

an extraordinary difference in the success of these youth in transitioning to adulthood, the best way for us to ensure these youth find the families they deserve is to reauthorize the Federal Adoption Incentive Program.

The Adoption Incentive Program encourages States to find foster children like JoJo and Priscilla permanent homes through adoption, with an emphasis on finding adoptive homes for special needs children and foster children over the age of 9. This important program must be renewed before it expires on September 30 this year.

I urge my colleagues to celebrate National Foster Care Month by supporting these important efforts to ensure that the Federal Government meets its responsibility to care for these youth—not just their future, but the future of our Nation depends on it.

Ms. CANTWELL. Mr. President, in recognition of May as National Foster Care Month, I want to extend my personal thanks to all of the families in Washington State and throughout our country who have adopted children from the Nation's foster care system. Foster children, through no fault of their own, face unique challenges in attaining permanent, loving homes. We can all agree that, regardless of background, all children in our country deserve to have a safe, loving home and the opportunity to pursue their dreams.

In 2005, almost 1,200 of Washington's children left foster care to join adoptive families—but that same year more than 2000 foster children in Washington were still waiting to be adopted. They had to wait an average of over 3 years to find adoptive families. Vulnerable children should not have to wait so long for the safe, permanent families that all children need.

The Federal Adoption Incentive Program, a program first enacted by Congress in 1997, plays an important role in encouraging adoption. The program provides States like Washington with incentive payments for adoptions that exceed an established baseline and includes additional incentives for adoptions of older foster children and children with special needs. Between 2000 and 2006, the Adoption Incentive Program helped 5,700 children in Washington's foster care system join adoptive families.

I am also pleased to support the Kinship Caregiver Act, introduced by Senator CLINTON in February 2007. The Kinship Caregiver Support Act is intended to assist the millions of children who are being raised by their grandparents and other relatives because their parents are not able to care for them. Among other things, this important legislation would establish a Kinship Navigator Program to help link relative caregivers to a broad range of services and supports that they need for their children and themselves.

I join my colleagues in the Senate in paying tribute to the many prospective

and veteran adoptive families, and I look forward to pursuing reforms that support children in foster care.

NEW ENGLAND PATRIOTS VIDEOTAPING

Mr. SPECTER. Mr. President, the Patriots engaged in extensive videotaping of opponents' offensive and defensive signals starting on August 20, 2000, and extending to September 9, 2007, when they were publicly caught videotaping the Jets.

The extent of the taping was not disclosed until the NFL was pressured to do so. Originally, Commissioner Goodell said the taping was limited to late in the 2006 season and early in the 2007 season. In his meeting with me on February 13, 2008, Goodell admitted the taping went back to 2000. Until my meeting with Matt Walsh on May 13, 2008, the only taping we knew about took place from 2000 until 2002 and during the 2006 and 2007 seasons.

That left an obvious gap between 2003 and 2005. In response to my questions, Matt Walsh stated he had season tickets in 2003, 2004 and 2005 and saw Steve Scarnecchia, his successor, videotape games during those seasons including:

The Patriots' September 9, 2002, game against the Steelers.

The Patriots' November 16, 2003, game against the Cowboys.

The Patriots' September 25, 2005, game against the Steelers, which the Steelers resoundingly won 34–20.

Walsh stated he observed Scarnecchia filming additional Patriots home games, though he could not recall the specific games.

Walsh said he did not tell Goodell about the taping during 2003, 2004 and 2005 because he was not asked.

The NFL confiscated the Jets tape on September 9, 2007; imposed the penalties on September 13, 2007; on September 17, 2007, viewed the tapes for the first time; and then announced they had destroyed those tapes on September 20, 2007. Commissioner Goodell made his judgment on the punishment to be levied before he had viewed the key evidence.

Matt Walsh and other Patriots employees, Steve Scarnecchia, Jimmy Dee, Fernando Neto and possibly Ed Bailey were present to observe most if not all of the St. Louis Rams walk-through practice in advance of the 2002 Super Bowl, including Marshall Faulk's unusual positioning as a punt returner.

David Halberstam's book, "The Education of a Coach," documents the way Belichick spent the week before the Super Bowl obsessing about where the Rams would line up Faulk.

Walsh was asked and told Assistant Coach, Brian Daboll, about the walkthrough. Walsh said Daboll asked him specific questions about the Rams offense and Walsh told Daboll about Faulk's lining up as a kick returner. Walsh also told Daboll about Rams running backs "lining up in the flat."

Walsh said Daboll then drew diagrams of the formations Walsh had described. According to media reports, Daboll denied talking to Walsh about Faulk. We do not know what Scarnecchia, Dee, Neto or Bailey did or even if they were interviewed.

The Patriots took elaborate steps to conceal their filming of opponents' signals. Patriots personnel instructed Walsh to use a "cover story" if anyone questioned him about the filming.

For example, if asked why the Patriots had an extra camera filming, he was instructed to say that he was filming "tight shots" of a particular player or players or that he was filming highlights. If asked why he was not filming the play on the field, he was instructed to say that he was filming the down marker.

The red light indicating when his camera was rolling was broken.

During at least one game, the January 27, 2002, AFC Championship game, Walsh was specifically instructed not to wear anything displaying a Patriots logo. Walsh indicated he turned the Patriots sweatshirt he was wearing at the time inside-out. Walsh was also given a generic credential instead of one that identified him as team personnel.

These efforts to conceal the filming demonstrate the Patriots knew they were violating NFL rules.

The filming enabled the Patriots coaching staff to anticipate the defensive plays called by the opposing team. According to Walsh, he first filmed an opponents' signals during the August 20, 2000, preseason game against the Tampa Bay Buccaneers. After Walsh filmed a game, he would provide the tape for Ernie Adams, a coaching assistant for the Patriots, who would match the signals with the plays.

Walsh was told by a former offensive player that a few days before the September 3, 2000, regular season game against Tampa Bay, he—the offensive player—was called into a meeting with Adams, Bill Belichick and Charlie Weis, then the offensive coordinator for the Patriots, during which it was explained how the Patriots would make use of the tapes. The offensive player would memorize the signals and then watch for Tampa Bay's defensive calls during the game. He would then pass the plays along to Weis, who would give instructions to the quarterback on the field. This process enabled the Patriots to go to a "no-huddle" offensive, which would lock in the defense the opposing team had called from the sideline, preventing the defense from making any adjustments. When Walsh asked whether the tape he had filmed was helpful, the offensive player said it had enabled the team to anticipate 75 percent of the plays being called by the opposing team.

Among the tapes Walsh turned over to the NFL is one of the AFC Championship game on January 27, 2002, in which the Patriots defeated the Steelers by a score of 24–17. When the Patriots played the Steelers again during

their season-opener on September 9, 2002, the Patriots again won, this time by a score of 30–14.

On October 31, 2004, the Steelers beat the Patriots 34–20, forced four turnovers, including two interceptions, and sacked the quarterback four times. In the AFC Championship game on January 23, 2005, the Patriots won 41–27 and intercepted Ben Roethlisberger three times. The Steelers had no sacks that game.

With respect to the 2002 AFC Championship game, it was reported in February of this year that Hines Ward, Steelers wide receiver, said: “Oh, they know. They were calling our stuff out. They knew, especially that first championship game here at Heinz Field. They knew a lot of our calls. There’s no question some of their players were calling out some of our stuff.”

In addition, Eagles cornerback, Sheldon Brown, reportedly said earlier this year that he noticed a difference in New England’s play calling in the second quarter of the February 6, 2005, Super Bowl game.

Tampa Bay won the August 20, 2000, preseason game by a score of 31–21. According to the information provided by Matt Walsh, the Patriots used the film to their advantage when they played Tampa Bay in their first regular season game on September 3, 2000. The Patriots narrowed the spread, losing by a score of 21–16. After the game, Charlie Weis, the Patriots’ offensive coordinator, was reportedly overheard telling Tampa Bay’s defensive coordinator, Monte Kiffin, “We knew all your calls, and you still stopped us.” The tapes Walsh turned over to the NFL indicate the Patriots filmed the Dolphins during their game on September 24, 2000, a game the Patriots lost by 10–3.

According to Walsh, when the Patriots first began filming opponents, they filmed opponents they would play again during that same season. The Patriots played the Dolphins again that season on December 24, 2000; they again narrowed the spread, losing by a score of 27–24.

According to Walsh, he filmed the Patriots’ game against Buffalo on November 5, 2000, a game the Patriots lost 16–13. When the Patriots played the Bills again that season on December 17, 2000, the Patriots won by a score of 13–10.

During the following season, Walsh filmed the Patriots’ game against the Jets on September 23, 2001, a game the Patriots lost by a score of 10–3. When the Patriots played the Jets again that season on December 2, 2001, the Patriots won by a score of 17–16.

The tapes Walsh turned over to the NFL indicate the Patriots filmed the Dolphins during their game on October 7, 2001, a game the Patriots lost by 30–10. When the Patriots played the Dolphins again that season on December 22, 2001, the Patriots won by a score of 20–13.

The Patriots filmed opponents’ offensive signals in addition to defensive

signals. On April 23, 2008, the NFL issued a statement indicating that “Commissioner Goodell determined last September that the Patriots had violated league rules by videotaping opposing coaches’ defensive signals during Patriots games throughout Bill Belichick’s tenure as head coach.” However, the tapes turned over by Matt Walsh contain footage of offensive signals. The tapes turned over to the NFL and the information provided by Walsh proves that the Patriots also routinely filmed opponents’ offensive signals.

Why the Patriots videotaped signals during games when they were not scheduled to play that opponent during the balance of the season unless they were able to utilize the videotape during the latter portion of the same game. The NFL has not addressed the question as to whether the Patriots decoded signals during the game for later use in that game.

Mark Schlereth, a former NFL offensive lineman and an ESPN football analyst, is quoted in the New York Times on May 14:

Then why are you doing it against teams you aren’t going to play again that season?”

Schlereth said that “the breadth of information on the tapes mainly, the coaches’ signals and the subsequent play would be simple for someone to analyze during a game. There are enough plays in the first quarter, he said, to glean any team’s ‘staples,’ and a quick review of them could prove immediately helpful. I don’t see them wasting time if they weren’t using it in that game.”

Walsh said that Dan Goldberg, an attorney for the Patriots, was present at his interview and asked questions. With some experience in investigations, I have never heard of a situation where the subject of an investigation or his/her/its representative was permitted to be present during the investigation. It strains credulity that any objective investigator would countenance such a practice. During a hearing or trial, parties will be present with the right of cross-examination and confrontation but certainly not in the investigative stage.

Commissioner Goodell misrepresented the extent of the taping when he said at the Super Bowl press conference on February 1, 2008:

I believe there were six tapes, and I believe some were from the pre-season in 2007, and the rest were primarily in the late 2006 season. In addition, there were notes that had been collected, that I would imagine many teams have from when they scout a team in advance, that we took, that may have been collected by using an illegal activity, according to our rules. Later, Goodell said of the taping [W]e think it was quite limited. It was not something that was done on a widespread basis.

Commissioner Goodell materially changed his story in his meeting with me on February 13, 2008, when he said there has been taping since 2000.

There has been no plausible explanation as to why Commissioner Goodell imposed the penalty on September 13, 2007, before the NFL examined the tapes on September 17, 2007.

There has been no plausible explanation as to why the NFL destroyed the tapes. Commissioner Goodell sought to explain his reason by saying during his February 1, 2008 press conference that:

We didn’t want there to be any question about whether this existed. If it shows up again, it would have to be something that came outside of our investigation and what I was told existed.

On April 23, 2008, the NFL issued a statement that the penalties imposed on the Patriots last fall were solely for filming defensive signals. “Commissioner Goodell determined last September that the Patriots had violated league rules by videotaping opposing coaches’ defensive signals during Patriots games throughout Bill Belichick’s tenure as head coach.” The tapes turned over by Matt Walsh also contain footage of offensive signals.

The overwhelming evidence flatly contradicts Commissioner Goodell’s assertion that there was little or no effect on the outcome of the game: during his February 1, 2008, press conference, Commissioner Goodell stated “I think it probably had a limited effect, if any effect, on the outcome on any game.” Later during the press conference, Goodell stated again “I don’t believe it affected the outcome of any games.” Commissioner Goodell’s effort to minimize the effect of the videotaping is categorically refuted by the persistent use of the sophisticated scheme which required a great deal of effort and produced remarkable results.

In the absence of the notes, which the NFL destroyed, of the Steelers’ three regular season games and two postseason games, including the championship game on January 23, 2005, we do not know what effect the videotaping of the earlier games, especially the October 31, 2004, game, had on enabling the Patriots to win the AFC Championship. It is especially critical that key witnesses—coaches, players—be questioned to determine those issues.

Failure to question—or at least publicly disclose the results of—key witnesses to other matters identified herein on what we do not know.

On the totality of the available evidence and the potential unknown evidence, the Commissioner’s investigation has been fatally flawed. The lack of candor, the piecemeal disclosures, the changes in position on material matters, the failure to be proactive in seeking out other key witnesses, and responding only when unavoidable when evidence is thrust upon the NFL leads to the judgment that an impartial investigation is mandatory.

There is an unmistakable atmosphere of conflict of interest or potential conflict of interest between what is in the public’s interest and what is in the NFL’s interest. The NFL has good reason to disclose as little as possible in its effort to convince the public that what was done wasn’t so bad, had no significant effect on the games and, in

any event, has all been cleaned up. Enormous financial interests are involved and the owners have a mutual self-interest in sticking together. Evidence of winning by cheating would have the inevitable effect of undercutting public confidence in the game and reducing, perhaps drastically, attendance and TV revenues.

The public interest is enormous. Sports personalities are role models for all of us, especially youngsters. If the Patriots can cheat, so can the college teams, so can the high school teams, so can the 6th grader taking a math examination. The Congress has granted the NFL a most significant business advantage, an antitrust exemption, highly unusual in the commercial world. That largesse can continue only if the NFL can prove itself worthy. Beyond the issues of role models and antitrust, America has a love affair with sports. Professional football has topped all other sporting events in fan interest. Americans have a right to be guaranteed that their favorite sport is honestly competitive.

In an extraordinary time, baseball took extraordinary action in turning to a man of unimpeachable integrity—Federal Judge Kenesaw Mountain Landis—to act forcefully and decisively to save professional baseball from the Black Sox scandal in 1919.

On this state of the record, an objective, thorough, transparent investigation is necessary. If the NFL does not initiate an inquiry like the investigation conducted by former Senator George Mitchell for baseball, it will be up to Congress to get the facts and take corrective action.

ADDITIONAL STATEMENTS

HONORING MILDRED AND RICHARD LOVING

• Mr. CARDIN. For many young Americans, it is hard to believe that only 40 years ago, citizens of the United States were subject to prosecution and imprisonment for marrying someone of a different race. But in 1967 that was indeed the situation in 16 States where interracial marriage was illegal.

In 1958, Mildred Jeter, a black Native American, traveled with Richard Loving, a Caucasian, from Virginia's Caroline County to the District of Columbia to be married. They came here because their home State of Virginia's anti-miscegenation laws prohibited interracial marriage. Shortly after returning to Virginia, Mr. and Mrs. Loving were arrested in their home. They pled guilty to violating section 20-58 of the Virginia Code: "Leaving State to evade law—If any white person and colored person shall go out of this State, for the purpose of being married, and with the intention of returning, and be married out of it, and afterwards return and reside in it, cohabiting as man and wife, they shall be punished as provided in Section 20-59, and the marriage shall

be governed by the same law as if it had been solemnized in this State. The fact of their cohabitation here as man and wife shall be evidence of their marriage." Section 20-59 of the code provided for confinement for between 1 and 5 years. The Lovings were sentenced to 1 year in jail, but the trial judge suspended the sentence for a period of 25 years on the condition that the couple leave the State and agree not to return simultaneously for the next 25 years.

But after some time away, the couple began to miss Virginia and decided to pursue justice. They hired lawyers and challenged the Virginia law through years of court cases leading up to the United States Supreme Court. The Supreme Court heard the case of Richard Perry Loving et ux, v. Virginia on April 10 and decided the case unanimously on June 12, 1967, noting that "the clear and central purpose of the Fourteenth Amendment was to eliminate all official sources of invidious racial discrimination in the States. . . . We have consistently denied the constitutionality of measures which restrict the rights of citizens on account of race. There can be no doubt that restricting the freedom to marry violates the central meaning of the Equal Protection Clause. . . . Under our Constitution, the freedom to marry, or not marry, a person of another race resides with the individual and cannot be infringed by the State. These convictions must be reversed. It is so ordered."

Due to their unyielding belief in equality and the work of dedicated attorneys, the Lovings prevailed. They made their home in Virginia and raised three children. According to published accounts of their life together, times were hard for the family. Hit by a drunk driver in 1975, Richard Loving died and Mildred Loving was injured. Mrs. Loving lived her remaining years in Virginia until Friday, May 2, 2008, when she died at age 68.

Mildred Loving's name lacks the prominence shared by other heroes of the civil rights movement. In fact, she eschewed the limelight and viewed her case differently than what many might expect.

On the 40th anniversary of the decision, Mildred Loving stated:

(W)hen my late husband, Richard, and I got married in Washington, DC in 1958, it wasn't to make a political statement or start a fight. We were in love, and we wanted to be married. . . . We didn't get married in Washington because we wanted to marry there. We did it there because the government wouldn't allow us to marry back home in Virginia where we grew up, where we met, where we fell in love, and where we wanted to be together and build our family. You see, I am a woman of color and Richard was white, and at that time people believed it was okay to keep us from marrying because of their ideas of who should marry whom. . . . Not long after our wedding, we were awakened in the middle of the night in our own bedroom by deputy sheriffs and actually arrested for the "crime" of marrying the wrong kind of person. Our marriage certificate was hanging on the wall above the bed.

The state prosecuted Richard and me, and after we were found guilty, the judge declared: "Almighty God created the races white, black, yellow, malay and red, and he placed them on separate continents. And but for the interference with his arrangement there would be no cause for such marriages. The fact that he separated the races shows that he did not intend for the races to mix." He sentenced us to a year in prison, but offered to suspend the sentence if we left our home in Virginia for 25 years exile. We left, and got a lawyer. Richard and I had to fight, but still were not fighting for a cause. We were fighting for our love. Though it turned out we had to fight, happily Richard and I didn't have to fight alone. Thanks to groups like the ACLU and the NAACP Legal Defense & Education Fund, and so many good people around the country willing to speak up, we took our case for the freedom to marry all the way to the U.S. Supreme Court. And on June 12, 1967, the Supreme Court ruled unanimously that, "The freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free men," a basic civil right.

Mrs. Loving's words express more poignantly than any others the importance of this case. Although she did not embrace the role of a civil rights hero, because of her forthright bravery, history will remember her as such. Last June, the House of Representatives passed unanimously H. Res 431, commemorating the 40th anniversary of the landmark Supreme Court decision legalizing interracial marriage within the United States. In addition, June 12 has informally come to be known as "Loving Day" in the United States in their honor.

Next month, when we acknowledge the 41st anniversary of that historic decision, Mrs. Loving will not be with us, but her spirit will remain. Today, I pay tribute to Mildred and Richard Loving and to their remarkable courage. I offer my sincere condolences to their children and grandchildren, and I ask my colleagues to join me in remembering them.●

IN MEMORY OF LOUISE SHADDUCK

• Mr. CRAPO. Mr. President, on May 4, Idaho lost a pioneer and one of her strongest champions. The legacy of Louise Shadduck will live in the hearts of many Idahoans, particularly for Idaho women now involved in politics or journalism. She blazed trails and inspired action and involvement in the governance of and commentary on our society.

Louise lived an incredible and full life, working as a journalist in the 1930s and 1940s and then shifting to politics where she served on the staffs of historical figures such as Governors Len Jordan and Charles Robins, Senator Henry Dworshak and U.S. Representative Orval Hansen. She was a staunch supporter of Idaho Republicans over the years, but did so with discernment, always making sure to remind those in office in her own way that it was Idahoans who they served, not themselves.

Louise enjoyed people, and they enjoyed her in return. In high school in