

from Purdue University and the New Jersey Institute of Technology, being selected a Distinguished Engineering Alumnus and Old Master by Purdue University, being a recipient of the Civil Engineering Alumni Association's Distinguished Alumnus Award of the University of Illinois, and being a recipient of the Edmund Friedman Professional Recognition Award and the James Laurie Prize both given by the American Society of Civil Engineers.

Mr. Speaker, I ask you and my colleagues to join me today in paying tribute to this outstanding civic leader and businessman. Dr. Hampton's historic selection as the first African-American president of the American Society of Engineers is a reflection of his impeccable credentials and a testament to the successes that can be achieved by minorities when they are empowered with education and opportunity. The example of excellence he exemplifies deserves the highest commendation.

INTERSTATE CLASS ACTION  
JURISDICTION ACT OF 1999

SPEECH OF

**HON. MICHAEL N. CASTLE**

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1875) to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions:

Mr. CASTLE. Mr. Chairman, I rise today in strong support of H.R. 1875, the "Interstate Class Action Jurisdiction Act of 1999" because it contains provisions essential to preserving the reliable body of state case law that guides the governance of internal corporate affairs, most of which is developed by specialized courts in my state of Delaware. The depth and quality of this case law gives boards of directors for corporations all over the country the necessary guidance and predictability to move forward with multi-million dollar transactions according to their business judgment without the threat of courts overturning these transactions.

On July 22, 1998, the House passed H.R. 1689, the "Securities Litigation Uniform Standards Act" by a vote of 340 to 83. That bill contained a non-controversial carve out, constructed with technical assistance from the Securities Exchange Commission (SEC), for state class actions involving the purchase or sale of securities. Congress and the SEC recognized that the states had a well-developed body of law on the fiduciary duty of directors to disclose information to shareholders in connection with votes and investment actions, such as proxy solicitations, mergers, restructurings, exchanges and tender offers. Therefore, there was no need to remove class actions concerning these transactions from state courts to federal courts.

As originally drafted, the Class Action Jurisdiction Act failed to provide for this same protection of state expertise. In fact, it would have undone the widely accepted Securities Litigation Uniform Standards Act's carve out. Furthermore, because the Class Action Jurisdiction Act federalizes a broader range of class actions, adding the Securities Litigation Uni-

form Standards Act carve out would not have been sufficient. Therefore, in cooperation with expert corporate law attorneys from both the plaintiff and defense bars, legal scholars, and Congressman GOODLATTE, I drafted an amendment to carve out class actions involving securities and internal corporate governance matters. The amendment was included in the manager's amendment when the bill was marked up in the Judiciary Committee.

Some of my colleagues have raised concerns that state corporate law issues should not be the only ones exempted from "federalization" under the Class Action Jurisdiction Act. I look forward to the debate on whether other class actions should be exempted. However, it is important to note that what makes corporate law issues unique is that there is no federal corporate law. State incorporation laws act like enabling statutes. That is, there is no law unless case law develops it. Traditionally, this law has been developed at the state level. Delaware, New York, and California particularly have large bodies of well-developed state corporate law. Given the structure of the federal court system with twelve circuit courts of appeal and the limited ability of the Supreme Court to adjudicate conflicts among the circuits, the removal of state courts from the adjudicatory process for class actions involving corporate law issues could add significant uncertainty to the resolution of issues arising under state corporate laws.

The SEC recognized this problem in its testimony concerning the Securities Litigation Uniform Standards Act. It stated:

Preemption of state duty of disclosure claims raises significant federalism concerns. Many state courts, particularly those in Delaware, have developed expertise and a coherent body of case law which provides guidance to companies and lends predictability to corporate transactions. In addition, the Delaware courts, in particular, are known for their ability to resolve such disputes expeditiously—in days or weeks, rather than months or years. Delay in resolving a dispute over a merger or acquisition could jeopardize completion of a multi-billion-dollar transaction. Broad preemption would diminish the value of this body of precedent and these specialized courts as a means of resolving corporate disputes.

Furthermore, a trend has begun to emulate Delaware by creating courts with jurisdiction designed to provide a forum for the resolution of disputes involving business entities with expertise and efficiency. New York and Pennsylvania have created such courts. This reflects a judgment that the coherent articulation and development of state law governing business entities is a goal to be pursued, and one best addressed by the creation of a forum with subject matter expertise in the area. Federalizing class actions involving state corporate law would only serve to fracture the development of the law, rather than leaving it in the hands of a small number of highly specialized and expert jurists, conversant with the history and current trends in the development of the law.

Mass tort product liability law is not a highly specialized area of the law requiring adjudication by judges specially trained in the subject matter. The issue of whether or not we federalize mass tort product liability suits does not jeopardize the completion of multi-billion-dollar transactions that can determine if U.S. companies will continue to compete in the global marketplace.

Mr. Chairman, I am extremely proud of the corporate law legal expertise that has developed in Delaware. It is just one of many features that makes Delaware a "Small Wonder." Members may have divided opinions on the merits of the overall legislation, but just as there was no controversy over the state corporate law carve out when the House passed the Securities Litigation Uniform Standards Act, there should be no controversy over the need for the corporate law carve out in this bill.

MOTION TO INSTRUCT CONFEREES  
ON H.R. 1501, JUVENILE JUSTICE  
REFORM ACT OF 1999

SPEECH OF

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Ms. WOOLSEY. Mr. Speaker, I rise today in support of my colleague from New York's motion to instruct.

Once again, we are standing here having to remind Republicans that protecting our children from gun violence is the most important issue we should be addressing in Congress.

And yet, my colleagues on the other side of the aisle are sitting and doing nothing. We can not stand for this!

Every day that goes by that we do not act is another day a child falls victim to gun violence. How many more deaths are we going to allow before we take action?

Our children are scared and so are their parents. We cannot afford to let another child slip through the cracks.

I ask you, who's taking care of our children?

Let's address this issue once and for all. Let's not sacrifice the life of another child to indecision.

IN HONOR OF HELEN KARPINSKI  
ON HER 100TH BIRTHDAY

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Helen Karpinski on her 100th birthday, October 7, 1999. She will be celebrating this joyous occasion with her family on October 10, 1999.

Born in 1899 in Cleveland, Ohio, Helen Karpinski has dedicated her life to government and civic service. She has actively participated in the American Polish Women's Club and has been a member of the Cleveland Cultural Garden Federation. Additionally, she has spent her life being a political activist, promoting and supporting women aspiring to public office. She helped catalyze the women's movement in government by such accomplishments as being the first woman to survive a primary election for Cleveland City Council under the current city charter. The work she has done for women in politics has been immeasurable.

At 100 years young, Helen continues to live a fulfilling and happy life. She has been a wonderful mother of three beautiful daughters, Gloria, Mercedes, and Diane. Helen is loved

by her family and the many lives in her community that she has touched. My fellow colleagues, please join me in wishing a great lady a very happy birthday and many more delightful years to come.

**SUPPORTING THE ETHNIC AND MINORITY BIAS CLEARINGHOUSE ACT OF 1999**

**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 24, 1999*

Mr. ENGEL. Mr. Speaker, I rise in support of greater diversity in our national media. If we learned anything this past year, it is that the media has a tremendous influence in our day-to-day lives. The impact of this "Information Age" influence needs to be examined because it does not always promote accurate images. To address this important issue, I introduced H.R. 125, the "Ethnic and Minority Bias Clearinghouse Act of 1999."

While this legislation will shed a good deal of sunshine upon our media, it will not attempt to place any mandates upon broadcasters. H.R. 125 will direct the Federal Communication Commission to begin compiling data on complaints, grievances and opinions regarding radio and television broadcasters depiction of ethnic and minority groups. This information will be released to the public on a yearly basis and will be discussed in an annual conference to examine our nation's perception of the media's depiction of our great ethnic diversity.

In support of my legislation I submit for the RECORD a letter that was sent by the National Italian American Foundation (NIAF) to the Academy of Television Arts and Sciences which illustrates the need for my legislation.

*September 7, 1999.*

MS. MERYL MARSHALL,  
*Chairwoman and CEO, The Academy of Television Arts and Sciences, North Hollywood, CA.*

DEAR MS. MARSHALL: The National Italian American Foundation (NIAF) is pleased to note that a large number of Italian Americans have been nominated by The Academy of Television Arts and Sciences for their contributions to primetime television.

Your September 12th Annual Primetime Emmy Awards has nominated NIAF supporters such as Stanley Tucci for Outstanding Lead Actor In A Miniseries Or Movie; Joe Mantegna for Outstanding Supporting Actor in the same category; and Tony Danza as Outstanding Guest Actor In A Drama Series. Italian Americans are also up for awards in comedy, drama, direction, editing, hairstyling, makeup, and music.

These nominations confirm the tremendous contributions that Italian Americans have made in the fields of art and entertainment. However, NIAF is greatly concerned about the amount of attention and acclaim which has been given to the Home Box Office series, "The Sopranos", and how it relentlessly focuses only on Italian Americans in organized crime.

NIAF appreciates and recognizes the acting skills and hard work of Emmy nominated performers like James Gandolfini, Lorraine Bracco, and Edie Falco, as well as the work of the rest of the cast and crew. But NIAF agrees with writer Bill Dal Cerro, who wrote in the June 20th Chicago Tribune that the show "not only exploits popular prejudice about Italian Americans, but allows the audience to giggle at such images guilt-free."

This past year has seen an open season assault by the entertainment industry on people of Italian American heritage. Whether it be a Pepsi television ad featuring a little girl speaking in an Italian American "Godfather" voice, derogatory films such as Spike Lee's "Summer of Sam", or TNT's despicable "Family Values: The Mob & The Movies", your industry has reinforced the stereotype that all Italian Americans are losers, or mobsters, or both.

The stereotyping is also insidious: type in the phrase "Italian Americans" in the internet search box of HBO's parent company, Time Warner, and you get a glossary of terms from "The Sopranos" with words like "Stugots", "Ginzo gravy" and "Wonder Bread Wop." These words are offensive to Italian Americans and should not be glamorized on the world-wide web in so careless a fashion.

Clyde Haberman of the New York Times, wrote the following in a July 30th article entitled "An Ethnic Stereotype Hollywood Can't Refuse":

"In this age of correctness, other groups have managed to banish the worst stereotypes about them. How often these days do you see shuffling blacks, grasping Jews or drunken Irishmen on the screen? . . . (but) Among major ethnic groups that have formed the country's social bedrock for at least a century, Americans of Italian origin may be the last to see themselves reflected in mass culture, time and again, as nothing but a collection of losers and thugs."

A study by the Italic Studies Institute, Floral Park, New York, bears out Mr. Haberman's assertion. The Institute analyzed 735 Hollywood films that featured Italian Americans from 1931 to 1998. It found 152 films were positive and 583 were negative towards Italian Americans.

NIAF agrees with Bergen, New Jersey Assemblyman Guy Talarico, who recently said that Italy has produced some of the finest artists, scientists, athletes and other professionals. Mr. Talarico introduced a resolution condemning the film industry's negative portrayal of Italians and warned that "it is inaccurate and insensitive to insinuate that a small number of people (in organized crime) represent an entire ethnic group." Or to put it another way, Energy Secretary Frederico Pena told a conference last year that stereotyping "is the package in which racism finds a home." And if allowed to continue, Pena said "we depersonalize each other and we see not the faces of the personal stories we can all share but the face of an impersonal group."

In fact, because Hollywood has been reluctant to reduce harmful stereotyping of Italian Americans and other minorities, NIAF has given its full support to "The Ethnic and Minority Bias Clearing House Act of 1999." The bill, HR 125, sponsored by New York Congressman Eliot Engel, would create an office, probably within the Federal Communications Commission, to collect and analyze the media's portrayal of ethnic, racial and religious minorities, with an annual report on such portrayals in the industry prepared for Congress.

NIAF has begun a major effort to "Stamp Out Italian American Stereotyping," and we need the help of influential people in the entertainment community like yourself to help us achieve success.

We have enclosed NIAF's report, "Fact Sheets On Italian Americans In US History And Culture", and ask that you review it and distribute it to all members of the Academy of Television Arts and Sciences. The 37-page document contains a listing of significant contributions Italian Americans have made to the US in such fields as politics, edu-

cation, entertainment, sports and law enforcement. Academy members who read this document, which is also available on NIAF's web site, [www.niaf.org](http://www.niaf.org), would get a fuller representation of Italian Americans which could lead to depicting our people on television and in the movies in a more positive fashion.

We also ask that the Academy consider for next year's awards the Arts and Entertainment (A&E) film "Italians in America" and the History Channel film "Ellis Island." Both will be shown in October and both document Italian American history and achievements.

Finally, we would ask that the Academy agree to participate in an NIAF-sponsored workshop on "Italian American Stereotyping" which will take place in the second quarter of the Year 2000. Your participation will convince others in the entertainment industry that this is a problem which needs to be addressed if 20 million Americans of Italian descent, the nation's fifth largest ethnic group, are to be fairly depicted, as honest, hard-working individuals.

I have designated Dona De Sanctis, head of the NIAF's Media Institute Board, as your direct contact on these issues. Please contact her at NIAF headquarters, 1860 19th St., NW, Washington, DC, 20009, telephone: (202) 387-0600.

Sincerely,

FRANK J. GUARINI,  
*NIAF Chairman.*

**CONCORDIA LUTHERAN SCHOOL DRUG TESTING**

**HON. MARK E. SOUDER**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 24, 1999*

Mr. SOUDER. Mr. Speaker, there has been occasional controversy about drug-testing high school students.

Evidence is showing that this is the single most effective way to actually reduce drug abuse at school.

The Concordia Lutheran school system in Fort Wayne, Indiana is the largest Lutheran School system in the nation.

The following is an excellent summary of their reasons and debate around implementing a drug testing program.

I hope other school systems will show the commitment to improving the lives of their students that Concordia has.

FORT WAYNE LUTHERAN ASSOCIATION FOR SECONDARY EDUCATION,  
CONCORDIA LUTHERAN HIGH SCHOOL

*Fort Wayne, IN, September 21, 1999.*  
To The Honorable Mark Souder.  
Re Substance Abuse Prevention Program  
Concordia Lutheran High School.

Thank you for the opportunity to share information on our newly-instituted program of substance abuse prevention, including the requirement of random drug testing for all students and staff.

A bit of the history of this effort . . . The student surveys we have had conducted by research firms in Fort Wayne over the past 5-8 years have clearly confirmed our sense that the problem of student use of drugs and alcohol was in many ways similar to that of other schools. We have never hid from that reality, yet it was not until the spring of 1998 that we finally moved in a significant way to address and "do something" about the problem.