

I am reintroducing the Sunshine on the Federal Open Market Committee Act to ensure the FOMC is held accountable for its policies.

I urge my colleagues to once again support and cosponsor this important measure.

TRIBUTE TO CLARENCE DUDLEY
NOLAND

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. ROGERS. Mr. Speaker, today I would like to pay tribute to a dedicated public servant, a good citizen, and a man who is well-respected throughout my home State of Kentucky.

Clarence Dudley Noland, known to many as "C.D.", the gentleman from Estill County, is a man who has left his mark in Kentucky. As a State legislator, an entrepreneur, a railroad engineer, a farmer, and a 30-year member of the Army National Guard, C.D. has touched the lives of many people throughout our State.

As a Member of the Kentucky House of Representatives for 15 years, C.D. earned a reputation for being hard-working, fair-minded, and rooted in good, old-fashioned common sense. From the first day C.D. took his oath of office in 1982, he set out to make a difference for the people he represented.

If you know anything about the Appalachian region of eastern Kentucky, you realize that we have many challenges, but C.D. has tackled those challenges with great success. He has been instrumental in developing industrial parks, medical service heliports, sewer and water improvements, and mobile dental clinics for Appalachian children. He has fought for veterans programs, affordable housing, nursing home facilities, and historic preservation and conservation of Kentucky's lands and heritage.

C.D.'s dedication, diligence, and fairness gained him the esteem of Governors, legislators, and public administrators alike. During his tenure, he served as vice chairman on the powerful Appropriations and Revenue Committee. Other committees he served on include the Legislative Research Commission, Rules Transportation, Program Review and Investigations, Cities, and Natural Resources and Environment. He was a member of the Governor's Task Force on Health Care and the Governor's Commission for Tax Reform where his insights proved invaluable. His was also actively involved in the executive committee of the Kentucky Republican Party, the American Legislative Exchange Council, and the National and Southern Conferences of the State Legislators Association.

From 1991 to 1994, C.D. stepped into the leadership of the general assembly, when he was elected to serve as the house minority caucus chairman. After serving two terms, he stepped aside so fellow legislators might share the experience.

C.D.'s departure from the general assembly did not mean that he would hang up his hat. Today, he is still doing what he can to improve the quality of life for the people of Kentucky. He continues to share his time and talent as a member of the board of directors of 21st Century, Inc; the Marcum Wallace Hospital Board of Directors; the Estill County Chamber

of Commerce; the Irvine-Ravenna Kiwanis Club; the Community Development Foundation Council; the Natural Bridge Park Association; the Council of the National Rifle Association; F and A Masons, Irvine Lodge 137; Oleika Shrine Temple; and the Estill County Sportsmen's Club.

It has been an honor and a privilege knowing and working with C.D. Noland throughout the years. On behalf of the people of eastern Kentucky, I want to commend C.D. for all he has accomplished for our State, and thank him for a job well done.

LONG TIME DEMOCRAT JOINS
REPUBLICAN RANKS

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. LIVINGSTON. Mr. Speaker, on December 19, 1996, the mayor of Slidell, LA, the Honorable Salvatore A. "Sam" Caruso, left the Democratic party for the Republican Party. I commend Mayor Caruso on his decision and welcome him to the Republican Party.

Like other conservative Democrats, mayor Caruso found it difficult to be a member of a party whose philosophy blatantly contradicted his own deeply held beliefs. I recommend that my House colleagues take a moment and read Mayor Caruso's remarks.

SOME REFLECTIONS UPON THE OCCASION OF
CHANGING MY POLITICAL PARTY AFFILI-
ATION FROM THE DEMOCRATIC PARTY TO THE
REPUBLICAN PARTY

(By Salvatore A. Caruso)

Thank you for coming here today. The fact that we have had sleet, and rain and snow here in south Louisiana over the past few days was merely what Congressman Livingston predicted would happen whenever I would change political parties. Except that he predicted both events for July 32nd.

Bob Livingston has been trying to persuade me to make this change for at least ten (10) years now. In a desperate attempt about a year ago, he added one new reason. Bob told me that I look more like an elephant than a jackass. I was not sure if that was a compliment or an insult. Although he added that if I became a Republican I could ride the elephant into an unlimited political future. I told him that if the elephant could fit on my shoulders I would do it.

A lot of people have a right to a serious explanation regarding this change in my Party affiliation.

Because I have been a Democrat for all of my life and because I have been correctly identified as a proponent of a few issues which some people call "liberal", there has been an obscuring of the fact that upon several other issues I have always been strongly conservative and correctly identified with what might be called the Republican position.

Let me give you three examples:

(1) There is currently a popularly used word to describe the divesting of power by the Federal Government from itself, and the passing of that power on to State and Local governments. The word is "devolution."

For me, that is simply a newly popular word to replace the more traditional word "subsidiarity." Subsidiarity is a word and a concept that have been available to us for a very long time. The word has a proper place in philosophy, economics, political science, management and other areas of human en-

deavor. Put simply, it means this: Nothing should be done at a higher level of organization than is necessary to accomplish the purpose involved. Or, conversely, whatever needs to be done should be done at the lowest level of organization that is possible. In governmental terms: Whatever needs to be done by the government should be done by the government closest to the people.

(2) I am a fiscal conservative and I always have been. That strong fiscal conservatism has been consistently reflected in my speech, in my actions, and in my decisions as a public official for over eighteen (18) years now. No one turns around a public hospital from a three and one-half million dollar debt to a thriving enterprise by using financially liberal practices. No one leads a city to \$55,000,000 worth of capital improvements while finishing eleven (11) years of operations with a financial surplus by being profligate with public money.

(3) I believe strongly in environmental protection. But, I do not believe that business people ought to be, in effect, deprived of the use of their land because it holds a puddle of water for two weeks out of the year. I believe even less that local governments, struggling to keep their people from flooding, ought to have to obtain permission from the Federal Government to build the necessary structures on land where some exotic grasses are growing. I like plants, but like people more.

And, it is my love for people that brings me to the central reason for this change in political parties.

Before I expand upon that, I want to insert here a very personal note. I began this speech with a couple of humorous comments about Congressman Livingston. Now I want to tell you something that is very serious. No one should ever change political parties simply because of a personal friendship. And, over the years, I have resisted any temptation to do that. The issue is simply too important to be decided at that level. But, if there are other matters that are compelling or nearly compelling, then certainly it is honorable to allow personal considerations to top-off the decision-making process.

And, that is, in fact, happening in this case. As almost everyone knows by now, Bob Livingston and I were classmates at Our Lady of Lourdes Grammar School in New Orleans. He has survived the publication of that fact until now, and I expect that he will continue to manage after this. What yet may be unclear is the extent to which Bob has been a friend to me and to the City which I lead. Over all of these years and throughout all of his success at the national level, he has never been any different in personal attitude than he was when we were both boys. And, during all of that time no one could have been a better friend to a former classmate than Bob Livingston has been to me. No one could have been a better friend to the City I lead than Bob Livingston has been to the City of Slidell. Federal money that is at work right now in the City of Slidell came here largely through Bob Livingston. Federal money to control flooding, and for which we have only recently become eligible, will come to us almost solely because of Bob Livingston, if only we have the sense to take it.

What all of us owe to my grammar school classmate is more than I can cover in this speech. And, so, for now, in this setting, the only thing more that needs to be said is: Thank you, Bob.

Now, let me return to my comment about my love for people.

I come from a family which always struggled for a reasonable level of existence, which was occasionally near the poverty level, and in which both parents died at age fifty-three (53), and died bankrupt for the

crime of having cancer but no health insurance.

For the past twenty-four (24) years, as a licensed psychiatric social worker, I have heard more than I ever expected to hear about the endless ways in which human suffering comes to people, about how they cope or do not cope with that suffering, about what kind of help they have needed from me, from others, and sometimes from the whole community.

No one needs to tell me about such things. I have lived them. I have heard them. I have, hopefully, helped people through them.

I love people.

But, within that love for people I have a peculiar feeling and a peculiar notion.

I also love people who already exist but are not yet born.

Those people are called by different names: tissue, zygote, embryo, fetus, baby, human, child of God.

I confess to another strange, peculiar notion. It is this: No one has the right to kill another human being except to save his or her own life or the life of another innocent human being. And, if I have not stretched your patience too far already, please listen to yet one more strange peculiar belief. I also believe that the same nearly universally accepted rule which forbids such killing also applies to our fellow human beings who already exist but are not yet born.

I think it is unacceptable and barbaric to kill unborn babies. And, in an even more retrogressive concept, I hold that society has something to say about this, that the community has something to say about this. I deny and deny emphatically that this is a purely private matter.

There are, indeed, issues and behaviors that are or should be beyond the reach of the society, the community, or the State. There are behaviors that are or should be purely personal, private matters. These are behaviors that, for the most part, involve only one person or freely consenting adults. Generally, sexual preferences and practices are or should be covered by a veil which excludes everyone but the consenting adult participants. For example, a decision to use contraception is or should be a purely personal matter in which no outsider has a right to interfere. There are other examples, in other aspects of life, which carry and should carry a sign saying: PRIVATE, NO ENTRY.

But abortion is not one of them: Abortion is different. Abortion involves two different human beings—one of them is neither an adult nor consenting. Abortion involves the killing of one human being by another with or without accomplices. Where else in this culture do we say that such behavior is a purely private matter? Where else do we say that in such circumstances the society, the community, and the State itself have no rights at all? No where.

It is obvious, of course, that the circumstances of pregnancy are unique. But in western civilization we purport to value life more than any of the conditions of life. But, not if it is an unborn life. In that circumstance, any condition *at all* is held to be good enough, heavy enough, to outweigh even the basic right to life itself.

I suggest to you that this is insane, that we are a nation that has lost our collective mind over this issue.

And, even some people who are pro-choice seem to know this. There seems to be a psychological need for denial, for euphemism, for semantics, and for general self-deception in order to make the psyche accept that which it could otherwise not accept.

Listen to a few examples:

(1) "The fetus is not human."

By now, this is hardly worth the effort to refute it. On the basis of science, not reli-

gion, we know that from the moment of conception, the fetus has its own full set of chromosomes, an absolutely unique genetic pattern, and 100% of the material necessary to develop into a fully grown human being. The mother, who has already provided fifty percent (50%) of the building materials, now also provides a site and nourishment for the event. Nothing less but nothing more.

(2) "But, this is part of the mother's body."

By now, this is almost ludicrous. There is enough biological information available even to the general public to expose the lie in this claim. From the moment of conception, the fetus is immunologically foreign to the mother. It may have a different blood type. And, in about fifty percent (50%) of all cases it has a different gender than the mother.

How, by *any* standard, can this be a part of the mother?

(3) "But a woman has a right to control her own reproduction."

Yes, she does. She has the right to abstain from sexual intercourse. She has the right to engage in sexual intercourse and to use contraception.

But abortion is not contraception. It has nothing to do with reproductive rights. It has to do with killing that which has already been reproduced.

No amount of euphemism will change that.

Do we use the words "vaccine" and "antibiotic" interchangeably? If so, then let's begin to use the words "contraception" and "abortion" interchangeably. Until then, I think the clarity of distinction could be helpful.

(4) "This is a religious issue and no one has a right to impose his or her religious beliefs on anyone else."

Indeed we have no such right! But, at its most common denominator, abortion involves not theology, but humanity. One does not need to believe in God to be opposed to abortion. One needs only to believe in humanity. One needs only to believe that we do not kill each other except to save ourselves or another one of us. A creed is not needed to abhor abortion for convenience.

I never want to live in a community where a majority of Catholics can forbid the sale of contraceptives, or where a majority of Baptists can forbid the sale of liquor, or where a majority of Jews can forbid the sale of pork. But, it is a source of horror to live in a country where any number of people can forbid protection to a group of innocent human beings targeted for killing.

In addition to the horrors generally associated with abortion, there has now been added to the lexicon a phrase that should go down in history along side the terms "The Inquisition", "The Witch Burnings", "The Camps", "The Ovens", "The Holocaust", and "The Final Solution." That phrase is "Partial Birth Abortion."

This phrase refers to an absolutely barbaric act in which an abortion is performed late in the second trimester and through the entire third trimester of a woman's pregnancy.

In September, 1993, a pro-choice nurse, Brenda Pratt Shafer, witnessed her first partial birth abortion.

Here is her description of what she saw:

"I stood at the doctor's side and watched him perform a partial birth abortion on a woman who was six months pregnant. The baby's heartbeat was clearly visible on the ultrasound screen. The doctor delivered the baby's body and arms, everything but his little head. The baby's body was moving. His little fingers were clapping together. He was kicking his feet. The doctor took a pair of scissors and inserted them into the back of the baby's head, and the baby's arms jerked out in a flinch, a startle reaction, like a baby does when he thinks he might fall. The doc-

tor opened the scissors up. Then he stuck the high powered suction tube into the hole and sucked the baby's brains out. Now the baby was completely limp. I never went back to the clinic. But, I am still haunted by the face of that little boy. It was the most perfect, angelic face I have ever seen."

Doctor Pamela E. Smith, Director of Medical Education, Department of Obstetrics and Gynecology, at Mount Sinai Hospital in Chicago testified to a committee of the United States Congress:

"There are absolutely no obstetrical situations encountered in this country which require a partially delivered human fetus to be destroyed to preserve the life or health of the mother."

Doctor Harlan R. Giles, a "high-risk" obstetrician, gynecologist, and perinatologist at the Medical College of Pennsylvania agreed with her. So did Doctor C. Everett Koop.

Now, on the other side, President Clinton says that even partial birth abortion acceptable. By now he has given at least three different reasons for his veto of the bill passed by Congress to outlaw partial birth abortion. I will not give you those reasons because by tomorrow they may be obsolete.

Upon an attempt to override the President's veto, the necessary majority of the Congress voted to sustain the veto. Most of the votes to sustain were democratic votes.

I can no longer belong to a party which says that this sort of absolutely needless barbarism is acceptable national policy.

I read the newspapers, and late at night, I watch CNN. I have read and heard the rumors that the Republican Party is not perfect. I even suspect that those rumors might be true. But, I will tell you this: The Republican Party has consistently stood up and said that, except to save the life of the mother, it is not O.K. to have a national policy of killing our unborn babies. Most recently, as a Party, the Republicans have stood up and said that, "Well excuse us, but we do not agree that it is alright to stab a baby in the back of her head, open a hole there, insert a vacuum cleaner, and suck out her brains."

It is without hesitation and without personal regret that today I leave the Democratic Party and join the Republican Party.

I know there are other important issues. I have alluded to them in the beginning of this speech. On some of those issues I may disagree with my new Republican colleagues.

But, let me tell you this: Over my 18 years as a public official I have had far more success in sensitizing Republican leaders to various human needs than I have had in sensitizing Democratic leaders to the moral outrage of abortion.

Let me tell you something else. This issue of abortion is no ordinary issue. It cannot be put into line with any number of issues on one side and weighed against all of the issues on the other side. No. This issue is different in kind. This issue is the slavery issue of the Twentieth Century. No moral person could have decided for or against the Civil War on the basis of the exportation of cotton, or upon the cultural differences between the North and the South. No. All that mattered. But there was one issue that riveted the attention of the nation, one issue that screamed for moral judgment, one issue that finally called for the "terrible swift sword." That issue was human slavery. Today that issue is human life itself.

Although it would be untrue, accuse me if you will of deciding this on the basis of one issue. I stand then with Abraham Lincoln. I stand with William Lloyd Garrison. I stand with all of the abolitionists from both centuries, and on both issues.

I want to close this speech with a different kind of thought. For years now I have said

that opposition to abortion should not be based primarily upon religious beliefs. But certainly once we have established our opposition upon broader grounds, we need not be embarrassed to add to those grounds our own religious considerations.

All of us in this room, Christian and non-Christian, all of us who believe in God at all, have got to also believe that that God is still howling across the centuries: "Where is your brother...? What have you done? Listen! Your brother's blood is crying out to me from the ground." Genesis 4:10-11

Where are our brothers? Where are our sisters? Gone into the bucket. Gone into the ground. Victims of the idolatry of absolute free choice. Victims of the idolatry of unlimited ambition for public office.

Allow me, please, to reflect my own Catholic Christianity. The Second Vatican Council closed on December 8, 1965. That was 8 years before *Roe v. Wade* in this country. Even without that stimulus, the Council Fathers addressed abortion directly. They said:

"From the moment of conception, life must be guarded with the greatest of care, while abortion and infanticide are unspeakable crimes."

On March 25, 1995, in his Encyclical, "Evangelium Vitae," (The Gospel of Life), Pope John Paul II said:

"I declare that direct abortion, that is, abortion willed as an end or as a means, always constitutes a grave moral disorder, since it is the deliberate killing of an innocent human being."

And now in closing I want to return to our common Christian heritage. By happy coincidence or by the grace of God, this event is occurring just five days before Christmas.

My own favorite Christmas story is one that is, comparatively, unfamiliar.

It begins in the mind of God before all of the millennia. St. John the Evangelist brings it to us in some of the most majestic language in the history of Christianity. I first came to love it when our Church recited it in Latin at the end of every Mass. And, if you will indulge my love for the sheer beauty of the language, I will repeat a part of it here for you, first in those sounds that I once so loved to hear.

St. John closes the Prologue in this Gospel with these words:

And the Word was made flesh
and dwelt among us;
and we saw His glory,
the glory of the only begotten of the Father
full of grace and of truth.

—John 1:1-14.

Maranatha. And Merry Christmas.

INTRODUCTION OF LEGISLATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. HAMILTON. Mr. Speaker, I am pleased to introduce legislation today to clarify that the 1990 Clean Air Act Amendments do not require pollution controls for beverage alcohol compounds emitted from aging warehouses.

To meet the strictures of the 1990 amendments to the Clean Air Act, installation of pollution controls may be required for beverage alcohol—ethanol—emissions from distilled spirits aging warehouses despite the facts that the EPA recognized that such controls could adversely affect product quality and that ethanol emissions do not contribute significantly to ozone formation.

The aging process is a natural process by which distilled spirits products derive their inherent characteristics, including color, taste, and aroma. Altering this aging process by imposing emission control technology on aging warehouses could inflict an unreasonable adverse effect on the maturation process for these products and thereby jeopardize the desired quality and uniqueness of each distilled spirits brand.

Imposition of Clean Air Act emissions controls on aging warehouses would create significant costs on both the industry and the Government. First, for the industry, distillers would risk jeopardizing the quality of their products by installing pollution control technology of uncertain effect on aging warehouses.

Second, for the Government, tax revenue would be threatened by any action which significantly impacts product quality and product sales. Distilled spirits are the highest taxed consumer product in the United States and a major source of revenue for Federal, State, and local governments.

Since December 1992, the industry has tried time and time again to get a definitive answer from either the EPA or the State governments involved on the question of whether such controls are required by the 1990 amendments. While both the Indiana and Kentucky General Assemblies have passed resolutions urging EPA not to regulate beverage alcohol compounds emitted from aging warehouses, EPA has still not provided a definitive response.

The change I am proposing is only for those emissions coming from aging warehouses and does not exclude any other portions of the distilled spirits production process from Clean Air Act requirements.

TRIBUTE TO MAYOR MATTHEW CAPANO

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. ANDREWS. Mr. Speaker, I rise today to honor an individual who has given of himself to make his borough a better place to live. I am speaking of Matthew Capano, former mayor of the borough of West Paterson.

Matthew Capano's dedication to West Paterson and his fellow citizens is exemplary. Mayor Capano is a lifelong resident of West Paterson. The mayor has demonstrated his dedication to West Paterson through his long service to the West Paterson Democrat Club, including serving the club as president. Mayor Capano served his borough as a council member for the borough from 1987 until 1992. Matthew Capano took this worthy dedication to service even further during his term as mayor from January 1, 1994, to December 31, 1996.

As mayor, Matthew Capano conducted himself with a single goal, embodied in his motto: "West Paterson first!" Mayor Capano had a number of impressive achievements during his term as mayor. Mayor Capano brought financial stability to West Paterson by refusing to increase municipal taxes. He united all borough departments, organization, and residents into the single goal of working together for the

good of West Paterson. The West Paterson Municipal Alliance became a model for the rest of Passaic County as a result of Mayor Capano's dedication to efficiency. Mayor Capano advanced his belief in efficient and responsible government by transforming the police department and the Department of Public Works; this transformation greatly improved their ability to respond to the needs of the people of West Paterson.

All who know Mayor Capano are honored by his service to the borough of West Paterson. I know that Mayor Capano's wife Donna and children Gina, Sarah, Matthew, and Rebecca are as proud of his accomplishments as we all are. Matthew Capano's service has been remarkable, and I congratulate and thank him on behalf of all the citizens of New Jersey.

LEGISLATION TO EXTEND MANDATORY COVERAGE OF THE INDEPENDENT COUNSEL LAW TO JUSTICE DEPARTMENT EMPLOYEES

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to require the U.S. Attorney General to call for the appointment of an independent counsel to investigate allegations that Justice Department employees engaged in misconduct, criminal activity, corruption, or fraud. The bill is similar to legislation I authored in the 103d and 104th Congress.

The independent counsel provisions of the Ethics in Government Act of 1978 require the Attorney General to conduct a preliminary investigation when presented with credible information of criminal wrongdoing by high ranking executive branch official. If the Attorney General finds that further investigation is warranted or makes no finding within 90-days, the act requires the Attorney General to apply to a special division of the U.S. Court of Appeals for the appointment of an independent counsel. The act also gives the Attorney General broad discretion in seeking the appointment of independent counsel with regard to individuals other than high ranking executive branch officials. However, the Attorney General is not required to do so in such cases.

My bill amends the act to treat allegations of misconduct, corruption or fraud on the part of Justice Department employees in the same manner as allegations made against high ranking cabinet officials. My goal is to ensure that, when there is credible evidence of criminal wrongdoing in such cases, these cases are aggressively and objectively investigated.

I am very concerned over the growing number of cases in which Justice Department employees have been accused of misconduct, corruption or fraud. In several cases I have personally investigated, innocent men fell victim to overzealous or corrupt Federal prosecutors. No action has ever been taken against the prosecutors.

The 1992 Randy Weaver incident that took place in Ruby Ridge, ID is perhaps the most notorious and disturbing example of Justice Department employees, in this case, high ranking officials, acting in a questionable manner, and receiving no punishment other than