

Through 42 years of marriage, 35 years of selfless dedication to their parish and community, and 3 wonderful children, David and Ann Cannon have remained the central characters in a wonderful life story. I know I speak for countless others in the Norwich area in wishing that the next chapter in their remarkable life story be one of many rewarding years filled with love and happiness.●

#### DUTCH AMERICAN HERITAGE DAY

● Mr. KYL. Mr. President, on November 17, 1776 a small American warship, the *Andrew Doria*, sailed into the harbor of the island of Saint Eustatius in the West Indies. Only 4 months before, the United States had declared its independence from Great Britain. The American crew was delighted when the Governor of the island, Johannes de Graaf, ordered that his fort's cannons be fired in a friendly salute. The first ever given by a foreign power to the flag of the United States, it was a risky and courageous act. The British seized the island a few years later. De Graaf's welcoming salute was a sign of respect, and today it continues to symbolize the deep ties of friendship that exist between the United States and the Netherlands.

After more than 200 years, the bonds between the United States and the Netherlands remain strong. Our diplomatic ties, in fact, constitute one of the longest unbroken diplomatic relationships with any foreign country.

Fifty years ago, during the second world war, American and Dutch men and women fought side by side to defend the cause of freedom and democracy. As NATO allies, we have continued to stand together to keep the transatlantic partnership strong and to maintain the peace and security of Europe. In the Persian Gulf we joined as coalition partners to repel aggression and to uphold the rule of law.

While the ties between the United States and the Netherlands have been tested by time and by the crucible of armed conflict, Dutch American Heritage is even older than our official relationship. It dates back to the early seventeenth century, when the Dutch West India Company founded New Netherland and its main settlements, New Amsterdam and Fort Orange—today known as New York City and Albany.

From the earliest days of our Republic, men and women of Dutch ancestry have made important contributions to American history and culture. The influence of our Dutch ancestors can still be seen not only in New York's Hudson River Valley but also in communities like Holland, Michigan and Pella, Iowa where many people trace their roots to settlers from the Netherlands.

Generations of Dutch immigrants have enriched the United States with the unique customs and traditions of their ancestral homeland—a country that has given the world great artists and celebrated philosophers.

On this occasion, we also remember many celebrated American leaders of Dutch descent. Three presidents, Martin Van Buren, Theodore Roosevelt and Franklin D. Roosevelt, came from Dutch stock.

Our Dutch heritage is seen not only in our people but also in our experience as a Nation. Our traditions of religious freedom and tolerance, for example, have spiritual and legal roots among such early settlers as the English Pilgrims and the French Huguenots, who first found refuge from persecution in Holland. The Dutch Republic was among those systems of government that inspired our Nation's Founders as they shaped our Constitution.

In celebration of the long-standing friendship that exists between the United States and the Netherlands, and in recognition of the many contributions that Dutch Americans have made to our country, we observe Dutch American Heritage Day on November 16.

I salute the over eight million Dutch Americans and the sixteen million people of the Netherlands in the celebration of this joyous occasion.●

#### USE OF SECRET EVIDENCE IN DEPORTATION PROCEEDINGS

● Mr. MOYNIHAN. Mr. President, on November 6, Nat Hentoff devoted his ever insightful column to the Kafka-like use of secret evidence by our Federal government in deportation proceedings. Once again, Mr. Hentoff has highlighted yet another distressing aspect of the 1996 Anti-Terrorism and Effective Death Penalty Act. I ask that Mr. Hentoff's column be printed in the RECORD.

The column follows.

[From the Washington Post, Nov. 6, 1999]

#### PROSECUTION IN DARKNESS

(By Nat Hentoff)

Around the country, 24 immigrants, most of them Muslim or of Arab descent, are being detained—that is, imprisoned—by the Immigration and Naturalization Service, which intends to deport them.

None of them, nor any of their lawyers, has been allowed to see the evidence against them or to confront their accusers. This denial of fundamental due process is justified on the grounds of national security.

In 1996, the president signed the Anti-Terrorism and Effective Death Penalty Act, which authorized secret evidence. A federal district judge in Newark, N.J., William Walls, has now described this as "government processes initiated and prosecuted in darkness." (The use of secret evidence, however, goes back to the 1950s).

Although many active lawsuits, in various stages, are attacking this use of secret evidence, Judge Walls is the first jurist to flatly declare the use of such evidence unconstitutional.

His decision was in the case of Hany Mahmoud Kiareldeen, a Palestinian who has been in this country for nine years, managed an electronics store in New Jersey and is married to an American citizen.

First arrested for having an expired student visa, he later was accused of meeting in his New Jersey home, a week before the 1993 World Trade Center bombing, with one of the

men convicted in that attack. He also was accused of threatening to kill Attorney General Janet Reno.

The source of this classified evidence is the FBI's Joint Terrorism Task Force. But, as Judge Walls has noted, the INS failed to produce any witnesses—either from the FBI or from the INS—or "original source material" in support of these charges. Therefore no witnesses could be cross-examined at the hearings.

At the hearings, Kiareldeen produced witnesses and other evidence that he was not living in the town where he is supposed to have met with bombing conspirators. And an expert witness, Dr. Laurie Mylerioie, appeared for him. She is described by James Fox, former head of the FBI's New York office, as "one of the world-class experts regarding Islam and the World Trade Center bombing." She testified that no evidence showed that the accused had any connection with that bombing.

The government's evidence, said the judge, failed "to satisfy the constitutional standard of fundamental fairness." The INS—part of the Justice Department—denied Kiareldeen's "due process right to confront his accusers . . . even one person during his extended tour through the INS's administrative procedures."

These due process protections, declared the judge, "must be extended to all persons within the United States, citizens and resident aliens alike. . . . Aliens, once legally admitted into the United States are entitled to the shelter of the Constitution." The judge went even farther. Even if the government's reliance on secret evidence has been provably based on a claim of national security, Judge Walls—quoting from a District of Columbia Court of Appeals decision, *Rafeedie v. INS*—asked "whether that government interest is so all-encompassing that it requires that the petitioner be denied virtually every fundamental feature of due process."

In *Rafeedie*, Judge David Ginsburg noted in 1989 that the permanent resident alien in That case, in this country for 14 years, was "like Joseph K. in Kafka's 'The Trial' in that he could only prevail if he were able to rebut evidence that he was not permitted to see."

Kiareldeen is now free after 19 months, but Judge Walls's decision that secret evidence is unconstitutional applied only to the state of New Jersey. The INS did not pursue its appeal because it wants to avoid a Supreme Court decision. The INS continues to insist it will keep on using secret evidence.

One of the victims of these prosecutions in darkness still in prison is Nasser Ahmed, who has been in INS detention for 3½ years.

Congress has the power to bring in the sunlight by passing the Secret Evidence Repeal Act of 1999 (H.R. 2121)—introduced in June by Rep. David Bonior (D-Mich.). It would "abolish the use of secret evidence in American courts and reaffirm the Fifth Amendment's guarantee that no person shall be deprived of liberty without due process."

Will a bipartisan congress vote in favor of the Constitution? And then, will the president allow the removal of the secret evidence provisions of his cherished 1996 Anti-Terrorism Act?●

#### HAPPY BIRTHDAY PERRY, GEORGIA

● Mr. CLELAND. Mr. President, on the eve of its one hundred and seventy-fifth birthday, I rise today to recognize a most charming and prosperous town, Perry, GA. When the first settlers came to the fertile plains of central Georgia, they found a wealth of natural

resources that promised prosperity. The land proved not only beautiful, but also perfectly suited for agriculture. The town's initial successes attracted entrepreneurial citizens who contributed greatly to Perry's strong industrial and agricultural presence in Georgia which continues to grow to this day.

Perry is the seat of Houston County, and is blessed with a rich abundance of natural, historic and cultural diversity. Formerly known as Wattsville, Perry became the first official town in the county on November 25, 1824. Perry is named after Commodore Oliver Perry, who became famous for a battle on Lake Erie during the war of 1812. During the battle of September 10, 1813, Perry defeated and captured a flotilla of six large British frigates with an improvised fleet of nine American vessels and in so doing neutralized the British naval presence on Lake Erie.

For as long as anyone can remember, Perry has been a favorite place for tourists to stop. Known as the "Crossroads of Georgia," Perry is located in the geographic center of the state where U.S. Highways 341 and 41 and the Golden Isles Parkway intersect with Interstate 75. With an ideal location along I-75, Perry has long enjoyed the distinction as Georgia's halfway point to Florida. As a result, snowbirds and vacationers of every type have recognized Perry as a pleasant place to stop and rest, grab a bite to eat at one of Perry's many restaurants, including one of my favorites, The New Perry Hotel, or simply to enjoy the peacefulness of the small town. Combined with the graciousness with which they are received by Perryans, many have found it difficult to leave!

For festival-goers, Perry's warm climate and 628-acre events complex provide ample opportunity for fun and entertainment. Perry is home to Georgia's National Fair, a much-anticipated, 10-day extravaganza held each October. Activities at the fair are reminiscent of county fairs of old, revolving around livestock and horse shows, FAA and FHA events, home and fine arts displays, as well as the ever-popular baking and quilting competitions. This year marked the 10-year anniversary of the fair. The 628-acre complex is the largest of its kind, and the events hosted at the Georgia National Fairgrounds and Agricenter have an estimated economic impact of \$30 million annually.

For about two weeks starting in mid-March, the Peach Blossom Trail on U.S. 341 north of Perry is lined with pink and white blossoms. From mid-May through mid-August, an abundance of fresh peaches can be found for sale at roadside stands. Dogwoods and azaleas bloom profusely during the spring and camellias brighten the landscape during the winter. The dogwood has been adopted as the city's official tree. Perry's downtown has been maintained as a colonial-style village with specialty shops and restful atmosphere.

More than the festivals, beauty, history or industry, it is the wonderful people of Perry who make it such a unique place. Perry manages to maintain a less hectic pace and small town friendliness that has become a rarity in today's hustle-bustle society. There is an extremely strong sense of community in Perry as is evident in the strong church attendance, school participation, civic activism and neighborhood involvement among Perry's citizens. Additionally, Perry can be claimed as home by such noted national leaders as General Courtney Hodges of World War II fame, former U.S. Senator Sam Nunn, and the late former Congressman Richard Ray.

Mr. President, I warmly request that you and my colleagues join me in paying tribute to a jewel of a town, Perry, GA.●

#### JOHN GIOVANNINI

● Mr. SANTORUM. Mr. President, I rise today to recognize a genuine hero, who paid the ultimate price so that a loved one might live.

John Edward Giovannini, born in 1958, was an employee of US Airways and a member of the Pennsylvania Air National Guard, stationed in Harrisburg, PA. He served in the Marines from 1976 to 1980, and joined the Air National Guard in 1985.

On September 13, 1999, while vacationing with his girlfriend and her family in Ocean City, Maryland, John was faced with a fateful decision. While enjoying a relaxing day on the beach, the calm was suddenly shattered by desperate cries from Kim, the 21-year-old daughter of John's girlfriend. Kim was swimming in the ocean when a rip tide threatened to carry her out to sea. Without concern for his own safety, John immediately swam out to reach Kim before the current could carry her away. Being an exceptionally strong swimmer, John was able to reach Kim despite the rip tide, and began towing her toward the beach. Before reaching shore, John became overwhelmed with exhaustion from fighting the strong current. He continued to struggle toward shore, and when unable to swim any further, John fought with all his might to keep Kim above water as he cried out for help. Kim's grandmother, Deanna, swam out to the pair and successfully helped Kim back to shore. Meanwhile John's friend, Ron, came to his aid and pulled John the remaining distance to the beach. By the time John reached shore, he was completely incapacitated, having expended all of his energy in his effort to save Kim. The lifeguard and medical technicians were unable to revive John, and he died while being transported to the hospital. If not for John's quick actions and refusal to put his own life before Kim's, she would surely have been swept away.

Words can not begin to adequately describe the ultimate sacrifice John made on that fateful September day.

His selfless courage is rarely demonstrated today apart from storybooks and movies. John Giovannini is truly an American hero, and as I extend my heartfelt condolences to John's loved ones for their tragic loss, I would also like to express my sincere admiration for the courage which John displayed throughout this tragic event.●

#### RECOGNITION OF CAPTAIN JAMES L. CARDOSO

● Mr. TORRICELLI. Mr. President, I rise today in recognition of Captain James L. Cardoso, a native of Cherry Hill, New Jersey, as he receives the Silver Star for gallantry from the United States Air Force. Captain Cardoso's daring rescue of a downed F-117 "Stealth Fighter" pilot makes him more than worthy of this prestigious honor. It is a pleasure for me to be able to honor his accomplishments.

On March 27, Captain Cardoso led his helicopter unit through Serbian air defenses within 25 miles of Belgrade. His extraordinary effort is even more remarkable considering the low visibility and the minimal air support his unit received in the rescue. He fearlessly led his formation, at great personal risk to himself and his crew, in penetrating an extremely formidable Serbian air defense system which knew of the rescue. In the process, Captain Cardoso successfully avoided Serbian ground forces located a mere 10 miles away.

Despite these difficulties, Captain Cardoso's unit was able to rescue the downed pilot within 45 seconds of landing. He narrowly escaped encroaching Serbian forces.

Having learned of Captain Cardoso's heroic leadership, I am pleased to recognize his efforts. Captain Cardoso's actions saved an American pilot from enemy hands at a critical time in the Kosovo campaign. By his gallantry and sense of duty, Captain Cardoso has proven a great credit to himself, the State of New Jersey and to the country. I wish him the best as he receives this tremendous honor.●

#### TRIBUTE TO ROBERT GIBSON

● Mr. JEFFORDS. Mr. President, today I rise to pay tribute to an extraordinary Vermonter, a gifted parliamentarian, and a true friend, Robert Gibson. Bob Gibson served the Vermont Legislature for over 35 years, first as Assistant Secretary of the Senate, and then as Secretary of the Senate. In these positions, he provided invaluable advice and counsel to every Senator who has served Vermont, from 1963, until his death in October.

Bob Gibson was born in Brattleboro in 1931, into one of Vermont's most distinguished families, a family dedicated to serving the public good. Bob's grandfather, Ernest Gibson, was president of the state Senate in 1908, a U.S. Congressman and a U.S. Senator. His father, Ernest Gibson, Jr., was an appointed U.S. Senator, Governor of