

disciplinary action. In the Randy Weaver case, an unarmed woman holding her infant child was shot to death by an FBI sharpshooter acting on orders from superiors. Former FBI Deputy Director Larry Potts allegedly approved the decision to change the rules of engagement the FBI sharpshooters and other Federal officials at Ruby Ridge were acting on. The decision allowed FBI sharpshooters to shoot on sight any armed adults—whether they posed an immediate threat or not. As a result of this decision, Vicki Weaver was shot to death while holding her infant daughter.

While several officials, including Mr. Potts, were disciplined—some forced to leave the department—no criminal charges were ever filed against any of the officials involved in the Ruby Ridge incident. I would point out that at the outset of the incident a 14-year old boy was shot in the back by U.S. Marshals. Last August, the Federal Government agreed to pay the Weaver family more than \$2 million—but did not admit any wrongdoing in the incident. The Ruby Ridge incident served as a stark reminder that the Justice Department does not do a very good job of objectively and aggressively investigating potential criminal acts or misconduct on the part of Justice Department employees. This is especially true of actions involving Justice Department attorneys.

In 1990, a congressional inquiry uncovered the fact that no disciplinary action was taken on 10 specific cases investigated by the Justice Department's Office of Professional Responsibility [OPR] in which Federal judges has made written findings of prosecutorial misconduct on the part of Federal prosecutors. Several Federal judges have expressed deep concern over the lack of supervision and control over Federal prosecutors. In 1993, 3 Federal judges in Chicago reversed the conviction of 13 members of the El Rukn street gang on conspiracy and racketeering charges after learning that assistant U.S. attorneys had given informants alcohol, drugs and sex in Federal offices in exchange for cooperation, and had knowingly used perjured testimony. No criminal charges have ever been made against the Federal prosecutors nor has OPR taken any meaningful disciplinary action, other than firing one U.S. attorney.

Unfortunately for our democracy, over the years the Justice Department has built a wall of immunity around its attorneys so that it is extremely difficult to control the actions of an overzealous or corrupt prosecutor. In many instances, the Attorney General has filed ethics complaints with State bar authorities against nongovernmental lawyers who complain about ethics lapses by Federal prosecutors. How has Congress let this agency get so out of control?

The majority of Justice Department officials are hardworking, courageous and dedicated public servants. The unethical and criminal actions of a few officials and attorneys are tarnishing the reputation of the department. By allowing these actions to go unpunished or by not taking aggressive action in the form of criminal indictments, the department is eroding the public's confidence in government.

As the El Rukn case illustrated, in their zeal to gain a conviction, Federal prosecutors overstepped the boundaries of the ethical and legal behavior. As a result, dangerous criminals were either set free or received greatly reduced sentences. Such actions are unac-

ceptable. The Federal Government needs to act in an unambiguous and aggressive manner against any Federal prosecutor or official who betrays the public trust in such a blatant and damaging fashion. Sadly, that was not done in the El Rukn case, and countless other cases where Justice Department officials acted in an unethical or illegal manner.

The American people expect that the Justice Department—more than any other Federal agency—conduct its business with the highest level of ethics and integrity. It is imperative that the Independent Counsel Act be amended to require that allegations of criminal misconduct on the part of Justice Department employees be treated with the same seriousness as allegations made against high ranking cabinet officials. I urge all of my colleagues to support this bill, the text of which is as follows:

H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ADDITIONAL AUTHORITY FOR APPOINTMENT OF INDEPENDENT COUNSEL.**

Section 592(c) of title 28, United States Code, is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting "; or", and by adding after subparagraph (B) the following:

"(C) the Attorney General, upon completion of a preliminary examination under this chapter, determines that there are reasonable grounds to believe that—

"(i) employees of the Department of Justice have engaged in misconduct, criminal activity, corruption, or fraud, and

"(ii) further investigation is warranted."

**INTRODUCTION OF LEGISLATION TO REQUIRE THE INSTALLATION OF EMERGENCY LOCATOR TRANSMITTERS ON AIRCRAFT**

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 11, 1997*

Mrs. KENNELLY. Mr. Speaker, I am pleased to rise today to introduce the Airplane Emergency Locator Act with Mr. SHAYS. This important legislation would require the installation of emergency locator transmitters in small aircraft to save lives. Unfortunately, current law exempts many types of small planes, including Lear jets from the requirement to install these lifesaving devices.

This past Christmas Eve, two Connecticut residents piloting a plane to New Hampshire crashed near the Lebanon Municipal Airport. An extensive search in cooperation with the Federal Government and six States including Connecticut was unsuccessful in locating the plane or any survivors. This plane did not have an emergency locator device, which could have made a difference in saving the lives of these two men.

Timing is such a critical element in rescue operations. Providing additional tools for search and rescue teams to locate plane crashes more quickly can mean the difference between life and death. It is unfortunate that tragedy prompted the introduction of this legislation. But it is my hope that this event will force the necessary changes to aid future rescue efforts and save lives.

I applaud my colleague CHRISTOPHER SHAYS for taking the lead of this lifesaving legislation and I am pleased to join him today in introducing this bill, and I urge all my colleagues to join us in supporting the Airplane Emergency Locator Act.

**TRIBUTE TO TOM STAPLETON**

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 11, 1997*

Mr. FAZIO of California. Mr. Speaker, after 50 years of service and leadership in the International Union of Operating Engineers Local 3, T.J. ("Tom") Stapleton is being honored by his friends and peers.

Tom Stapleton was first elected in 1982 as business manager and chief presiding officer of Local 3 of the Operating Engineers. Based in Alameda, CA, Local 3 represents 35,000 members in northern California, northern Nevada, UT, and Hawaii—the largest construction local union in the country. Tom took the helm of the union and guided it safely through the most turbulent economic times in the history of the construction industry.

A visionary in every sense of the word, Tom understood the importance of strengthening the bridges between unions and employers for the benefit of the men and women of the construction industry. When medical costs were escalating out of control for construction workers, he brought unions and employers together to build a vast network of contract health care providers. This network, the Basic Crafts Health Care Coalition, has brought health care costs back under control.

It can be said that Tom Stapleton never picked a fight, but he never backed away from one, either. Tom organized a grassroots program that mobilized thousands of workers when the prevailing wage laws that provides stability to the construction industry were threatened. He also spearheaded the Foundation for Fair Contracting, a program which monitors the illegal construction industry and provides evidence against unscrupulous contractors who cheat their employees out of wages and benefits.

Tom has earned the admiration and respect from those in the highest levels of government, the labor movement, and the business community for his leadership and genuine care for the well-being of those who make construction their livelihood.

Mr. Speaker, I would like to take this opportunity to extend our heartfelt congratulations upon the retirement of Tom Stapleton. I know Tom will be just as successful in his future endeavors as he was at Local 3.

**TRIBUTE TO NELDA BARTON-COLLINGS**

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 11, 1997*

Mr. ROGERS. Mr. Speaker, during our lifetimes, we each have an opportunity to make our mark in this world. Some of us meet this challenge with tremendous gusto and commitment, and today I want to pay tribute to an outstanding woman who has done just that.