

next 40 years at Fisher Body. His public service continued throughout his life exemplifying his commitment and concern for improving the lives of all people.

For 20 years, Jim served as a councilman in his hometown of Jefferson Boro, which honored him with the Crossweight Award in recognition of this service. He also served as a trustee at his church, as the chairman of the Jefferson Boro Democratic Committee, and as president of Local No. 544 of the United Auto Workers. In truth, however, this collection of titles and official positions, while impressive, barely scratches the surface in terms of defining the man.

Jim McFarland was a truly compassionate individual the likes of which this world is rarely lucky enough to see. His presence graced the lives of everyone he came in contact with including his wife, Garnet, his son, Kevin, and his brothers, sisters, and grandchildren. On a personal level, I considered Jim to be one of my most trusted and valued friends. I only knew Jim for a small part of his 68 years, but from the day I first met him some 5 years ago I was struck by his rare combination of dedication, intellect, and extraordinary compassion. I was truly honored to have Jim consider me his friend. I know that I speak not only for myself, but for everyone that knew Jim, in saying that while we will miss him terribly, there is still a sense of joy because the world is a better place because of the life of Jim McFarland.

AIRLINE DISASTER RELIEF ACT

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Mr. McDADE. Mr. Speaker, I rise today to introduce, with 38 members of a bipartisan coalition, the Airline Disaster Relief Act, a measure which will provide equitable treatment for families of passengers involved in aviation disasters regulated by the Death on the High Seas Act of 1920 [DOHSA].

The White House Commission on Aviation Safety and Security in its February 1997 report stated, "Certain statutes and international treaties, established 50 years ago, historically have not provided equitable treatment for families of passengers involved in international aviation disasters. Specifically, the Death on the High Seas Act of 1920 and the Warsaw Convention of 1929, although designed to aid families of victims of maritime and aviation disasters, have inhibited the ability of family members of aviation disasters to obtain fair compensation."

The Airline Disaster Relief Act will reverse the injustice of the Death on the High Seas Act by allowing plaintiff families of air disaster victims to obtain a fair jury trial and receive just compensation for loss of companionship, loss to society, and punitive damages for the death of their loved ones which claimants are currently restricted from obtaining. It is time to bring sanity and justice to the application of the Federal laws and international treaties which regulate airline disaster claims. Passage of the Airline Disaster Relief Act will be an important first step in achieving this objective.

Currently, there are two legal hurdles which families must overcome to obtain financial compensation for a lost loved one. The first is

the Warsaw Convention of 1929 which is the primary vehicle to initiate lawsuits related to airline disasters. The second, is the Death on the High Seas Act which the Supreme Court recently ruled is the Federal law that determines the categories of damage awards. Under the Warsaw Convention, which governs the liability of airlines for airline disasters, families of passengers who died on international flights, such as TWA Flight 800, can receive no more than \$75,000 for the loss of their loved one unless they can prove willful misconduct on the part of the airline. In November 1996, the airline industry waived the \$75,000 cap and the need to prove willful misconduct for all future compensation cases. The airlines are to be commended for this action. However, in the case of the TWA 800 families, the waiver does not apply since the air disaster occurred in July 1996 and the tariff waiver agreement was signed the following November 1996. The lack of retroactive application of the waiver to TWA 800 means the \$75,000 cap is still in place and willful misconduct is still the threshold under the Warsaw Convention to be proven for greater compensation. It is my hope that the administration, the Airline Transportation Association and the airline will work to reverse his injustice and grandfather the TWA families into the November 1996 Tariff Agreement.

Although the Warsaw Convention is the primary vehicle through which plaintiffs initially seek compensation, the Supreme Court has ruled that damage awards will be based on the antiquated federal law the Death on the High Seas Act [DOHSA]. In 1920, the Death on the High Seas Act was designed for the immediate family of sailors lost at sea to obtain compensation for lost income before a U.S. District Judge under maritime law. Additionally, DOHSA restricts the circle of claimants to those family members who are economically dependent upon the decedent. It took the Supreme Court 77 years to fold major civil aviation related tragedies occurring more than 3 miles from the shores into the Death on the High Seas Act, which was passed at a time when international civil aviation did not exist. DOHSA is invoked when a crash occurs more than a marine league, roughly 3 miles, offshore as in the case of TWA Flight 800.

When the \$75,000 cap of the Warsaw Convention and the compensatory restriction of only seeking loss of income under DOHSA are combined, family members of TWA 800 victims may receive minimal or no compensation through the courts. The interactions of these archaic and arcane laws are dealing families a grave and cruel injustice.

As in the case of TWA 800 and the families of the 21 high school students and chaperons from Montoursville High School, PA, the application of DOHSA will mean that the families of the students will receive minimal compensation since children generally contribute little economically in support of their families. If your children are not supporting you or it is proven in court that they would not have the ability or inclination to support the parents, there will be no compensation. Additionally under DOHSA, surviving parents will be unable to obtain compensation for loss of companionship, loss to society, pain and suffering or punitive damages for lost loved ones. Furthermore, family members of adult victims may receive no compensation unless that individual was directly contributing to the economic welfare of the parents or siblings.

Clearly, under most state tort laws, these limits on categories and thresholds of compensation would be viewed as inequitable, unfair, and inhuman. This inequality is best demonstrated in the State of Pennsylvania. On January 9, 1996, the Supreme Court ruled in *Yamaha versus Calhoun* that State tort law applies when an accident occurs within 3 miles from the shore, and on January 16, 1996, the same Supreme Court decided in *Zicherman versus Korean Airlines* that the Death on the High Seas Act governs tragedies beyond the 3-mile territorial limit. Thus, in *Yamaha versus Calhoun*, Pennsylvania State law applies which allows numerous categories compensation for injury or death of a family member. In *Zicherman versus Korean Airlines*, where DOHSA is applied, families such as those involved in the KAL 007 and TWA 800 air disasters will be restricted to obtaining only one category of compensation—loss of income. The application of DOHSA to the TWA 800 incident will have a draconian impact on the families of the Montoursville High School students and chaperons since they will receive minimal compensation for the loss of their children. DOHSA also applies to all civil air flights, whether domestic or international, such as the airports in Boston, New York, San Francisco, and Los Angeles, where approaches and landings are often over water.

Both the Supreme Court in *Zicherman versus Korean Airlines* and the White House Commission on Aviation Safety and Security recommend that Congress correct these inequities—as other countries have done already, considering that DOHSA was enacted in 1920 to protect widows of seamen—at a time when civil aviation did not exist. The Airline Disaster Act will abrogate the impact of the Death on the High Seas Act and allow families to seek just compensation under State and common law. I therefore urge my colleagues to join me in supporting passage of the Airline Disaster Relief Act, a measure whose time has come, to correct the judicial injustices which the application of the Death on the High Seas Act inflicts on families of air disaster passengers. Mr. Speaker, thank you for your consideration and support of this timely and badly needed legislative initiative.

CONGRATULATIONS TO 1997 GRADUATES OF SAN PEDRO/NARBONNE COMMUNITY ADULT SCHOOL

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Ms. HARMAN. Mr. Speaker, I rise today to congratulate the 1997 graduating classes of the San Pedro/Narbonne Community Adult School. I was sorry to miss the ceremonies on Wednesday evening which honored students who successfully met the requirements for ESL competency certificates, eighth grade diplomas, and high school diplomas. I also congratulate principal Camilla Kocol and all the faculty and staff of the San Pedro/Narbonne Community Adult School.

It is my pleasure to share with my colleagues a poem that was written by one of the students of the school's creative writing class. This poem was recited by author and adult

school student, Bette Ann Schroeder, at Wednesday's graduation ceremony:

I AM AN AMERICAN

I am an American.

My grandfather came from China in the 1800s and helped build the railroads of the West.

I am an American.

My grandfather came from England in the 1800s and worked in the coal mines of Illinois.

I am an American.

My grandfather came first over the Bering Strait and the Isthmus of Panama to roam the forests and valleys of this great land.

I am an American.

My grandfather came from Germany in the 19th Century and started Kindergartens.

I am an American.

My grandfather was captured in Africa and brought to slave in the cotton fields of the South.

I am an American.

My grandfather came from Japan in the 1900s and founded the abalone fishery in San Pedro.

I am an American.

My grandfather fled Pancho Villa in Mexico and worked in the fields of the Imperial Valley.

I am an American.

It was not easy to forget the homeland, to learn the language, to make a living, to struggle against bigotry, to change my ways.

I am an American.

I am all the cultures of the world, all the religions of the world, all the legends and lore of the world, all the struggles for freedom everywhere.

I am all of these, and all of these make me an American.

TRIBUTE TO RAY BURKHOLDER
ON THE OCCASION OF HIS 80TH
BIRTHDAY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to an outstanding citizen of northwest Ohio. On June 22 of this year, the family and friends of Ray Burkholder will gather to celebrate his 80th birthday which will occur on July 3.

Ray lived and farmed most his life in Pandora, OH. A member of the Grace Mennonite Church in Pandora, Ray has been a leader in his community. He was an instrumental part of the Menmonite disaster team, always available to lend a hand to others. He served for many years as the Sunday school treasurer and is a recipient of both the Community Service Award of Pandora and the Outstanding Citizen Award of Pandora. This past year he served as First Grand Marshal of the Riley Creek Festival.

Birthdays are a wonderful time to recount memories and to look toward new horizons. Since Ray's birth he has been witness to tremendous revolutions in politics, technology, and society. However, I know his favorite memories are of his family and friends.

Americans would not be able to enjoy the blessings of our country without the tireless dedication of those who have the talent and

willingness to work for their community. Ray Burkholder, through his example of leadership and humility has enriched the lives of his neighbors in countless ways over the years. It is with great fondness that they will take a day to thank him for his warmth and generosity.

I ask my colleagues to join me in extending best wishes to Ray and his family for continued happiness and best wishes.

ISRAEL—A CORNERSTONE OF U.S.
NATIONAL SECURITY POLICY

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Mr. FORBES. Mr. Speaker, I submit for my colleagues' consideration remarks I made June 8, 1997 before the Great Neck Synagogue Men's Club. My support for Israel is no secret among my friends in Congress. We cannot ignore the challenge that has been placed before us if we are to see Israel survive as a free and flourishing democratic state. Israel has always been, and must remain, a cornerstone of United States national security policy.

ISRAEL AND THE MIDDLE EAST: A VIEW FROM
CAPITOL HILL

Good morning ladies and gentlemen. It is a pleasure to be here among so many friends at a congregation known throughout the greater New York area for its strong ties to the Land of Israel. Your record of generous giving to Israeli causes and your commitment to a strong U.S.-Israeli relationship are well known.

Your congregation has always embodied the essence and vitality of "Am Yisrael Chai" and the sharing, giving spirit "Tikkum Olam." By your very example you have been a light unto our community. Through good times and bad, times of sadness and hope, the Great Neck Synagogue has stood by Israel in its eternal quest for peace with security.

Though many of you share different political opinions about how peace in the Middle East might finally be achieved, you stand united—indeed America stands united—on the need to maintain Israel's economic and military strength as a hedge against the uncertainties of the future.

My friends, we can never allow politics of the moment to obscure three essential facts of our time: first, that Israel exists today as a sovereign, democratic, and Jewish state precisely because it has never allowed its fundamental security interests to be compromised; second, that peace, particularly in the Middle East, has never flowed from weakness; and third, that support for a strong, self confident Israel has always been, and must remain, a cornerstone of United States national security policy.

Israel exists today not because of the world's caring or generosity toward the Jewish People, but in spite of its neglect and indifference. We must never forget the basic truth.

As we commemorate the fiftieth anniversary of the Marshall Plan this week, we must remember that the United States stepped forward to rebuild Europe after the war—and particularly Germany—a full year before it gave any thought to relief for Germany's victims through the creation of a Jewish state. The lesson is clear: Israel's fate must always rest with Israel and with those who care for her; it can never be entrusted to the presumed good will of others.

History, my friends, is sometimes a cruel, but honest teacher. I am particularly honored to be here today to share with you some thoughts on the state of U.S.-Israeli relations, the Oslo process, and events unfolding in the Middle East, from the vantage point of Capitol Hill. At the outset, I must confess that I stand before you with more than a little concern.

Concern because a century after the First Zionist Congress, nearly 50 years since the founding of Israel, 30 years after the miraculous triumph of the IDF in the Six Day War, 20 years since Camp David and 4 years since the Oslo process began—Israel still does not know peace.

As we sit here this morning amid these comfortable and serene surroundings, Israel is facing perhaps the greatest threat to her survival yet experienced. It is a threat born not only of external enmity and aggression, but sadly, of internal division, social strife, political indecision and confusion, and the calamity of peace gone unfulfilled.

It is an unfortunate consequence of Israel's proud, but troubled history that we have grown all too accustomed to the hatred which her enemies harbor for the Jewish State—a state whose very existence continues to be the anathema to the 110 million Moslems who surround her.

Terrorist bombs in Jerusalem and Tel Aviv, the murder of Jewish school girls on a class outing, the knifing of Yeshiva students on their way to the Kotel—these sights have become as familiar to the younger generation of Israelis as the weekly Vietnam body count was to my generation. My friends, we are living a tragedy today with no satisfactory end in sight.

Lamentably, we have learned the sad truth that weapons and military might alone can not bring peace. Sadder still, we have learned that a peace reluctantly born and brazenly violated by Israel's enemies is not peace either. There are no good choices left for Israel today. She has been cheated of the very hope, *Hativka*, for which her people proclaim in song and for which all Jews everywhere yearn.

Like you I have tried to make sense of the many contradictions that have arisen as a result of the Oslo process. I say Oslo process, and not peace process, because while there exists today only one process, I believe that there are many paths to peace—and I am a fervent believer in peace. But for it to be real, it must be lasting; for it to be lasting, it must be honest; for it to be honest, it must demonstrate at every turn the resolve of all of the parties to abide by the commitments they made on the day of the signing and in the subsequent agreements. Tragically, for all concerned, this has not happened.

Those Palestinians who had the chance to share in the prosperity of a reconstructed Middle East, and in doing so to accept something less than the full measure of their political demands, have opted instead for a more sinister path. They have chosen to use the dove of peace to conceal their more menacing intentions, just as Mr. Arafat, himself, chose to conceal a pistol beneath his jacket when he appeared before the United Nations General Assembly in the mid-seventies.

This song of peace is well worn in tune. Born of Hitler's deception at Munich in the 1938, it survives today in the guise of those who would have peace at any price, even if it meant admitting the Trojan Horse of the PLO terrorism inside the gates of the city. If we are to begin to understand what is now happening to Israel and to grasp the historic forces now at work to undo the dream of the last 100 years, we must first see that there is a distinction between negotiation and extortion, between reality and illusion, and between trust and deception.