin Sharp; Albert Simeon, Jr. of Detroit; Paul Simmons, Jr. of Detroit; Leon Smith; Chauncey Spencer; William Stevenson; Chester Stewart of Detroit; Harry Stewart of Bloomfield Hills; Roosevelt Stiger of Jackson; Howard Storey; Willie Sykes of Detroit; Willis Tabor; Kenneth Taitt of Detroit; William Taylor, Jr. of Inkster; Lucius Theus of Bloomfield Hills; Donald Thomas of Detroit; Austin Thomas; Wm. Horton Thompson of Detroit; Jordan Tiller; Paul Tucker of Detroit; Edward Tunstall of Detroit; Allen Turner of Ann Arbor; Cleophus Valentine of Detroit; Charles Walker of Jackson; Robert Walker; Roderick Warren of Detroit; Theodore Washington of Detroit; Richard Weatherford of Aibion; Jimmie Wheeler of Detroit; William Wheeler of Detroit; Cohen White of Detroit; Harold White of Detroit; Paul White; Peter Whittaker of Detroit; Leonard Wiggins of Detroit; David Williams of Bloomfield Hills; Willie Williamson of Detroit; Robert Wolfe; William Womack; and Coleman Young.

#### SIDETRACKING OF INTELLECTUAL PROPERTY AND TELECOMMUNICATIONS LEGISLATION

Mr. LEAHY. Mr. President, during the final days of this session, which have stretched over weeks and months, we have been struggling to pass a number of important and uncontroversial bills, but we have met with what some would call obstructionism from the Republican side of the aisle. Enactment of legislation needed for e-911 provisions to provide critical resources to our first responders, the Universal Service Administrative Corporation, a spectrum relocation trust fund, junk fax legislation, as well as the Family Entertainment and Copyright Act, anticounterfeiting legislation, film preservation legislation and many other measures have been sidetracked and hijacked.

The Federal Communications Commission Chairman Michael Powell has spoken out urging enactment of these needed telecommunications bills. The telecommunications package contains critically important provisions that will enhance 911 service, allow spectrum relocation, and preserve the ability of the universal service fund to do its important work. These are not controversial or partisan provisions. We

should do all we can to ensure that first responders can provide their essential public services and that includes e-911. The spectrum relocation trust fund will free more space for wireless broadband services. This will help the American economy by promoting jobs and education. The Universal Service Fund provision will fix an accounting glitch that if left unattended will seriously impede the USF as it goes about its critical work. If we do not make this fix, rural communities and schools will suffer, and in the end everyone will pay, with higher fees. I echo the FCC's concern and add my own with respect to the intellectual property legislation.

Thanks to the ingenuity, the inspiration and the hard work of America's creators, the United States is the world leader in the creation of intellectual property. Protecting intellectual property matters. It matters to our creators, to our economy and to our future. Affording intellectual property straightforward and reasonable protections, and giving law enforcement officials the resources to give those protections genuine power should be bipartisan, noncontroversial goals. In the United States, copyright industries account for at least 12 percent of our gross domestic product and employ more than 11 million people. Copyright industries have been adding workers at an annual rate that exceeds that of the economy as a whole by 27 percent, and those industries have achieved annual foreign sales and exports of almost \$90 billion. Republican objection has prevented the Senate from passing important intellectual property legislation, in an apparent effort to pressure the House to accept unrelated legislation.

Along with Senator HATCH, Senator CORNYN, Senator BIDEN, Senator FEINSTEIN, and many others, I have been working on a package of key intellectual property legislation for some time. Our staffs have worked late into the night and through weekends to accomplish all that we can this year. We have a package of strong and significant measures that would bolster protection of the intellectual property that helps drive our Nation's economy and that would ensure that law enforcement has the tools it needs to do its job in this regard. There was no good reason not to have sent this package to the House so that it could be enacted without delay. Instead, it has been blocked and the reason has nothing to do with the merits of the bill. It is merely being misused as leverage in an attempt to pass unrelated legislation that the Senate has already sent to the House and that the House finds objectionable. Apparently some are willing to sacrifice important intellectual property legislation for their own narrow purposes. That is unfortunate.

Our economy loses billions of dollars every year to various forms of piracy. Instead of making inroads in this fight, we face a Republican roadblock. It is a barrier that stands in the way of the ART Act, a bill that passed the Judiciary Committee and then the full Senate by unanimous consent. Senators CORNYN and FEINSTEIN introduced the

bill, and I was pleased to work with them on it and to include it in our intellectual property legislation. These provisions would provide new tools in the fight against bootleg copies of movies snatched from the big screen by camcorders smuggled into theaters. Our bill would adopt a creative solution developed by the Copyright Office to address the growing problem of piracy of pre-release works. Republican obstruction is ensuring that these problems will be left unaddressed by this Senate and this Congress.

Our anticounterfeiting legislation would mark a step forward in the fight against software piracy. I was glad to work with Senator BIDEN on this provision, which we included in the intellectual property package. The Republican-led Congress can tell our software companies that they will have to wait at least another year for the remedies promised by this legislation. The Business Software Alliance tells us that \$29 billion in software was stolen in 2003 alone. We are risking a higher number and more harm as we proceed into 2005.

There are other noncontroversial provisions in this legislation, as well, such as language that would help ensure that the Library of Congress is able to continue its important work in archiving our Nation's fading film heritage. Some of America's oldest films—works that document who we were as a people in the beginning of the 20th Century—are literally disintegrating faster than they can be saved.

It now appears an expanse of important, bipartisan legislation may fall victim to yet another Republican roadblock. Our copyright holders will suffer, our patent holders will suffer, our economy will suffer, emergency services and broadband deployment will suffer, our rural communities and rural schools will suffer. The Senate will have failed to respond to the needs of the American people. That is a shame.

#### ART ACT

Mr. CORNYN. Mr. President, I note that Senator LEAHY today made a floor statement referencing important Intellectual Property legislation that unfortunately will not pass in the 108th Congress.

I agree completely with the Senior Senator from Vermont's view of the importance of these matters and I share his frustration that the bills are not moving forward because of matters not related to the substance of the legislation.

I joined with Senator FEINSTEIN to introduce the ART Act, S. 1932, just over a year ago to help curtail the problem of piracy of films in movie theaters and to help stop the illegal distribution of pre-released copyrighted works. It is a good bill, but it will not become law despite having passed the Senate twice this year and enjoying overwhelming bipartisan support in the House.

Along with the ART Act, other valuable legislation such as the Family Movie Act, a bill that will help parents control the content of films and other entertainment their children see is