

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.

Nelda Barton-Collings is a 40-year resident of Corbin (Whitley County) in Kentucky's 5th Congressional District, which I represent. Nelda is more than a constituent. She is a friend, a certified medical technologist, a licensed nursing home administrator, a successful business entrepreneur, a political activist, a mother, a grandmother, a great-grandmother, and an inspiration to thousands of people in my home State of Kentucky.

When President Dwight D. Eisenhower said that politics should be a part-time profession for every citizen who wants to protect the rights and privileges of free people and wants to preserve what is good in our national heritage, he must have been thinking of Nelda Barton-Collings.

Nelda first ventured into politics during the late 1950's when her brother-in-law ran for tax commissioner of Whitley County. Since then, she has emerged as an effective leader in the Kentucky GOP, a committed representative for our State, and a prominent national figure. She served as Kentucky's Republican National Committeewoman for nearly 29 years—longer than any of the RNC's other members—and during the last four years she had the honor of serving as the RNC's national secretary. She was also the first woman from Kentucky to give a major address during a Republican National Convention (1980).

But, Nelda is more than a woman involved in Republican politics. She is an accomplished businesswoman, and she has a long history of being very involved in her community. In 1990 she was elected the first woman chairman of the board for the Kentucky Chamber of Commerce. From 1990–92 she sat on the National Advisory Council to the Small Business Administration. She was appointed by President Reagan to the Federal Council on Aging and by President George Bush to the President's Council on Rural America.

The many awards and honors she has received over the years speak volumes regarding her concern for and investment in Kentucky. She was recognized in 1992 by the Kentucky Association of Health Care Facilities when they established the Nelda Barton Community Service Award in her honor. October 22, 1973, was proclaimed Nelda Barton Day by the mayor of Corbin. Additionally, she has received the Kentucky Medical Association's Outstanding Layperson Award (1992); Cumberland College's Medal of Honor (1988); the Kentucky Business and Professional Women's Kentucky Woman of Achievement Award (1982–1983); Kentucky Federation Republican Woman of the year (1968); the Tri-County Woman of Achievement (1982); the Dwight David Eisenhower Award (1970); and I could go on and on.

Although there is no one I know of that has devoted more time and attention to Republican activities than Nelda, she has always been very well-respected by people of all political persuasions. Her number one priority has been bringing people together and pursuing ideals that will make our Nation strong. Her politics have always been marked by her concern for those around her. She has made her mark in Kentucky with a touch of class and an abundance of style.

I want to thank Nelda for all her hard work over the years on behalf of Kentuckians. While she will be greatly missed as Kentucky's representative on the Republican National Committee, I have no doubt that she will continue

to serve as an inspiration to the men and women of our State.

#### SALUTING THE CUYAHOGA COUNTY BAR FOUNDATION AND BAR ASSOCIATION PUBLIC SERVANTS MERIT AWARD RECIPIENTS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 11, 1997*

Mr. STOKES. Mr. Speaker, I rise today to salute eight outstanding individuals who will be honored later this week at a special ceremony. On February 14, 1997, the Cuyahoga County Bar Foundation and the Cuyahoga County Bar Association will host the 51st Public Servants Merit Awards Luncheon. At the luncheon, the honorees will receive the Franklin A. Polk Public Servants Merit Award. The individuals to be honored are: Delores Bell; Charles T. Birmelin; Michael Flanagan; Deborah Fleischer; John P. Garmon; Rosanne O'Brien; Fred W. Papay; and Maryellen Reddy.

The Public Servants Merit Award is named in honor of a distinguished lawyer, the late Franklin A. Polk. During his career, attorney Polk was committed to recognizing the contributions of public servants. He also chaired the annual awards luncheon for 40 years.

Mr. Speaker, I take great pride in saluting the 1997 Public Servants Merit Award recipients. Each of the individuals is more than deserving of this level of recognition. At this time, I want to share with my colleagues and the Nation some information regarding the honorees.

Delores A. Bell, as an employee of the Cleveland Municipal Clerk of Courts since 1972, Delores holds the title of deputy clerk. She is responsible for maintaining a safe and secure office, sorting caseloads from the previous day, initial processing of tickets from the division of building and housing as well as the Department of Health and the City Income Tax Dept.

During the late 1960's through the early 1970's, Delores worked inside the voting booth on each election day.

Married to John for nearly 35 years, she is the mother of three grown children, Monte, Sonita and Tyronn. She states that her most outstanding accomplishment has been to raise her three children and be the very best mother possible. She is also proud of the fact that one child has earned two college degrees and the other two will soon earn their degrees as well. Delores states, "If I could live my life over, there are a few things I would do differently, but I would not change my walk with the eternal deity. It is best to give your children all of the time you can when they are young".

Her activities include walking miles around the track in the spring, summer and fall. For relaxation she enjoys traveling, going to the movies and meditating.

Charles T. Birmelin, a 1961 graduate of the Stenotype Institute of Washington, DC, Charles T. Birmelin began his career in the field of court reporting with Mehler and Hagestrom as a free-lance reporter for 5 years. In 1970 he came to work for the Cuyahoga County Court of Common Pleas taking the position of assistant official court reporter. By 1979, Charles has assumed the very demanding position of chief official court reporter. His responsibilities include oversee-

ing the staff of 42 court reporters, plus two administrative staff. He services 33 judges of the court of common pleas; provides answers to persons who may have questions relating to the court reporters; as well as provide answers for the general overall supervision of the entire court reporting department and staff.

A native of Mansfield, OH, Charles also enlisted in the U.S. Army in 1962 and was decorated with the "Good Conduct Award" and the "Distinguished Service Award" before being discharged in 1965. Charles lists his outstanding accomplishments as being elected president of the Ohio Court Reporters in both 1978 and 1979 and receiving an award of being a fellow of the national court reporters Assoc. He was also an Eagle Scout and a troop leader in the Boy Scouts of America, Mansfield, OH.

For relaxation Charles enjoys fishing, boating and camping. He says he also likes to go to auctions to find that "good buy" of an antique.

Michael E. Flanagan, St. Edward's and Cleveland State undergraduate, Michael Edward Flanagan comes to his position as chief deputy bailiff of Cleveland Municipal Court based on a long family commitment to public service. His father was Chief Bailiff from 1948 to 1984 and his grandfather served in the Cleveland police department from 1921 to 1951. Michael's current responsibilities in the administrative services department include being a project leader to review current court programs to improve and modernize them. Since 1988, he has also been responsible for the design and implementation of the court's computerization [CJIS]. He also has participated in "Bailiff Basic Training" through the Ohio Peace Officer Training Council as well.

Michael is equally committed to his family and his community. The father of Colleen, Kevin, Kathleen, and Megan, and husband for 18 years to Maureen, Michael devotes his time to St. Christopher Catholic Church, Ohio Association of Court Administrators, Normandy Nursing Home, Rocky River Municipal Court Security Advisory Committee, and still finds time to coach girls softball among other activities.

In his "free" time he enjoys traveling, hiking, canoeing, and family camping. He loves spending time working on his home computer which translates into better service to the Court.

Deborah Jean Fleischer, Deborah Jean Fleischer has spent the last 27 years of her life working for the Cuyahoga County Probate Court. At the age of 19, she assumed her first position with probate court in the docket department. Ten years later she transferred to the order department where she would eventually become supervisor in 1987. Prior to this position, Deborah worked part-time in a gift shop at Cleveland Hopkins International Airport while still attending high school.

Her duties at the court include: Certifying court documents; preparing court records for filing in the Court of Appeals; doing genealogical research; and assisting the general public when necessary.

Deborah has always been involved with her community. She was a volunteer for the project learn organization which helped teach illiterate adults to read. She volunteers through her church to help deliver food to local shelters, and she is also a very strong animal rights advocate, being involved in the Berea Animal Rescue Center.

In her spare time, she loves traveling and has visited many European locales including Italy, Austria, Zurich, and Switzerland. Traveling isn't the only thing she loves to do; she has a love of animals for which her neighbors can attest. She can often be seen