

maternity departments and the emergency room. By October, public health authorities moved to partially shut the hospital, which has since been filed for bankruptcy.

In Brooklyn, New York, Interfaith Medical Center received a JCAHO score of 89 in 1995 that was raised to 94 a year later. Strange, because a 1997 Wall Street Journal article on Interfaith painted a picture of a badly deteriorated facility, with heating and plumbing systems in bad disrepair and non-functioning elevators. Hospital staff, the story found, had to stave off invasions of rats, mice, and flies. Even the hospital's president, Corbett Price, was quoted as saying, "This hospital is being held together by rubber bands and Band-Aids."

JCAHO's problems are not confined to New York. In Las Vegas, poor care at Columbia/HCA's JCAHO-accredited Sunrise Hospital generated numerous newspaper articles and television pieces in October 1996, ultimately causing JCAHO to place the facility on probation a year later.

Just recently, JCAHO placed Columbia's North Houston Medical Center on preliminary non-accreditation status—but only because an employee called a hotline number to report that problems had been overlooked—including a high level of incomplete patient records. After returning to North Houston in December, JCAHO downgraded the hospital's status.

In other cases, where serious problems have been brought to light by state inspection teams, JCAHO has proved reluctant to downgrade a hospital's accreditation status.

Given this spotty record, I am outraged by media reports that the Joint Commission is considering softening its already loophole-ridden review process. According to a leading trade publication, Modern Healthcare, JCAHO may move to allow hospitals that self-report a "sentinel event" within five days of its occurrence will be put on accreditation watch. The definition of "a sentinel event" is one that could lead to the death or serious injury of a patient.

The misguided scoring and lax oversight documented in the New York report suggests that another system of oversight is needed. I am cosponsoring two bills that would overhaul the current voluntary review process. The Accreditation Accountability Act of 1997 (H.R. 800) would require all Medicare-accrediting organizations to hold public meetings. One-third of governing board members would be members of the public.

Second, the Medicare and Medicaid Provider Review Act of 1997 (H.R. 2543) would levy user fees on hospitals and other health care providers to underwrite the costs of independent federal compliance and audits. I am happy to report that President Clinton included the heart of this bill in the budget package he recently sent to Congress.

For too long, we've given JCAHO and the Health care industry the benefit of the doubt. Self-policing simply isn't working. The New York City report is all the evidence we need to show that patients suffer—sometimes fatally—from substandard care provided by JCAHO-accredited hospitals. Let's put patients' needs first, back where they belong.

A SPECIAL TRIBUTE TO HARRY THOMPSON ON THE OCCASION OF HIS RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to a truly outstanding individual from Ohio's Fifth Congressional District, Mr. Harry Thompson. On Saturday, February 28, 1998, Mr. Thompson will be retiring from the Ottawa County Board of Elections.

Mr. Speaker, Harry Thompson has dedicated much of his life to serving his country, his community, and his party. Mr. Thompson has served as a member of the Board of Elections for ten years, the past eight as the Chairman. During his tenure on the board of elections, Mr. Thompson was a strong public servant, an impartial judge of electoral issues, and a valued colleague to those with whom he worked.

Like his unwavering service to the Board of Elections, Mr. Thompson dedicated a great deal of time to the Ottawa County Republican Party. Mr. Thompson served as the county GOP Chairman for many years, retiring just this past year. Mr. Thompson diligently worked to encourage and support increased participation in our political process. His support of grassroots political exercises has certainly helped to strengthen the free form of government we enjoy.

Mr. Thompson has placed an enormous emphasis on service to government, to politics, and to the community. We have often heard that America works because of the unselfish contributions of its citizens. I know that Ottawa County is a better place because of the countless hours given by Harry Thompson. His public service and commitment to Ottawa County will be sorely missed.

Mr. Speaker, in addition to the flag being flown over the Capitol on Mr. Thompson's behalf, I would urge my colleagues to rise and join me in paying special tribute to Mr. Harry Thompson, a true American, a dedicated public servant, and a good friend. We wish him well in his retirement and in the years ahead.

A SPECIAL SALUTE TO JUDGE WILLIAM K. THOMAS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. STOKES. Mr. Speaker, I am proud to salute an outstanding member of the judicial system, United States District Judge William K. Thomas. Judge Thomas recently retired after nearly 32 years on the federal bench. I take special pride in recognizing him at this time.

President Lyndon Johnson in 1966 appointed Judge Thomas to the U.S. District Court in Cleveland. In an article which appeared on January 30, 1988, the Plain Dealer newspaper paid tribute to Judge Thomas, highlighting his distinguished career. The article is entitled, "A Fair Piece of Work," and recognizes an individual who earned a reputation as a thorough, hard-working and dedi-

cated judge. His reputation for fairness earned him the respect of his colleagues and peers.

Mr. Speaker, during my career as a practicing attorney, I tried cases in Judge Thomas' court. In my opinion, he is one of the finest trial judges in the nation. He is also a gentleman whom I respect and greatly admire. For this reason, I want to share the Plain Dealer article with my colleagues and others around the nation. I extend my personal congratulations to Judge Thomas and wish him the very best in his retirement years.

A FAIR PIECE OF WORK

(By Mark Rollenhagen)

When William K. Thomas was sworn in as a federal judge, one of the speakers at his swearing-in ceremony invoked the words of a former law partner who had long ago said Thomas could never be a good lawyer.

"The trouble with Bill Thomas is he wants to be fair to both sides," the partner had said.

Thomas, who retires today after nearly 32 years on the federal court bench in Cleveland, flashed a contented smile earlier this week when he recalled those words.

At 86 years old, he leaves what he sometimes refers to as "the judging business" with a reputation as a meticulous, hard-working jurist who treated lawyers, criminals and parties to civil lawsuits with respect and fairness.

"He's one of the best I've ever tried a case in front of," said James R. Willis, a veteran criminal defense lawyer who represented Cleveland Mafia boss James T. Licavoli when Licavoli was convicted in 1982 of racketeering. "He was patient, he listened to what you were saying and he ruled decisively. That's the whole package."

The Licavoli case, in which the mob figure and others were convicted of conspiring to kill mobster Daniel J. Greene, was perhaps the highest profile criminal case of Thomas' career. Greene, killed by a bomb in 1977, was in competition for control of organized crime in the Cleveland area.

But Thomas also presided over a trial in which porn king Reuben Sturman and several associates were found not guilty of obscenity charges, and he helped negotiate an end to a police standoff in 1975 with bank robber Eddie Watkins, who was holding hostages at a bank in Cleveland.

Watkins was sentenced to prison in 1967 by Thomas, but escaped.

Watkins had asked for Thomas.

As for civil lawsuits, Thomas also shepherded a settlement of lawsuits brought by students injured when Ohio National Guardsmen fired on a crowd of demonstrators at Kent State University. With the jury deliberating, Thomas met with the lawyers in his chambers and pounded out a carefully worded agreement in 1979 in which the state of Ohio agreed to pay the plaintiffs \$675,000.

Thomas said it would be difficult to pick out any of his cases as being bigger or more difficult than any of the others. He said he had never been one to look back.

What he has enjoyed the most, the judge said, is the view of life he had from the bench.

"I think the contact with individuals that comes to a trial judge is a great reward," Thomas said. "You have a chance to see the ebb and flow of humanity."

Thomas said his judicial temperament was formed in part by the experience of being dressed down in front of a client by a federal judge when he was a lawyer. "I vowed that I would never do that if I became a judge," Thomas said.

Thomas became a judge in 1950 when his friend, then-Gov. Frank Lausche, appointed

him to the bench in Geauga County. He was credited with closing the Pettibone Club, a gambling club in Chardon.

He later moved to Chagrin Falls and was appointed to the Cuyahoga County Common Pleas bench by Lausche in 1953. He was the judge who released Sam Sheppard on \$50,000 bond in 1954 after Sheppard was arrested and charged with murdering his wife, Marilyn.

Thomas served on the Common Pleas bench until 1966 when President Lyndon Johnson appointed him to the U.S. District Court in Cleveland.

He earned a reputation as a hard-working, thorough judge who worked through most federal holidays. He was careful and deliberate in what he said, preferring to issue his decisions in writing and avoiding rash decisions from the bench.

His approach to the courtroom was simple, he said: "Keep your head. Don't sound off until you've really had an opportunity to think things through."

Retired U.S. District Judge Thomas D. Lambros—who was appointed by Johnson in 1967—said he first met Thomas when they were both Common Pleas judges and Thomas was serving as president of a statewide association of judges.

Lambros said Thomas worked hard at improving both the court operations and dealing with the flood of civil rights law that was made in 1960s and 1970s.

"We had to deal with some very important constitutional issues which touched the lives of millions of people," Lambros said. "It was truly one of the highlights of my judicial career to have had the opportunity to serve with Bill Thomas."

Thomas has been a senior judge since 1981, handling a small docket of cases and occasionally handling trials to help out other judges.

He said he was not certain what he would do in complete retirement. His wife, Dorothy, passed away in 1992. He remains close to his four children and plans to do some writing—"nothing fancy, just a few notes for my children," he said.

"I've learned over the years to never look backwards and be thinking in terms of I'm missing what I was doing," he said. "I just try to find new things to do."

JOSE V. TOLEDO UNITED STATES
POST OFFICE AND COURTHOUSE

HON. CARLOS A. ROMERO-BARCELÓ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. ROMERO-BARCELÓ. Mr. Speaker, in recognition of the outstanding service of the late Judge José Victor Toledo, today I introduce a bill to designate the United States Post Office and Courthouse in Old San Juan, Puerto Rico as the "José V. Toledo United States Post Office and Courthouse."

Judge José Toledo served on the bench of the United States District Court, District of Puerto Rico, from December 1, 1970 to February 1980, when he died in office at the age of 49. He rose to the position of Chief Judge of the U.S. District Court in Puerto Rico and served with great distinction in that capacity until the moment of his untimely death.

"Pepe" Toledo, as he was known to many, was regarded by those who knew him prior to and after his appointment to the Federal bench as a man of paramount integrity and a loyal public servant. Judge Toledo was born August 14, 1931 in Arecibo, Puerto Rico. He

received a Bachelor of Arts degree from the University of Florida in 1952 and a Juris Doctor from the University of Puerto Rico Law School in 1955. Prior to his appointment to the Federal bench, Judge Toledo served as an Assistant United States Attorney, as a partner of several law firms in Puerto Rico, and as a lawyer in local government in Puerto Rico. He served in the United States Army as a Member of the Judge Advocate Corps.

Judge Toledo was also a distinguished leader of the Exchange Clubs of Puerto Rico, through which he proudly served his community in Puerto Rico. He demonstrated his value to the organization through his involvement and commitment both at the local and national levels.

As expressed by the Chief Judge of the U.S. District Court in Puerto Rico, the Honorable Carmen Consuelo Cerezo, on behalf of the judges of the Federal court of Puerto Rico, "Judge José V. Toledo earned the respect of the public, the bar, and the bench for his patience, impartiality, fairness and decorum in the adjudication of the controversies brought before him. Judge Toledo set high standards for himself, yet he had a refreshing humility and capacity to understand the problems of others. His hallmarks were learning in wisdom, tempered by a tremendous feeling for people."

The U.S. Post Office and Courthouse in Old San Juan, built in 1914, stands above the foundations of the ancient-city wall that has guarded the harbor-entrance to the city for more than 300 years. Built only 15 years after Puerto Rico became a U.S. territory, it is listed on the National Register of Historic Places of the U.S. Department of Interior National Park Service. The site represents the eclecticism of American Architecture of the late XIX and early XX centuries, as it integrates American-Spanish-Revival, Sullivanian and Beaux Arts Neoclassical Revival styles. The "Correo," as it has been known to generations of Puerto Ricans, is an imposing and beautiful structure which has stood magnificently within the old city walls, and within the hearts of Puerto Ricans as a symbol of the greatness of times past and of the importance of the U.S. Postal Service in Puerto Rico. It is fitting that this structure, so dear to us, should carry the name of Judge José V. Toledo.

The judges of the United States District Court, District of Puerto Rico, who voted unanimously to recommend the naming of the Federal courthouse in Old San Juan, Puerto Rico in honor of José V. Toledo, referred to the late Judge Toledo as a "learned jurist, outstanding citizen, and excellent human being." I am immensely proud to honor his memory with this bill to designate the U.S. Post Office and Courthouse in Old San Juan, Puerto Rico as the "José V. Toledo United States Post Office and Courthouse."

IN MEMORY OF DAVID M.
CAWTHORNE, JR., TRANSPORTATION
JOURNALIST

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. SHUSTER. Mr. Speaker, I wish to acknowledge with great sadness, the passing of a widely known and respected transportation

journalist, Mr. David M. Cawthorne, Jr. His untimely passing at the age of 49 in January of this year has left a great gap in the Washington transportation community. Dave spent more than two decades covering regulatory issues at the Department of Transportation and the old Interstate Commerce Commission, as well as its successor, the Surface Transportation Board. It is probably safe to say that there is not a transportation lawyer, executive, or Washington representative who had not encountered Dave during his distinguished career. Many of the people he first met as Congressional staff or agency personnel have now risen to highly responsible executive positions in government and in the private sector. One small measure of this was the large number of his friends in the transportation community who recently attended his funeral in Washington. Rather than attempt to encapsulate Dave's career myself, I think that his personal legacy was better captured by the Chairperson of the Surface Transportation Board, Linda Morgan—herself a former Congressional staffer—in her memorial address at Dave's funeral. As a tribute to Mr. Cawthorne and the highest of journalistic standards he always stood for, I ask that her remarks be reprinted here.

IN REMEMBRANCE OF DAVID M. CAWTHORNE,
JR.

COMMENTS BY LINDA J. MORGAN, CHAIRMAN,
SURFACE TRANSPORTATION BOARD, JANUARY
21, 1998

Today we are gathered to celebrate our association with Dave, and in particular the many ways in which he inspired us and the many gifts that he gave us. I am truly honored to be able to share some of my thoughts about a very special friend and colleague.

I have thought a great deal about Dave over the last couple of days, as I know all of you have. In thinking about Dave, I am reminded that, in a town where there is so much focus on what titles people have or what job accomplishments people can claim, it is important to remember that what is a true test of a person is not so much what that person has done, but how that person has done it, or who that person really is.

Dave was quite a person. He was an individual of immeasurable human decency, profound inner strength, deep intellectual curiosity and commitment to thoroughness, impressive personal and professional integrity, and an unforgettable uniqueness.

All of us can relay our own experiences with Dave's decency. There was the call to congratulate you on something or the offer of support when you needed it, or the way he completed almost every contact with "sorry to disturb you" or "thanks so much for your time." Recently, my 12-year old daughter was with me at the office, and we ran into Dave and had a conversation. When I told her that my friend Dave had died, she said: "I remember Dave. He was that man we met at your office who seemed so nice." Dave, seen clearly through the unjaded eyes of a 12-year old, was a person who always remembered mutual respect and common courtesy.

And then there was his inner strength. No matter what personal or professional challenge he faced, he kept on going. He seemed to understand that life in its fullest is one challenge after another to tackle, one obstacle after another to overcome. And perhaps because of that awareness, he never stopped trying, and he never lost his spirit, his good humor, and his compassion for others. Wish that we all could struggle with such grace.

And then there was his intellectual curiosity and thoroughness. I have worked in the transportation arena for almost 20 years and