

here the errors in that Report that we would otherwise have identified.

We would nevertheless make the following observations which we would hope you could make part of the record: (1) as the Minority Report makes clear, Rebekah Poston never asked her investigators to do anything illegal ("In fact, contrary to the Majority's allegations, no evidence received in the Committee demonstrates that Ms. Poston instructed private investigators to break the law"); (2) throughout the hearing, the two investigators at issue, Philip Manuel and Richard Lucas, each testified under oath that Ms. Poston had never asked them to do anything which they thought was illegal; (3) the Department of Justice ultimately granted her request for information by informing her that there was no information to provide in any event; and (4) it was entirely improper to hold and structure a hearing for the evident and sole purpose of provoking a claim of Fifth Amendment rights in order to create the impression that Ms. Poston had done something improper.

Accordingly, we respectfully request that you include this letter as part of the Congressional RECORD relating to the above-described report.

Sincerely,

C. BOYDEN GRAY.

STROOCK & STROOCK & LAVAN,
Los Angeles, CA, October 31, 2000.

Hon. DAN BURTON,
Committee on Government Reform, Rayburn
House Office Building, Washington, DC.

Hon. HENRY A. WAXMAN,
Rayburn House Office Building, Washington,
DC.

DEAR CHAIRMAN BURTON AND REPRESENTATIVE WAXMAN: I represent Soka Gakkai, a lay Buddhist association with more than 10 million members. Soka Gakkai and I are both mentioned in Chapter IV of the Committee's report on "Janet Reno's Stewardship of the Justice Department." Without waiving any applicable privilege, I write to bring to the Committee's attention serious flaws in Chapter IV, which contains numerous demonstrable factual errors, and recklessly accuses private individuals of criminal wrongdoing without any pretense of due process or any substantive evidence. Chapter IV overstates its conclusions and ignores errors and omissions in the investigation.

The report acknowledges that the issues discussed in Chapter IV relate indirectly to litigation in Japan between Nikken Abe and Nichiren Shoshu, on the one hand and my client, Soka Gakkai, on the other. E.g., p. 161. It appears from various sources, including the report's Exhibit 56, that representatives of Nikken Abe and Nichiren Shoshu have had contact with the Committee staff, in an attempt to have the Committee issue a report that would be helpful to their position in the Japanese litigation. The three-judge panel of the Japanese trial court has already ruled unequivocally in favor of Soka Gakkai in that litigation, finding that the position of Nichiren Shoshu and the testimony of Nikken Abe were not credible. The matter is now on appeal and the efforts of Nichiren Shoshu's representatives to influence the Committee are simply an attempt by the losing side to use the Committee to influence the Japanese appellate process. The Committee should guard against such abuse of its processes.

More specific errors include:

1. The report recklessly accuses several private individuals of crimes, including several whom the staff never interviewed. The report accuses several individuals of committing serious crimes. It also accuses others of misleading the Committee. Such

charges, cloaked with the authority of the Committee, are outrageous when made with so little concern for fairness or due process. It is significant that the report modifies many of its charges with qualifiers like "apparently" or "possibly" (e.g., p. 162), but that does not excuse such reckless charges. Simply put, there is no evidence that Soka Gakkai, Jack Palladino or I committed any crime or engaged in any improper activity whatsoever. As the report acknowledges, the staff failed even to interview Mr. Palladino or me about our role in this matter. Id. n. 801. These charges are particularly objectionable because they are not even relevant to the report's central thesis, that Ms. Poston and others working at her direction received favorable treatment at the hands of the Justice Department. E.g., pp. 159-60. Thus, these serious attacks are made almost casually, without any claim or relevance to any public purpose.

In fact, even a preliminary investigation would have revealed that the so-called "reliable source," Richard Lucas, never met with Mr. Palladino or discussed with him any of the facts or issues concerning this matter. Further, an investigation would also have shown that I had no personal involvement with the activity criticized in the report.

2. The report repeatedly relies on a witness who lacks credibility. Many assertions in the report—including many of the most misleading, erroneous or otherwise objectionable assertions—are cited only to Mr. Lucas. E.g., notes 799, 806, 814, 822-24. Mr. Lucas is not a credible witness for several reasons: much of his story to the Committee is contradicted by his own sworn affidavit; he is apparently engaged in a legal dispute with one of the Committee's other witnesses and thus has an incentive to blame that witness for his own conduct; and he committed a conscious and intentional breach of his contractual and ethical obligations to the Steel Hector & Davis law firm. After having been retained by the law firm, he entered into a relationship with individuals hostile to the firm and the interests of its clients, and repeatedly breached his ethical and contractual obligations by secretly and systematically providing the opposing side in a litigation matter confidential information about the law firm's and client's activities.

A further sign that Mr. Lucas is simply not reliable is that he authored several memoranda under a pseudonym, "Michael Wilson." The report never discloses that fact. The report also frequently relies on these memoranda, without any other corroborating evidence. E.g., notes 831, 832, 837. That Mr. Lucas felt compelled to write memoranda under a pseudonym, in a complete departure from ordinary business practice, seriously undermines his credibility and shows that Mr. Lucas understood there was something about his conduct that needed to be hidden. Moreover, the memoranda themselves demonstrate that Mr. Lucas was violating his contractual and ethical duties to the Steel Hector & Davis law firm, and thus are independently not worthy of belief.

Significantly, the report itself accuses Mr. Lucas of criminal misconduct. E.g., p. 168.

3. The report contains sensational charges that it fails to support. The report's headings repeatedly charge individuals or organizations with illegal acts. E.g., p. 162 ("Soka Gakkai Illegally Obtains Information on Nobuo Abe Through Jack Palladino"); p. 163 ("Poston Requests Her Private Investigators To Break The Law"). Those inflammatory headings are not supported by the text. For example, the passage about Mr. Palladino is modified by the word "apparently," and it is sourced only to Mr. Lucas, the tainted witness; as the report concedes in the very next footnote, it did not even bother to discuss

this allegation with Mr. Palladino. Mr. Palladino has publicly stated that he had nothing to do with illegally obtaining any information about Nobuo Abe and had no involvement with obtaining information from any federal source whatsoever. Similarly, Ms. Poston testified that she at no time asked her investigators to break the law.

4. The report lends unmerited credibility to mere speculation. The report seeks to suggest that an employee of the Bureau of Prisons "planted" a fabricated record in the NCIC involving an arrest in Seattle in 1963. The report recognizes this as "speculation," and attributes it to some unnamed "individuals involved in the case," p. 162. There is no evidence to support this speculative theory, and again the staff failed to perform any of the investigative work—such as interviewing knowledgeable law enforcement officials from the Seattle area—that would have helped clarify these facts. The report's careless presentation of the speculation may be injurious to the parties to the lawsuit in Japan—a lawsuit that, once again, the report specifically acknowledges, p. 161.

I ask that the report be corrected in light of this information, or, at a minimum, that this letter be made part of any final report issued by the Committee.

Yours very truly,

BARRY B. LANGBERG.

TRIBUTE TO CHAIRMAN JOHN HICKS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. GILMAN. Mr. Speaker, I am honored to pay tribute to a remarkable constituent who has dedicated his life to serving others.

John S. Hicks, an attorney in my Congressional District whose offices are located in Chester, New York, has been Chairman of the Republican County Committee of Orange County, NY, since 1995. In that capacity, he has diligently worked to build a strong two party system in our country. John never lost sight of the fact that his only motivation for politics is good government.

John encouraged delivering the Republican message by providing a full time Republican Party Headquarters, and by publishing a supplement to our local daily newspaper which he entitled "The Eagle" and which has been an effective vehicle to publicize the principles of our party and the activities of our candidates.

John Hicks, who is a native of Fayetteville, North Carolina, has been a resident of Warwick, NY since he was five years old. A product of the public school system of Warwick, and a graduate of Colgate University and Albany Law School, he has been engaged in the practice of law since 1977.

In 1964, John registered to vote as a Republican at the age of 21, and maintained his dedication to Republican policies during and after his three year stint in the Army during the Vietnam era.

John is a Member of the American, New York and Orange County Bar Associations. He is active with the National Federation of Independent Businesses, the U.S. and the Orange County Chambers of Commerce. He is also active in Warwick's Rotary, the Warwick Community Bandwagon, and the Orange County Citizens Foundation. John also serves on the

Board of Directors of the Orange County United Way and the Arden Hill Hospital, and is a life member of the American Legion.

John and his lovely wife, Judy, are the proud parents of Michael (a West Point graduate), Deanna, Stephanie, Mark, Lisa and Jeffrey.

On Feb. 2, 2001, the Town of Newburgh Republican Committee at their annual Lincoln Day Dinner will honor John as their designee as the "Republican of the Year". Their recognition is long overdue, for John Hicks has long personified the ideal of political work as a public trust.

Mr. Speaker, I invite our colleagues to join with me in congratulating John S. Hicks, Esq., for this honor and for a job well done.

GEORGIA REGULATOR TO LEAD INVESTIGATION INTO INSURER'S RATES FOR BLACK CUSTOMERS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. CONYERS. Mr. Speaker, today I wish to commend John W. Oxendine, Georgia Insurance Commissioner who will pursue to multistate investigation of Life Insurance Co. of Georgia, which if proven true, represents a very serious matter, and subsequently needs to be dealt with. African-Americans make up a large percentage of the company's policyholders. Evidence gathered by state examiners showed the Atlanta company, a unit of Dutch INC Group NV, continued at least until recently, to charge African-Americans higher rates than whites on identical policies sold as late as the 1980's. Historically, records have shown that through the first half of the century, U.S. life insurers typically either didn't market to African-Americans or charged them higher rates based on mortality tables that showed a shorter life expectancy for African-Americans. The discriminatory treatment however, was through to have been scrapped in the early 1960's, because of U.S. Supreme Court rulings and the impact of the civil rights movement.

I submit the following article from the Wall Street Journal.

[From the Wall Street Journal Dec. 15, 2000]

GEORGIA REGULATORY TO LEAD INVESTIGATION INTO INSURER'S RATES FOR BLACK CUSTOMERS

(By Scot J. Paltrow)

Georgia's insurance department said it will lead a multistate investigation of Life Insurance Co. of Georgia, after initial inquiries showed the company systematically had charged higher, race-based premiums to African-American customers.

Georgia Insurance Commissioner John W. Oxendine said [evidence gathered by state examiners showed the Atlanta company, a unit of Dutch ING Group NV, continued at least until recently to charge blacks higher rates than whites on identical policies sold as late as the 1980s.]

Life of Georgia was one of the companies cited in a Wall Street Journal page-one story in April, which reported that some life insurers had continued to charge higher premiums to African-Americans on small policies formally known as "industrial insurance." A former Life of Georgia actuary was quoted as saying discrimination premiums continued to be charged by the company well after

most other insurers had halted the practice in the 1960s. Florida regulators earlier this year initiated the inquiry into Life of Georgia as well as more than 25 other companies. A lawsuit on behalf of black policyholders is pending against Life of Georgia in federal court in Florida.

Life of Georgia has strongly denied the allegations. Officials at Life of Georgia, at ING's North American headquarters in Atlanta and at the parent company's headquarters in Amsterdam, didn't respond to telephone calls. In an interview in April, Life of Georgia Chief Counsel Jeffrey B. McClellan said, "our position is that no discriminatory rates were ever employed" by the company.

Historical records show that through the first half of the 20th century, U.S. life insurers typically either didn't market to African-Americans or charged them higher rates based on mortality tables that showed a shorter life expectancy for blacks. The discriminatory treatment, however, was thought to have been scrapped in the early 1960's, because of U.S. Supreme Court rulings and the impact of the civil-rights movement.

In June, Houston's American General Corp. agreed to pay more than \$215 million to settle investigations by Florida and other states and a civil lawsuit which alleged the company had continued until this year to charge higher race-based premiums on about 1.2 million policies held by blacks.

Mr. Oxendine said that based on examiners' initial findings, the Life of Georgia investigation will include all types of insurance sold by Life of Georgia. He said it was too early to estimate the number of policies or amount of money involved. [But he said African-Americans make up a large percentage of the company's policyholders.]

The investigation is being conducted on behalf of all 50 states. The company's business is licensed to sell in 30 states and has policyholders in all states, the Georgia department said.

HONORING THE SERVICE OF OCTAVIA LUCINDA OLIVER ROSS AS DISTINGUISHED EDUCATOR AND A COMMUNITY ACTIVIST

HON. DONNA MC CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mrs. CHRISTENSEN. Mr. Speaker, today I pay tribute to Octavia Lucinda Oliver Ross, who was a distinguished educator, devoted mother and community activist in my St. Croix district of the Territory of the Virgin Islands.

Octavia Ross was born into and became a part of an outstanding family educational legacy in the Virgin Islands. Her late father, Emanuel Benjamin Oliver was also a teacher, and a school on the island of St. Thomas bears his name. After teaching at the Federal Nursery School, Octavia Ross began her career as an instructor in public school system. She served as a teacher at almost all grade levels, elementary as well as secondary and worked at the junior high and intermediate grade levels. Most of her teaching career was spent as a first grade teacher at the Frederiksted Public Grammar School and the Claude O. Markoe School. Mrs. Ross enrolled in various training sessions with the Polytechnic Institute of St. Croix and pursued additional training at Inter American University in Puerto Rico.

On January 25, 1964, Octavia Ross obtained her Bachelor of Science Degree from Hampton University, followed by a period in which she did post graduate work in Supervision and Administration. Upon returning to St. Croix she was instrumental in initiating and directing the Bilingual/Bicultural and the Academically-talented Programs. Mrs. Ross became an assistant principal at the Charles H. Emanuel and the Alexander Henderson Schools. She became the first principal of the Evelyn Williams Elementary School, remaining there until her retirement at the completion of forth two years of meritorious service in the field of education. Octavia Ross, having been a star athlete in her youth, also instructed handicraft and athletics. There are many who strongly feel the sentiment that she devoted her life to the children of St. Croix as a teacher, assistant principal and principal.

Octavia Ross also made varied and vast contributions to the social well being of the Virgin Islands' community. Athletic activities during her youth caused her to participate in numerous inter-island meets, which may have been the beginning of her activity in the community. She has been credited with carrying the banner in the Business and Professional Women's Club, serving as both the local and state president. She was a delegate at the International Business and Professional Women's convention in Houston, Texas. In 1974, she received the Woman of the year Award. Octavia Ross was also the recipient of the Frederiksted Business and Professional Women's Achievement Award. In 1978 she was named the Mother of the Year Award by the Frederiksted Club and later received their Woman of Achievement Award. Octavia Ross was listed in the 1977 International "Who's Who in the West Indies, Bahamas and Bermuda," V. I. Section—Personalities of the Caribbean and was also listed in the 1979 edition of World "Who's Who Dictionary of International Biographies" and received the Paul Harris Fellow from the Rotary Club of St. Croix West.

The Governor of the Virgin Islands described her as having a graceful demeanor, a professional integrity and ladylike deportment that made her an exemplary and model teacher. Further, he stated that not only has Mrs. Ross made a significant contribution to the Virgin Islands as an educator in her own right, but also in the contributions of her offspring in the administrative, legislative, educational, legal, financial, civic, military and industrial areas of the community. Not surprisingly, Octavia Ross was a dedicated member of her church, the Saint Paul's Anglican Church, in addition to being a member of Episcopal Church Women's Organization and Member of the Vestry.

Octavia Ross was appreciated by the many whose lives she touched. Besides her husband Rupert W. Ross, Sr., she leaves to mourn her seven children: Rupert, Edgar, Raymond, James, Edward, Janice and Jewel; two step children, Randolph and Judy-Ann; fourteen grand children, fourteen great grand children; and a community recovering from her sudden passing. On behalf of the Congress of the United States of America, I salute Octavia Lucinda Oliver Ross for her dedicated service to her profession and the Territory of the U.S. Virgin Islands. I thank her husband Rupert, her seven children, two step children, fourteen grand children, fourteen great grand children