

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

disciplinary action. In the Randy Weaver case, an unarmed woman holding her infant child was shot to death by an FBI sharpshooter acting on orders from superiors. Former FBI Deputy Director Larry Potts allegedly approved the decision to change the rules of engagement the FBI sharpshooters and other Federal officials at Ruby Ridge were acting on. The decision allowed FBI sharpshooters to shoot on sight any armed adults—whether they posed an immediate threat or not. As a result of this decision, Vicki Weaver was shot to death while holding her infant daughter.

While several officials, including Mr. Potts, were disciplined—some forced to leave the department—no criminal charges were ever filed against any of the officials involved in the Ruby Ridge incident. I would point out that at the outset of the incident a 14-year old boy was shot in the back by U.S. Marshals. Last August, the Federal Government agreed to pay the Weaver family more than \$2 million—but did not admit any wrongdoing in the incident. The Ruby Ridge incident served as a stark reminder that the Justice Department does not do a very good job of objectively and aggressively investigating potential criminal acts or misconduct on the part of Justice Department employees. This is especially true of actions involving Justice Department attorneys.

In 1990, a congressional inquiry uncovered the fact that no disciplinary action was taken on 10 specific cases investigated by the Justice Department's Office of Professional Responsibility [OPR] in which Federal judges has made written findings of prosecutorial misconduct on the part of Federal prosecutors. Several Federal judges have expressed deep concern over the lack of supervision and control over Federal prosecutors. In 1993, 3 Federal judges in Chicago reversed the conviction of 13 members of the El Rukn street gang on conspiracy and racketeering charges after learning that assistant U.S. attorneys had given informants alcohol, drugs and sex in Federal offices in exchange for cooperation, and had knowingly used perjured testimony. No criminal charges have ever been made against the Federal prosecutors nor has OPR taken any meaningful disciplinary action, other than firing one U.S. attorney.

Unfortunately for our democracy, over the years the Justice Department has built a wall of immunity around its attorneys so that it is extremely difficult to control the actions of an overzealous or corrupt prosecutor. In many instances, the Attorney General has filed ethics complaints with State bar authorities against nongovernmental lawyers who complain about ethics lapses by Federal prosecutors. How has Congress let this agency get so out of control?

The majority of Justice Department officials are hardworking, courageous and dedicated public servants. The unethical and criminal actions of a few officials and attorneys are tarnishing the reputation of the department. By allowing these actions to go unpunished or by not taking aggressive action in the form of criminal indictments, the department is eroding the public's confidence in government.

As the El Rukn case illustrated, in their zeal to gain a conviction, Federal prosecutors overstepped the boundaries of the ethical and legal behavior. As a result, dangerous criminals were either set free or received greatly reduced sentences. Such actions are unac-

ceptable. The Federal Government needs to act in an unambiguous and aggressive manner against any Federal prosecutor or official who betrays the public trust in such a blatant and damaging fashion. Sadly, that was not done in the El Rukn case, and countless other cases where Justice Department officials acted in an unethical or illegal manner.

The American people expect that the Justice Department—more than any other Federal agency—conduct its business with the highest level of ethics and integrity. It is imperative that the Independent Counsel Act be amended to require that allegations of criminal misconduct on the part of Justice Department employees be treated with the same seriousness as allegations made against high ranking cabinet officials. I urge all of my colleagues to support this bill, the text of which is as follows:

H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ADDITIONAL AUTHORITY FOR APPOINTMENT OF INDEPENDENT COUNSEL.**

Section 592(c) of title 28, United States Code, is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting "; or"; and by adding after subparagraph (B) the following:

"(C) the Attorney General, upon completion of a preliminary examination under this chapter, determines that there are reasonable grounds to believe that—

"(i) employees of the Department of Justice have engaged in misconduct, criminal activity, corruption, or fraud, and

"(ii) further investigation is warranted."

**INTRODUCTION OF LEGISLATION TO REQUIRE THE INSTALLATION OF EMERGENCY LOCATOR TRANSMITTERS ON AIRCRAFT**

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 11, 1997*

Mrs. KENNELLY. Mr. Speaker, I am pleased to rise today to introduce the Airplane Emergency Locator Act with Mr. SHAYS. This important legislation would require the installation of emergency locator transmitters in small aircraft to save lives. Unfortunately, current law exempts many types of small planes, including Lear jets from the requirement to install these lifesaving devices.

This past Christmas Eve, two Connecticut residents piloting a plane to New Hampshire crashed near the Lebanon Municipal Airport. An extensive search in cooperation with the Federal Government and six States including Connecticut was unsuccessful in locating the plane or any survivors. This plane did not have an emergency locator device, which could have made a difference in saving the lives of these two men.

Timing is such a critical element in rescue operations. Providing additional tools for search and rescue teams to locate plane crashes more quickly can mean the difference between life and death. It is unfortunate that tragedy prompted the introduction of this legislation. But it is my hope that this event will force the necessary changes to aid future rescue efforts and save lives.

I applaud my colleague CHRISTOPHER SHAYS for taking the lead of this lifesaving legislation and I am pleased to join him today in introducing this bill, and I urge all my colleagues to join us in supporting the Airplane Emergency Locator Act.

**TRIBUTE TO TOM STAPLETON**

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 11, 1997*

Mr. FAZIO of California. Mr. Speaker, after 50 years of service and leadership in the International Union of Operating Engineers Local 3, T.J. ("Tom") Stapleton is being honored by his friends and peers.

Tom Stapleton was first elected in 1982 as business manager and chief presiding officer of Local 3 of the Operating Engineers. Based in Alameda, CA, Local 3 represents 35,000 members in northern California, northern Nevada, UT, and Hawaii—the largest construction local union in the country. Tom took the helm of the union and guided it safely through the most turbulent economic times in the history of the construction industry.

A visionary in every sense of the word, Tom understood the importance of strengthening the bridges between unions and employers for the benefit of the men and women of the construction industry. When medical costs were escalating out of control for construction workers, he brought unions and employers together to build a vast network of contract health care providers. This network, the Basic Crafts Health Care Coalition, has brought health care costs back under control.

It can be said that Tom Stapleton never picked a fight, but he never backed away from one, either. Tom organized a grassroots program that mobilized thousands of workers when the prevailing wage laws that provides stability to the construction industry were threatened. He also spearheaded the Foundation for Fair Contracting, a program which monitors the illegal construction industry and provides evidence against unscrupulous contractors who cheat their employees out of wages and benefits.

Tom has earned the admiration and respect from those in the highest levels of government, the labor movement, and the business community for his leadership and genuine care for the well-being of those who make construction their livelihood.

Mr. Speaker, I would like to take this opportunity to extend our heartfelt congratulations upon the retirement of Tom Stapleton. I know Tom will be just as successful in his future endeavors as he was at Local 3.

**TRIBUTE TO NELDA BARTON-COLLINGS**

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 11, 1997*

Mr. ROGERS. Mr. Speaker, during our lifetimes, we each have an opportunity to make our mark in this world. Some of us meet this challenge with tremendous gusto and commitment, and today I want to pay tribute to an outstanding woman who has done just that.