

"why?". The Supreme Court has agreed to hear arguments and the case was said to be perfect for an argument in defense of affirmative action—both applicant were allegedly "equally" qualified. This was a total distortion of the facts. The candidates were NOT equally qualified. Debra Williams, the African-American teacher, had significantly higher academic credentials than did the other teacher. I submit an insightful column that accurately sets forth the real issue in the Piscataway case. The column was written by the distinguished economist, columnist, and educator Dr. Julianne Malveaux and appeared in the December 11, 1997 issue of *Black Issues in Higher Education*.

THE MYTH OF EDUCATIONAL ATTAINMENT:  
WHEN A BLACK WOMEN'S MASTER'S DEGREE  
EQUALS A WHITE WOMAN'S BACHELOR'S DEGREE

The Black Leadership Forum—an organization that includes the NAACP Legal Defense and Education Fund, the National Urban League, the National Council of Negro Women, and others—deflected energy from the controversial *Taxman v. Piscataway* case that the Supreme Court had committed to hear this session. The forum agreed to finance 70 percent of the nearly \$450,000 settlement that the plaintiff and her lawyers will receive from the Piscataway school board.

Sharon Taxman was the White business education teacher who was laid off in a downsizing while Debra Williams, an African American business education teacher, was retained. Since the two women were hired the same day and deemed "equally" qualified, the school board justified retaining Williams on the basis of "diversity."

Faster than she could spell diverse, Taxman was filing a lawsuit. Her quest for "equality" was affirmed by every court up to the Supreme Court, which had agreed to hear her case. Civil rights activists thought this was the wrong one to take to the nation's highest court, so they bought Taxman out.

I'm not sure how I feel about the buy-out. It's like postponing something tragic—in this case, the apathy that comes from a Supreme Court which appears to be indifferent to diversity as well as equality. But I am convinced that there are at least two villains in this story—and one of them is the Piscataway School Board.

Come again? To some, these guys seem like the good guys. They retained an African American teacher and laid off a White one, upholding diversity. At the same time, though, they tragically argued that two workers were "equally" qualified when one held a master's degree while the other had a lesser education.

If we were Debra Williams I'd be fuming through the ears. The myth that hard work and the quest for education would give you a leg up was busted in her case. Rather than the school board affirming her superior education, they told her that her master's degree was not worth enough for her to be considered more than equally qualified over a colleague with less education. (I almost typed inferior for less, but that is the oppressor's game.)

A careful examination of what happened in Piscataway explains why affirmative action has become America's whipping post. Instead of White employers telling White employees that they aren't competitive, the White employees are told that a position was assigned or retained because of affirmative action. That is the kind of lazy dishonesty that fuels the myth of White superiority.

Consider Proposition 209. We all know that it was championed by Republicans Pete Wilson and Ward Connerly, but the early poster

boys were two White men who presented themselves as academics and said they could not find jobs in the California State University system, despite their "qualifications."

To be sure, these men both had Ph.D. degrees. However, neither had earned academic distinction. They were not published, nor had they ever actually applied for jobs in the California state system—a fact uncovered in a blistering report by investigative journalists.

Nonetheless, one of these men said he could not find a job as a philosophy teacher in California. In the year he said he looked, five philosophers were hired, and three were White men. But he didn't challenge their status. There was an eminently qualified White woman hired, and he didn't challenge her status either. And an African American woman, also hired, was not the target of his ire.

Where was this undistinguished, unpublished, nonapplying product of our nation's system of higher education supposed to get a job? It didn't matter. In his warped mind, some mythical Black person was out there holding his job—and by golly, he was going to make affirmative action beneficiaries pay. Thus, Proposition 209.

Enter the second villain of this New Jersey-spawned affair. Taxman must have her head in the sand. Hasn't she ever heard that people lose their jobs. Spit happens, and the best thing to do with spit is to wash it off and move on.

Instead, she put her life on hold, apparently because she could not stand the notion that some Black woman should get a job she thought she should have. Never mind that the Black woman, her colleague, had more education. Never mind that her colleague was the better teacher. Taxman is White and she has wrapped herself in the privilege of Whiteness. Thus, her lawsuit.

The Supreme Court wouldn't see that because they are mostly White, too. Those who opposed Taxman would have had to overcome both the Court's distaste for affirmative action—and its pejorative description of such policies as "race-based preferences"—as well as a fealty to Whiteness.

The civil rights community bought Taxman off because they understood that the Piscataway school board improperly packaged this case, choosing affirmative action and diversity as the wrong reasons to let an inferior teacher go. If the school board had looked more carefully at the two women and their qualifications, this case may not have gone to court.

There's the rub. Spit happens. Downsizing takes place. What the Taxman case has said so far is that when downsizing doesn't fall on the shoulders of Black people, White people are ready to go to court. Or when all else is supposedly equal, White folks are supposed to prevail.

This is a premise that deserves challenge. But then there are others, such as the premise that a White woman's bachelor's degree is the equivalent of a Black woman's master's. That is only the case in a racist society.

HONORING KAREN HYMAN  
SUSMAN

HON. KEN BENTSEN  
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor the memory of an extraordinary woman, Karen Hyman Susman of Houston, who passed

away December 3, 1997, at the age of 55. Her passing is a tremendous loss for her family, including her husband Stephen and their two children, Stacy and Harry; her friends; and all who believe in the honor of public service.

A distinguished attorney and dedicated community leader, Karen Susman contributed in countless ways to building a better future for Houston, especially the city's Jewish community, the arts, and education.

Mrs. Susman volunteered 20 tireless years to the Anti-Defamation League and its mission, including serving as Southwest Regional Chair and National Commissioner. She took ADL to a new level in terms of fund-raising and programming. She also served on the Board of Directors of the National Conference of Christians and Jews and on the Community Relations Council of the Jewish Federation of Houston, working with leaders of many faiths to improve religious and cultural understanding in Houston and throughout the nation. She dedicated her time and energy generously to other Jewish organizations as well, including the Lion of Judah Jewish Federation, Congregation Beth Israel, and the King David Society Jewish Federation. She and her husband, Stephen, endowed the Karen and Stephen Susman Hall, Slifka Center for Jewish Life, at Yale University.

Karen Susman was also a dedicated and valuable member of the Houston arts community, active on the boards of the Houston Symphony, Glassell School of Art, Houston Grand Opera, and the Contemporary Arts Museum. She had a great commitment to art as part of a strong community and worked to ensure that Houstonians from all walks of life could enjoy our city's many artistic and cultural treasures. She was especially concerned about increasing opportunities for young people to learn about art, serving on the University of Houston Art Department Friends Board and the Yale Art Gallery Board of Directors.

Karen Susman was not only a dedicated volunteer and community leader, but a distinguished lawyer as well. A graduate of the University of Houston Law Center, she was a Board Certified specialist in family law and frequently served as a court-appointed mediator.

Whatever she did, Karen Susman's intelligence, enthusiasm, and integrity served her and all those she encountered well. She brought a tireless energy, an unflagging drive, and a passionate caring to each of her endeavors, wearing many hats along the way. Karen Susman will be remembered for these qualities and her dedication to making the world a better place.

Mr. Speaker, Mrs. Susman's life was full, but her years among us were far too few. A remarkable woman, a distinguished attorney and volunteer, Karen Hyman Susman embodied the best of Houston and of Jewish life and experience. We are all infinitely richer for her legacy and were blessed with her wisdom, compassion, dignity and humor.

CONGRATULATING JOE CORSELLO

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1998

Mr. WELLER. Mr. Speaker, I rise today to congratulate Mr. Joe Corsello of my hometown

of Morris, Illinois on being named a Distinguished Member in the Illinois Art Education Association this past November. This award honors Mr. Corsello's service and leadership in the IAEA, and the local community.

Joe Corsello a veteran of the Korean War, has been a leader in art education and appreciation in the Eleventh Congressional District throughout the last three decades. For over thirty three years, Joe Corsello has taught the young people at Morris Community High School the finer points of visual arts and ceramics in his classroom. Outside of the classroom, Joe played an important part in shaping the minds of Morris High students as an advisor to the art club, student council, yearbook and athletic clubs.

During his time at Morris Community High School, Joe was named the 1978 Illinois State Teacher of the Year. Mr. Corsello is also a co founder of the Corsello—Prenzeler Art scholarship for college bound art students at Morris High. Named Man of the Year by the Morris Chamber of Commerce in 1977, Joe continues to serve the community by teaching art part time at Immaculate Conception Grade School.

While Joe Corsello has been recognized by a number of different groups for the wonderful job he has done throughout his lifetime, Joe's greatest satisfaction stems from the achievements of his students. Among these achievements include scholastic arts awards won by 12 of his students, and national art awards won by seven of his students.

Mr. Speaker, Joe Corsello has touched the lives of so many people in Morris and throughout the Eleventh Congressional District. I congratulate him on this honor, and I know I speak for the many students, teachers and residents back home in Morris when I say, thank you Joe for your hard work with our kids, and good luck with your future work in the arts.

#### TRIBUTE TO MERRILL ALPERT

### HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 28, 1998*

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Merrill Alpert, who will be honored by the United Synagogue of Conservative Judaism for the work she has done with teenagers throughout the Jewish community.

Henry Brooks Adams wrote, "A teacher affects eternity; he can never tell where his influence stops." For over two decades, Merrill has worked to enrich the lives of Jewish students. While a student at the Hebrew University of Jerusalem in 1975, Merrill worked as the Youth Director of Temple Beth Ami in Reseda; then later as Youth Director of Congregation Beth Kodesh. In her daily interaction with the students of these congregations, Merrill exemplified kindness, charity and a deep belief in the principles of the Jewish faith. In fact, many of the students that Merrill worked with have proceeded to work professionally in the Jewish community.

In 1986, Merrill accepted the challenging position of Youth Director of Valley Beth Shalom. In this capacity, she developed Camp Yoni and created a Summer Musical Theater Workshop. Overseeing this facet of the organization, Merrill has been responsible for many

successful regional programs. Combining her hard work ethic with a deep underlying faith, under Merrill's guidance Valley Beth Shalom United Synagogue Youth has become an exemplary institution, receiving the Far West Region Chapter of Excellence Award on several occasions.

In addition to her role at Valley Beth Shalom, Merrill has worked with several organizations to promote the ideals and principles which have distinguished her as a role model to Jewish teenagers within our community. She has served as the Chairperson of the Youth Professional Advisory Committee of the Jewish Federation Council (YPAC) and Secretary and President of the Jewish Youth Directors Association.

Realizing the importance of training future leaders of the Jewish Community, Merrill has spent several summers at Camp Ramah in Ojai, as a Yoetzet, working with potential counselors of our children. She has also stayed active on other committees and sits on several school boards, including the Board of the Los Angeles Hebrew High School and the Board of Milken Community High School.

Merrill has dedicated her career to ensuring that we provide the Jewish youth of our community with an enriched educational and spiritual experience. Mr. Speaker, distinguished colleagues, please join me in paying tribute to Merrill Alpert. She is a role model for the citizens of our community.

#### AFFIRMATIVE ACTION

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 28, 1998*

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 7, 1998 into the CONGRESSIONAL RECORD:

#### THE FUTURE OF AFFIRMATIVE ACTION

The President's Initiative on Race, a series of recent federal court decisions, and voter referenda in California and Texas have all focused national attention on the future of affirmative action. Affirmative action has provided economic, political and educational opportunities for blacks and other historically disadvantaged minorities, as well as for women. The issue today is whether those programs should be continued.

#### HISTORY OF AFFIRMATIVE ACTION

Affirmative action has its roots in the civil rights era of the 1960s. The federal government imposed affirmative duties on the public and private sector alike to remedy past and present discrimination against blacks and other minorities. It is based on the idea that the constitutional guarantee of equal protection requires more than ending discrimination, but means that government should create remedies and incentives for people who have suffered bias. Affirmative action included everything from desegregation plans in schools and universities to set-aside programs in government contracts to efforts to improve minority representation in the workplace.

Over the last decade, however, the Supreme Court has worked to limit the use of race-based preferences at all levels of government. The Court has held that local, state and federal programs designed to benefit minorities are unconstitutional unless they serve a compelling government interest

and are narrowly tailored to address past discrimination. The Court's decisions, reflecting the conservatism of its majority, are based on the view that the Constitution is a color-blind document which, in general, neither tolerates discrimination against minorities nor affirmative efforts in their behalf.

The Court has not said that all affirmative action programs are unconstitutional, but has placed a heavy burden on government to demonstrate the need for them. It is generally accepted that affirmative action can be used to remedy specific instances of discrimination against minorities. Governmental entities may also use outreach and recruitment efforts to expand the pool of minority applicants for jobs, contracts, and college admissions.

On the other hand, governments may not use rigid quotas on behalf of minorities, nor may they justify affirmative action programs based on the history of discrimination in society at-large. The federal government is now reviewing its affirmative action policies to comply with recent Court decisions.

#### DIVERSITY AS A JUSTIFICATION

It is uncertain, however, whether governments can use race as a way to promote diversity, rather than remedy past discrimination. Advocates of affirmative action argue, for example, that local police departments have a strong interest in hiring minorities to patrol in minority neighborhoods or infiltrate minority gangs. Likewise, governments may want to hire minorities to serve in schools with heavy minority populations.

Public debate has focussed most recently on the use of race in college and graduate school admissions. The Supreme Court held in a landmark 1978 decision that a university could take the race of applicants into account in its admissions process to foster the diversity of its student body. The Court reasoned that diversity would bring a wider range of perspectives to the university and would contribute to a more robust exchange of ideas, which is central to the mission of higher education.

That 1978 decision, however, is in doubt given recent Court rulings on race-based preferences. One federal court of appeals ruled that the University of Texas could not use race as a factor in law school admissions. In addition, California voters approved a state referendum barring racial preferences in the state's education, employment, and contracting systems, including admissions decisions in the state university system. The effect of these actions has been to curtail sharply minority enrollment at public universities and graduate programs in Texas and California.

#### DEBATE OVER AFFIRMATIVE ACTION:

The public debate on affirmative action has been polarized. Supporters say that while the situation has improved, racism persists in this country, and that affirmative action is needed to remedy the effects of discrimination. Affirmative action programs, they will note, have provided opportunities for millions of minorities, expanding the American middle class and strengthening our political system and economy. They will also point out the hypocrisy in the debate over university admissions policies. While critics attack racial preferences, they say nothing about preferences based on athletic ability, alumni connections, or other factors.

Opponents respond that affirmative action is fundamentally unfair, that people should succeed or fail based on character, talent and effort, not race. While critics acknowledge that racism persists in our society, they say affirmative action leads to double standards which heighten rather than reduce racial tensions. Government, in this view, can