

hometown of Cincinnati, I missed the following Roll Call Votes on June 17, 2002: Roll Call Vote Number 230, a vote on the Journal. Had I been present, I would have voted "Yea." On Roll Call No. 231, passage of H. Con. Res. 415, recognizing National Homeownership Month, I would have voted "Yea." On Roll Call No. 232, passage of H. Con. Res. 340, supporting the goals and ideals of Meningitis Awareness Month, I would have voted "Yea."

# PROPOSING A TAX LIMITATION AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

SPEECH OF

**HON. BENJAMIN A. GILMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 12, 2002*

Mr. GILMAN. Mr. Speaker, I rise today in support of H.J. Res. 96, the Tax Limitation Amendment of 2002. I urge my colleagues to support this important legislation.

H.J. Res. 96 amends the U.S. Constitution to require that any bill, resolution, or legislative measure that proposes to change Internal Revenue laws must have the approval of two-thirds of those voting in the House of Representatives and the Senate. This requirement would not apply when a declaration of war is in effect, or when the United States is engaged in a military conflict which causes an imminent and serious threat to national security as found by both Chambers and the President.

Mr. Speaker, in his famous *McCulloch v. Maryland* opinion, Chief Justice John Marshall stated that "The power to tax is the power to destroy." This amendment sets out to make it more difficult for the Congress to arbitrarily raise taxes, and presumably, make the Federal Government more efficient and less bloated with unnecessary spending.

History has shown that it is far easier for Congress to raise taxes to cover spending deficits than it is to reduce that spending to reasonable levels. This is all the more true today. Neither party wants to be held responsible for any future return to peacetime deficit spending. Should such an event appear likely to occur, the temptation to raise taxes to cover any potential deficit would be overwhelming.

The enactment and ratification of this amendment would prevent a return to the situation which existed in our Nation 25 years ago. During the 1970s middle-class families were struggling to get by under crippling high marginal tax rates, which, thanks to high inflation and bracket creep, reached deeper into the working class ranks with every passing year.

This amendment forces those who want to raise taxes, for whatever reason, to do their homework beforehand, and convince two-thirds of their colleagues in Congress of the need to do so. For this reason, it is a fiscally prudent idea, and one that merits being sent to the States for ratification.

## RECOGNITION OF BONITA AND KEVIN SCHAEFFER

**HON. BILL SHUSTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 18, 2002*

Mr. SHUSTER. Mr. Speaker, I rise today to recognize Bonita and Kevin Schaeffer for their truly remarkable commitment to providing care to individuals with severe mental retardation, physical disabilities, and disease. On July 29th, 2002 Mr. and Mrs. Schaeffer will be celebrating 20 years with Family Care Services, Inc. located in Chambersburg, Pennsylvania. During this time they have provided complete care to numerous individuals and continue to do so today. They currently care for five individuals that require assistance with almost all aspects of daily living.

The story of the Schaeffers starts 20 years ago, before there were regulations to govern this type of care. They were the first family in the nation to obtain a C-1 license from the Department of Health for a private home. This license is the same one nursing homes are required to obtain. They continue to provide this high level of care with very little assistance from other direct care staff. This translates into long hours and limited time to themselves. However, Mr. and Mrs. Schaeffer have chosen this arrangement happily and without complaint demonstrating a level of commitment worthy of thanks and praise.

The Schaeffers are an excellent example of people who have chosen to live a life of service to others. They have opened their home and put the needs of others before their own for 20 years. Through personal sacrifice they are giving gifts of hope, strength, and love to those they care for. Although these gifts cannot cure the ailments of the body, they are a powerful medicine for the heart. I encourage others to follow the example the Schaeffers are setting by giving of themselves and helping others in any way they can. President George W. Bush, in his last State of the Union Address, challenged all of us to give two years or 4,000 hours of service over our lifetimes. I believe this is an important personal goal that we should all strive to reach. Mr. and Mrs. Schaeffer have certainly accomplished this goal, yet they continue to inspire us all by continuing to go above and beyond the expected.

I would like to again extend my congratulations to Bonita and Kevin for their 20th anniversary of service and extend my thanks for the contribution they are making to their community. I wish them all the very best in the years to come.

## PERSONAL EXPLANATION

**HON. XAVIER BECERRA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 18, 2002*

Mr. BECERRA. Mr. Speaker, on Monday, June 17, 2002, I was unable to cast my floor vote on rollcall numbers 230, 231, and 232. The votes I missed include rollcall vote 230 on Approving the Journal; rollcall vote 231 on Suspending the Rules and Agreeing to H. Con. Res. 415, Recognizing National Homeownership Month and the importance of home-

ownership in the United States; and rollcall vote 232 on Suspending the Rules and Agreeing to H. Con. Res. 340, Supporting the goals and ideals of Meningitis Awareness Month.

Had I been present for the votes, I would have voted "aye" on rollcall votes 230, 231, and 232.

## A TRIBUTE TO FIFTY YEARS OF TOGETHERNESS

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 18, 2002*

Mr. TOWNS. Mr. Speaker, often in this House we discuss the most important and contentious issues of the day, but it is only on that rare occasion that we have the chance to recognize positive achievements. Today, is just such an occasion, it is a tremendous privilege for me to honor Mr. Joseph R. Lewis and Mrs. Avis J. Lewis who have done something that is all too rare in this day and age—they have been happily married for fifty years.

On Saturday, June 8, 2002, this happy couple celebrated their golden wedding anniversary together. Fifty years sharing the joy and sorrow that come with every day life. Together, Joseph and Avis are the proud parents of seven remarkable children. On June 22, 2002, their children as well as their 20 grandchildren, and one great grandchild will be gathering in Port St. Lucie, Florida to celebrate this momentous occasion in the manner that this family has grown quite used to, together.

Mr. Speaker, Mr. Joseph R. and Mrs. Avis J. Lewis have reached a milestone that only a lucky few will ever know. They will be celebrating with their family this Saturday. I urge my colleagues to join me in honoring this truly remarkable couple and their family on this wonderful and happy occasion.

## PERSONAL EXPLANATION

**HON. STEVE ISRAEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 18, 2002*

Mr. ISRAEL. Mr. Speaker, I was absent from votes yesterday, June 17, 2002 so that I could attend an event with families of victims of the September 11th attacks and Special Master Kenneth Feinberg. I would have voted as follows: roll call vote 230, "Yea"; roll call vote 231, "Yea"; and roll call vote 232, "Yea."

## IN RECOGNITION OF FRANKLYN M. GIMBEL

**HON. THOMAS M. BARRETT**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 18, 2002*

Mr. BARRETT of Wisconsin. Mr. Speaker, I wish to pay tribute to Franklyn M. Gimbel, who this week will receive the 2002 Community Service Human Relations Award from the Milwaukee Chapter of the American Jewish Committee (AJC). This prestigious award is bestowed each year upon an individual who has

demonstrated outstanding service and leadership, and Mr. Gimbel is an excellent choice.

Franklyn Gimbel has assembled a highly distinguished career as a lawyer. A founding member of the renowned law firm of Gimbel, Reilly, Guerin and Brown, Mr. Gimbel has served as President of the Milwaukee Bar, Chair of the State Bar of Wisconsin Board of Governors, and President of the State Bar of Wisconsin. His legal skill and acumen have led to his being named one of the Best Lawyers in America for criminal defense for nearly fifteen years, and he earned Milwaukee Bar Association Lawyer of the Year accolades in 1989 and 1998.

Despite these tremendous professional accomplishments, it is Mr. Gimbel's unyielding commitment to public service and community enrichment that earned him the 2002 Community Service Human Relations Award. Since the late 1970's, Frank has generously served on community boards and commissions that have benefitted the greater Milwaukee community. He worked as Vice-Chairman of the Milwaukee Fire and Police Commission from 1977 to 1982, and was a member of the MECCA Board of Directors from 1982 to 1994.

Gimbel now serves as Chairman of the Wisconsin Center District Board, a position he has held since Governor Tommy Thompson appointed him to the post in 1994. As Chairman, he oversaw the construction of the Midwest Express Center in downtown Milwaukee, and his leadership was instrumental in getting the project completed on time and under-budget. So instrumental was Gimbel's guidance that the state-of-the-art convention center is often called "The House that Frank Built."

In addition to his work on the Wisconsin Center District Board, Mr. Gimbel donates his time and efforts to several commissions that focus on community reinvestment, social justice, neighborhood revitalization, and business development. These include the Greater Milwaukee Committee, the Task Force on the Grand Avenue, and the Task Force on the Bradley Center. He is also a Director of the Equal Justice Coalition.

Mr. Speaker, fellow Members of Congress, please join me in honoring a man who exemplifies dedication to his community. Let us all salute Franklyn M. Gimbel, the 2002 recipient of the AJC Milwaukee Chapter's Community Service Human Relations Award.

#### TRAFICANT TRIAL: A RAILROAD OF JUSTICE

**HON. JAMES A. TRAFICANT, JR.**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 18, 2002*

Mr. TRAFICANT. Mr. Speaker, the government presented a ten-count indictment against me on May 4, 2001. And convicted me on those ten counts, Thursday, April 11, 2002.

COUNT FOUR—RAYMOND ALLEN SINCLAIR, ESQ.

The accusation is that while he was a Congressional staff member, Attorney R. Allen Sinclair shoved \$2500 a month in cash kickbacks under the office door.

R. Allen Sinclair became a part of my Congressional staff in 1998. At that time he purchased a brand-new van for \$25,000–\$30,000, he leased another car for \$290 a month, bought between \$50,000 and \$60,000 worth of

media advertising and purchased a \$273,000 home, which a Delaware bank financed for \$276,000. Additionally, it's unknown what types of school loan payments were outstanding for his legal education.

Oddly enough, during his employment with me Attorney Sinclair made monthly deposits of \$2500 into his IOLTA Account with the Home Savings and Loan Company. Once he left my employ, there were no \$2500 deposits made for twenty-two consecutive months.

Naturally, as a part of the FBI's investigation of me, agents interviewed Attorney Sinclair. His FBI 302 states in pertinent part:

SINCLAIR had been previously interviewed and stated he had been making rent payments to HENRY DIBLASIO for offices at 11 Overhill, Youngstown, Ohio. He stated he had documentation he could provide. SINCLAIR now voluntarily appeared at the FBI, Youngstown Resident Agency. SINCLAIR provided one envelope, which was found to contain a letter from SINCLAIR to interviewing agent, a "cognovit note" from November 19, 1998 showing a \$20,000 debt from SINCLAIR to DIBLASIO, one check, dated February 5, 1992 from SINCLAIR to DIBLASIO for \$361 for "rent and long Dist Phone Calls." Also included was a document titled: "Statement from R. ALLEN SINCLAIR, DIBLASIO, FLASK, & ASSOCIATES, 11 Overhill Road, Youngstown, Ohio 44512, Law Offices." SINCLAIR had previously advised he paid rent to DIBLASIO for office space at 11 Overhill for the first few years he worked with DIBLASIO, and after that they used simply recorded rent on the books of the firm. The documents SINCLAIR provided showed notations regarding rent payments to DIBLASIO for 1994. SINCLAIR did not provide documentation for the later years. A copy of this documentation is attached to this report. Note, the documents provided by SINCLAIR listed hours he worked for clients, and it was noted that he had done work for "BUCHHEIT." SINCLAIR advised he had represented BUCHHEIT in a dispute BUCHHEIT had with a Saudi Arabian prince regarding a letter of credit. SINCLAIR was not aware of Congressman JAMES A. TRAFICANT, JR. assisting BUCHHEIT.

SINCLAIR was asked why DIBLASIO did not have the building at 11 Overhill Road in his own name, and why SINCLAIR, as the current owner of that building, (and staff member of Congressman JAMES A. TRAFICANT, JR.) also did not have this building in his own name. SINCLAIR advised it would have been a "conflict" for DIBLASIO to have the building in his name when he worked for TRAFICANT. This same issue came up when SINCLAIR was going to buy the building from DIBLASIO and he (SINCLAIR) was also working as a Congressional staff member. SINCLAIR advised this was cleared through the United States House of Representatives Ethics Committee, and it was acceptable for DIBLASIO and SINCLAIR to own the building as long as they charged the government a reasonable rent. SINCLAIR was asked why, then, the building had to be in the name of other people. SINCLAIR did not answer this question.

SINCLAIR advised he made between \$50,000 and \$60,000 per year as a private attorney in 1999, and at the same time made about \$60,000 as "Administrative Counsel" to TRAFICANT. SINCLAIR's job for TRAFICANT was to research legislation. He was not TRAFICANT's private attorney. SINCLAIR advised he had researched the rules and it was legal for him to receive outside income while working for Congress because he was not "senior staff." SINCLAIR advised he did not kickback any part of his salary to TRAFI-

CANT. SINCLAIR stated he did not want to be part of "getting TRAFICANT" and ended the interview. SINCLAIR was advised that he may have to testify before the Federal Grand Jury in Cleveland.

My office space was rented from KAS Enterprises, which I came to find out was established in October 1999 as Raymond Allen Sinclair, president. Then in November 1999, wife, Kimberly Sinclair was named secretary, although the filing with the Secretary of the State of Ohio named Kimberly Sinclair as the owner of the company. At the time of signing the rental agreement, I was not aware of how the KAS Enterprise Corporation was organized or its officers, but learned after the trial that either Attorney Sinclair or his wife could withdraw funds from the account without the knowledge or consent of the other.

Attorney Sinclair was involved in more questionable activities than his participation in KAS. He owed his partner \$473,000. And, in an unrelated event, on December 2, 1999, the Board of Commissioners on Grievances and Discipline of The Supreme Court of Ohio filed a recommendation that "Attorney R. Allen Sinclair be suspended from the practice of law for a period of six months with the suspension stayed for a period of a one year probation including conditions recommended by the panel."

During my trial, Attorney Sinclair testified that he never lied to the FBI—that he always told the truth. It wasn't until he was pressured with the thought of losing his license and possibly facing jail that he created this testimony of supposed kickbacks.

He also stated that he never wore a wire or taped any of our conversations because he feared me; when all of the staff testified that there was no fear. And, he had previously taped Attorney Matavich to get information about me. Be advised, the government would use any ploy to gain admissions regarding one of its targets and without a doubt they did so in my case. But, obviously the information the FBI gathered in the Sinclair matter was exculpatory and all they could attempt was to present a circumstantial paper trail.

Having already suffered a license suspension and a fraud scheme hanging over his head and the government allowed Attorney Sinclair to escape any punishment for his participation in any wrongdoing and provided a shield from a civil suit involving the money he owed to his partner in order to suborn his perjured testimony against me. Not surprising, Attorney Sinclair continues to practice law.

Again, the government provided no physical evidence, no wiretaps, no tapes, no hidden microphones and no fingerprints on more than 1,000 documents. How is it possible to reach a conclusion beyond a reasonable doubt with only circumstantial evidence and the testimony of felons and other dubious witnesses? In a RICO case, no less.

BEAM ME UP!!

#### PERSONAL EXPLANATION

**HON. DAVID E. BONIOR**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 18, 2002*

Mr. BONIOR. Mr. Speaker, due to commitments in my home state of Michigan, I was unable to cast votes yesterday. Had I been present, I would have voted "yes" on approving the journal; "yes" on H. Con. Res. 415, Recognizing National Homeownership Month; and "yes" on H. Con. Res. 340, Supporting