

letter, worded in the manner of litigation interrogatories, enumerated eleven separate categories of information sought by the Committee. One follow-up letter, four pages in length and densely footnoted in the form of an adversarial brief, posed six separate questions about a single case. The practice of propounding follow-up questions to congressional witnesses is common, but the intensity with which this subcommittee pursued Judge Rosenbaum is unprecedented.

Second, the Committee claims that Judge Rosenbaum "misstated" facts by not explaining that several defendants he described were awarded downward departures from the guideline range.

This criticism misunderstands the point of Judge Rosenbaum's testimony. In supporting the Sentencing Commission's proposed amendment, Judge Rosenbaum faulted the current sentencing guidelines that result in unjust sentencing ranges. The fact that judges possess statutory authority to "depart" from the guidelines in unusual cases is an insufficient objection to the proposed guideline amendment, because the guidelines themselves should result in a just sentencing range for a class of defendants. The fact that at least a half dozen drug defendants in a single federal district in a short period of time qualified for downward departures demonstrates a flaw in the guidelines. Moreover, a departure is subject to appeal while a sentence within the guidelines is not.

In any event, Judge Rosenbaum did not "misstate" facts as the report alleges. He made amply clear that he was presenting the sentence each defendant was "subject to" under the existing guidelines—guidelines which he, the seven members of the Sentencing Commission, Senator SESSIONS and Senator HATCH all believe should be amended.

Third, the Committee alleges that Judge Rosenbaum testified "falsely" when he stated that low-level drug defendants are sentenced "the same way" as more culpable defendants.

This is an absurd criticism. Judge Rosenbaum's basic point was that the current sentencing guidelines are flawed in that they utilize drug quantity to determine the base offense level for all drug trafficking defendants, even those who, although legally responsible for an amount of drugs, played no role in setting the quantity or sharing in the profits. In his prepared statement, Judge Rosenbaum described this problem clearly: "it is the quantity of drugs in the whole scheme that drives the sentence. The judge only looks at the defendant, after all the scheme's drugs have been accounted for." He did not contend that minor and major participants receive identical sentences; rather he stated that all drug defendants are sentenced "the same way," i.e., using the same quantity-driven mechanism.

The Committee chooses to interpret the judge's words "the same way" to mean the same sentence. A full reading of his written and oral testimony makes clear that is not what Judge Rosenbaum meant. But the Committee then uses this misunderstanding to accuse Judge Rosenbaum of providing "unquestionably false," "inaccurate" and "utterly false" testimony to Congress. On this innocuous record it is inconceivable that any witness, least of all a federal judge, could be accused of testifying falsely.

Fourth, the Committee accuses Judge Rosenbaum of improper motives in closing a

sentencing hearing and suggests that he may have acted "unlawfully."

There is no reasonable basis for this grave accusation. The Committee says Judge Rosenbaum may have "unlawfully" sealed the transcript of a sentencing hearing "to conceal from the public and from the Subcommittee" his actions. By definition, the facts involved in a sealed proceeding may not be revealed publicly, and the Committee's speculation is irresponsible. But if either the sentence itself or the decision to seal the proceeding were illegal, the United States could appeal. It has not done so.

CONCLUSION

By voting in favor of H.R. 4689, a majority of the House Judiciary Committee expressed its disagreement with the views of Judge Rosenbaum, all seven members of the Sentencing Commission, and Senators SESSIONS and HATCH. That is the Committee's prerogative. It is also the Committee's prerogative to rebut the arguments of any witness. However, the Committee exceeded the bounds of decency and fairness when it published a 22 page diatribe against a distinguished, respected federal judge and former United States Attorney.

RECOGNIZING AGENT DAVID F. CORRIGAN

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Ms. SOLIS. Mr. Speaker, I rise to recognize the numerous contributions of Agent David F. Corrigan, one of Monterey Park's finest police officers. Agent Corrigan is retiring from active duty after 28 years of outstanding and selfless service.

Agent Corrigan graduated from the Los Angeles County Sheriff's Department Academy and joined the Monterey Park Police Department on September 9, 1974, as part of the Patrol Bureau. During his career, Agent Corrigan was assigned to the Patrol and Detective Bureaus and periodically to the Administration Bureau as a Background Investigator.

Agent Corrigan has received countless commendations from the Monterey Park Police Department. He was highly recognized for his role during the evacuation of a hospital emergency room that was held hostage in June of 1995 and for apprehending the gunman. Furthermore, he frequently received letters of appreciation from residents and other law enforcement agencies for his work as an investigator and a patrol officer.

In November 1998, Agent Corrigan was recognized as the Police Department Employee of the Month and in 1999, he was awarded the department's third highest honor, the Distinguished Service Medal, for outstanding performance throughout his career as an officer, detective, field training officer and field supervisor. Agent Corrigan is an integral member of the community and his church. He is a role model for the youth of Monterey Park and continues to participate in the Police Department's D.A.R.E. Camp and In-School Scouting programs.

Throughout his career, Agent Corrigan was known for his honesty, compassion and professionalism. He will be greatly missed by his

co-workers and the community he greatly impacted. Mr. Speaker, I ask you to join me in expressing my gratitude to Agent Corrigan for his selfless dedication to our community.

TRIBUTE TO CONG. TIM ROEMER

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. HINOJOSA. Mr. Speaker, as the 107th Congress comes to a close, I wanted to take this opportunity to recognize my friend and colleague on the Education and Workforce Committee, Congressman TIM ROEMER. TIM has decided to leave Congress to pursue other avenues of service, but I want to thank him for his dedication to the education of America's children.

TIM was born and raised in Indiana and since 1990 he has ably represented the Third District. His constituents have recognized his outstanding service and in 1998 he was reelected with the highest winning percentage for any Third District candidate in a quarter century.

While in Congress, TIM has been a strong supporter of students, teachers and school officials. He exercised great leadership during the development of the landmark legislation, "No Child Left Behind Act," our most recent reauthorization of the Elementary and Secondary Education Act. His contribution will be felt by thousands of children throughout our country.

As a Co-Chair of the New Democrat Coalition, of which I am a member, he has advocated for a fiscally responsible government that still compassionately meets the needs of individuals and institutions that require federal assistance.

I regret that TIM will not be with us as we work next year to reauthorize the Higher Education Act and Head Start. His thoughtful insights and his commitment to educational opportunities for every child will be sorely missed. I am confident that he will continue to serve the interests of our country in whatever future endeavors he may pursue. My colleagues and I are losing a very articulate champion for the issues promoted by our Democratic Party, but we all wish the very best for him and his family.

Indiana has been proud of her Native Son and we hope that the Great State of Indiana will send us another Democrat as gifted and committed as TIM ROEMER.

TRIBUTE TO JUDGE SID STEWART

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to a dedicated public servant, family man, friend, and all around great Kentuckian, Judge Sid Stewart. After 17 years of tirelessly serving as County Judge/Executive of Morgan County, Kentucky, he is retiring from public office. I want to express my deepest gratitude for his many contributions.

A native of Eastern Kentucky, Judge Stewart grew up on a hillside farm in Knott County. As a youth, he labored alongside his father in the log woods and lumber industry. Never one to shy away from hard work, he used his knowledge of the lumber industry to pay his way through college. After graduating from Morehead State University, he went on to lead a successful professional career that has included working as a Juvenile Probation Officer, Assistant Director of the Northeast Kentucky Area Development Council, Executive Director of Gateway Community Services, and President of a construction company. He also served as a member of a number of civic and professional boards and was a member of the Morgan County School Board for four years.

Sworn into office on January 6, 1986, Sid Stewart has worked tirelessly to improve the lives of the people in Morgan County. As a lifelong resident of Eastern Kentucky, he has a personal interest in the well being and prosperity of the region and understands the challenges and needs facing the residents of the area. During his time in office, Judge Stewart has focused his efforts on lifting up the people of his community. He has worked with local, state and federal officials on a variety of initiatives aiming to boost the local economy, create new jobs and enhance public services. Without the determination and vision of Judge Stewart, these initiatives would not be possible.

Mr. Speaker, on behalf of my colleagues and myself, I want to thank my friend Judge Stewart for the time and effort he has put into the lives of others. Although his time in public office is drawing to a close, I know the people of Morgan County will continue to benefit from his contributions for many years to come.

THE WAR IN CHECHNYA AND MOSCOW

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. SMITH of New Jersey. Mr. Speaker, next week following the NATO conference in Prague, President Bush is scheduled to meet with President Putin in St. Petersburg, Russia. It is expected that the two leaders will discuss such vital issues as the war against terrorism, the policies in Iraq, safeguards against weapons of mass destruction, and expanded energy cooperation between the United States and Russia. I would urge Mr. Bush to include on the agenda the continuing conflict in Chechnya.

At this time, the Russian Government and its people are still recovering from the horrific events of last month, when a group of armed Chechen terrorists seized approximately 700 hostages in a Moscow theater and threatened them with execution if the Putin Administration did not withdraw its forces from Chechnya. After three days of terror, Russian special forces captured the theater, apparently killing all the terrorists. In the preliminary gas attack to neutralize the terrorists, over one hundred hostages lost their lives. This terrorist attack was appropriately condemned by the Bush Administration, and we all sympathize with the innocent victims of this attack.

But, Mr. Speaker, this does not mean that we should not step back and seriously exam-

ine the circumstances that have driven some elements of the Chechen resistance to such suicidal extremes.

Perhaps it is because the Russian military, in its drive to suppress Chechen separatism, has employed means which virtually guaranteed to drive a despairing civilian population into the arms of a radicalized resistance. In the three and a half years since the war reignited when Chechen militants invaded neighboring Dagestan, the Russian military has embarked on a campaign of carnage, destruction, and looting against the civilian population. There are credible and ongoing reports of atrocities committed by members of the Russian military—indiscriminate shelling and bombing, murder, assault, rape, torture, arrests “disappearances,” kidnaping and holding civilians for ransom. It is imperative that military personnel who commit such egregious human rights violations face criminal charges but the Russian military and judicial system has yet to demonstrate its commitment to bring such criminal actions to account.

Nor should we have any illusions about some elements among the Chechen fighters, who have murdered hostages, kidnapped civilians for ransom and used them as shields during combat operations, and embarked on a campaign of assassination against fellow Chechens who work for the Russian civil government in Chechnya. And, as Deputy Assistant Secretary of State Steve Pifer testified before the Helsinki Commission, “We have seen evidence of individuals or certain factions in Chechnya who are linked to international terrorist elements including Al Qaeda.” Without a doubt, war criminals and terrorists should be brought to justice, wherever they are and whomever they serve.

In the wake of the attack on the theater in Moscow, President Putin has hardened an already uncompromising position against the Chechen fighters. But, it should be clear that the Russian scorched-earth policy against Chechnya and the Chechen people is not bringing peace to the region. Rather, such policies are sowing the dragon's teeth of hatred and conflict for generations to come.

The distinguished Newsweek commentator Fareed Zakaria recently wrote: Terrorism is bad, but those fighting terror can be very nasty, too. And the manner in which they fight can make things much, much worse. It is a lesson we had better learn fast because from Egypt to Pakistan to Indonesia, governments around the world are heightening their repression and then selling it to Washington as part of the war on terror. Russian officials called the Chechen fighters “rebels” or “bandits” until recently. Now they are all “international Islamic terrorists.”

Secretary of State Colin Powell continues to call for the observation of human rights and a political settlement in Chechnya, while consistently and properly supporting Russia's territorial integrity. But as the Danish Foreign Minister, Anders Fogh Rasmussen, recently summed up the issue, “We, of course, support Russia in the fight against terrorism ... but it is not a long-term solution to the Chechnya problem to launch a military action and bomb the country to pieces.”

In addition, the war in Chechnya has affected thousands of refugees, who have fled the constant carnage. In September of this year, I and 10 other colleagues from both the House and Senate wrote President Putin re-

garding the plight of the internally displaced persons escaping Chechnya to the neighboring province of Ingushetia. We urged the president to resist the forcible return of internally displaced persons seeking refuge in Ingushetia, elsewhere in the Russian Federation, or to any location where the security situation is unstable and proper housing unavailable. However, I have recently learned of 300 Chechen families who are currently facing expulsion from Ingushetia and are seeking refugee status in Kazakhstan. I hope the Russian Government will not expel these individuals, but instead will take all possible actions to alleviate the situation for the many innocent victims of the brutal violence.

Mr. Speaker, I strongly urge President Bush to include these important issues in his talks with President Putin when they meet in St. Petersburg.

HONORING JOHN JORDAN “BUCK” O’NEIL ON HIS 91ST BIRTHDAY

HON. KAREN MCCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to honor Mr. John Jordan “Buck” O’Neil, a man some call “Mr. Kansas City.” “Buck” is a man who has come to embody the ideals we share as a nation. As he celebrates his 91st birthday on November 13, 2002, I am proud and honored to celebrate his lifetime of achievement as our hometown hero.

John Jordan “Buck” O’Neil was born November 13, 1911 in Carrabelle, Florida. He developed a love of baseball at an early age and his father nicknamed him “Buck” after the co-owner of the Miami Giants, Buck O’Neal. Though a segregated America denied Buck the opportunity to grace the diamonds of the Major Leagues as a player, he was able to showcase his unmatched talent with the Kansas City Monarchs of the Negro Leagues. He joined the Monarchs in 1938, and played for them until 1943, at which time he went to serve his country in World War II. Recognizing his patriotic responsibility to our country, he entered the United States Navy and was stationed in the Philippines from 1943 until his discharge in 1946. Buck was named player/manager for the Monarchs in 1948 and continued his association with the team through the end of the 1955 season.

As a player, Buck had a career batting average of .288, including four .300-plus seasons at the plate, and led the Kansas City Monarchs to victory in the 1942 Negro World Series. After 12 years as a player, Buck changed hats and managed the Monarchs to four more league titles in six years. Following his career with the Kansas City Monarchs, Buck joined the major leagues as a scout for the Chicago Cubs. In 1962 the Chicago Cubs made him the first African American to coach in the Majors. Buck is credited with signing Hall of Fame baseball greats Ernie Banks and Lou Brock to their first professional contracts, and is acknowledged to have sent more Negro League athletes to the all white major leagues than any other man in baseball history.

Today he serves as the Board Chairman for the Negro Leagues Baseball Museum in Kansas City and spends his time promoting the