On August 16, 1971, Father Joe graciously accepted the appointment of pastor of St. Stanislaus Church. This church is celebrating its 95th year of existence and proudly boasts a membership of several thousand parishioners.

According to the parishioners, Father Joe's agreement with God and the bishop to take the responsibility of leading St. Stanislaus was a courageous step because his home parish was $700,000 in debt after rebuilding a school building, which was destroyed by fire. However, in Father Joe's 25 years of service to St. Stanislaus, he has worked exceptionally hard to pay off this enormous debt.

Mr. Speaker, I ask you and my other distinguished colleagues to applaud Father Joe for his extraordinary dedication to his calling. Indiana's First Congressional District is extremely blessed to have such a fine pastor in its presence.

TEMPORARY INCREASE IN THE STATUTORY DEBT LIMIT

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. STOKES. Mr. Speaker, I rise in strong opposition to the so-called Habeas Corpus Reform provisions of H.R. 2586, the Short-term Debt Limit Extension Act of 1995. Let me state from the beginning that I have consistently, throughout my career, believed in and fought for the protection of all Americans rights under habeas corpus. As Chief Justice Salmon P. Chase described it in ex parte Yerger U.S. (1868), habeas corpus is ''The most important human right in the Constitution'' and ''The best and only sufficient defense of personal freedom.''

Therefore, I cannot support this measure before us today because the very belief upon which our judicial system was created—the protection of an individual's fundamental constitutional rights balanced with society's right to be free from harm—is at risk if these oppressive provisions are included in this necessary debt limit extension. I cannot and will not support the anti-human rights and anti-Constitution provisions the Republican majority is attempting to attach to H.R. 2586.

It is my belief that our judicial system's major focus should be to protect its citizens' fundamental constitutional rights. As a Nation, we cannot afford to compromise the cherished habeas corpus protections guaranteed each of us in the U.S. Constitution. Rooted in the Magna Carta (1215), the writ of habeas corpus is as Justice Brennan pointed out in Fay versus Noia (1963),

> Inextricably intertwined with the growth of fundamental rights of personal liberty * * * its root principle is that in a civilized society, Government must always be accountable to the judiciary for a man's imprisonment: if the imprisonment cannot be shown to conform with the fundamental requirements of law, the individual is entitled to his immediate release.

Mr. Speaker, the arbitrary 1-year limitation on the filing of general Federal habeas corpus appeals after all State remedies have been exhausted entirely fails to address the true cause of any delay in the capital punishment system. The lack of competent counsel at the trial level and on direct appeal constitutes the primary basis for the delay of many appeals. Provision of competent counsel at the trial and appellate stages of capital litigation would eliminate the need for many of the habeas appeals currently in our court system. Despite the fact that this is the case, the habeas corpus provisions of this bill do not make any effort whatsoever to provide counsel for State post-conviction proceedings.

It is no secret that I am opposed to the death penalty. This legislation fails to include any provisions to end the repugnant practice of the disproportionate application of the death penalty on minorities. In fact, this bill specifically makes it easier to impose the death penalty by limiting citizens rights to challenge the legality of their convictions. While I agree that strong measures must be taken to curb the crime epidemic, I do not believe that any actions should be taken to the detriment of an individual's basic rights and constitutional liberties.

When closely examined, the sentencing history of the death penalty has generally been arbitrary, inconsistent and racially biased. It is my belief that the Federal death penalty is overly harsh, particularly because it fails to address the economic and social basis of crime in our most troubled communities. The fact is that there has always been a racial double-standard in the imposition of capital punishment in the United States. Even after the black codes of the 1860's were abolished, blacks were more severely punished than whites for the same offenses in our penal system. By the time the U.S. Supreme Court deemed the existing process for imposing the ultimate penalty unconstitutional in 1972, more than half of the persons condemned or executed were African-American—even though they were never more than 15 percent of the population. The advances in statistical analysis of the last 20 years have allowed numerous experts to test the raw data with disturbingly consistent results.

Mr. Speaker, in 1990, after 29 studies from various jurisdictions were reviewed, the General Accounting Office confirmed that there is a consistent pattern of disparity in the imposition of the death penalty in the United States and that race is often a crucial factor that determines the outcome. Since the resumption of executions in 1977, of the 236 persons who have been executed, 200 persons, or an alarming 85 percent, were executed for the murder of white victims. In fact, statistics show that blacks convicted of killing whites are 63 times more likely to be executed than whites who kill blacks.

In 1991, the United States Justice Department's Bureau of Justice Statistics reported that African-Americans accounted for 40 percent of prisoners serving death penalty sentences. These statistics reflect how the African-American community is disproportionately affected by the death penalty. Furthermore, in a Nation where the number one leading cause of death for young African-American males is homicide, further disproportionate application of the death penalty will not resolve the epidemic of violence of our Nation.

Mr. Speaker, it is my belief that we cannot afford to compromise our fundamental rights in exchange for excessive discriminatory tactics. We all have an obligation to uphold the Constitution and protect the rights of all Americans to be free from unjustified imprisonment. I urge my colleagues to uphold our fundamental rights, protect the American people, and vote down this unconscionable invasion upon one of our most important guarantees.

A BILL TO AMEND THE INDIAN SELF-DETERMINATION ACT

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mr. FALEOMAVAEGA. Mr. Speaker, today I am introducing a simple bill that would amend titles III and IV of the Indian Self-Determination and Education Assistance Act. Just last Congress and under the aegis of my colleague, BILL RICHARDSON, we amended this act in response to the 6-year refusal of the Departments of the Interior and Health and Human Services to promulgate rules to carry out this act. Through the Indian Self-Determination Act Amendments of 1994, we streamlined the contracting and compacting process, curbed the department's rulemaking authority, and required the departments to negotiate new regulations with the Indian tribes.

We also enacted a new title IV to the act, known as the Tribal Self-Governance Act of 1994, which made permanent a demonstration project, the Tribal Self-Governance Demonstration Project Act currently contained in title III of the act. Title IV as enacted, the permanent Self-Governance program applies to functions within the Department of the Interior. Title III, which still remains a demonstration project, now applies to functions within the Department of Health and Human Services.

The amendments to title I and title IV of the act proceeded on different tracks in the 103d Congress. It was not until late in the Congress that both were incorporated into a single bill.

Since the passage of the 1994 amendments, tribes and tribal organizations, the Indian Health Service, and the Department of the Interior have all worked on implementation of titles I, III, and IV of the act. Unfortunately, the departments' interpretation and implementation of the act has not been in accordance with congressional intent.

Specifically, the agencies have taken the position that the provisions of title I, governing Self-Determination Act or ''638'' contracts, that are advantageous to tribes may not be included in Self-Governance compacts and annual funding agreements negotiated under titles III and IV. In addition, the position of the two departments, HHS and Interior, has not always been consistent, so that in certain instances, one department has permitted inclusion of a Self-Governance clause reflective of a title I provision while the other has not.

The result has been an inconsistent treatment of Self-Governance issues by the two departments, and the denial to Self-Governance tribes of the substantial advantages afforded to the tribes under title I of the Indian Self-Determination Act. This is particularly puzzling, since it has always been the intent of Congress that the Self-Governance initiative should be at least as broad and favorable to the tribes as the original title I contracting mechanism.