

meaning to encompass much more than simply what transpires within the four walls of the grand jury room. The coverage of the Rule "includes not only has occurred and what is occurring, but also what is likely to occur. Encompassed within the rule of secrecy are the 'identities of witnesses or jurors, the substance of testimony' as well as actual transcripts, 'the strategy or direction of the investigation, the deliberations or questions of jurors, and the like.'" (Emphasis added.) Your public statements in January and February accurately state the law, but your statements to Mr. Brill do not, and the actions of your Office are in violation of the law.

The media leaks by your Office also violate the ethics rules for federal prosecutors, see, e.g., DOJ Manual §§1-7.510; 1-7.530, which under the Independent Counsel Act you are obligated to comply with unless to do so would be "inconsistent with the purposes" of the Act. Complying with the DOJ's anti-leaking guidelines could hardly be "inconsistent" with the mission of your office.

Sincerely,

DAVID E. KENDALL.

A TRIBUTE TO DR. JAMES TOBIN

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1998

Mr. STUPAK. Mr. Speaker, at the age of 74, when most men and women might consider that it's time to settle back and enjoy the benefits of retirement, a medical doctor in my district has signed a four-year contract with his local hospital, Bell Memorial Hospital in Ishpeming, Michigan. This extension means that Dr. James Tobin, who also serves as mayor of his home town of Ishpeming, has now begun his second half-century of practicing medicine.

Actually, it's been more than a half century. The son of a doctor who himself practiced medicine until he was 79, Dr. Tobin admitted to a reporter in a recent story in the Marquette Mining Journal that he delivered his first baby in 1947 while only a medical student. Now, 9,000 babies later, Dr. Tobin still conducts his family practice, including obstetrics and gynecology, performs general surgery, and puts in by his own admission about 60 hours of work a week.

His biography recounts the facts of his life and career. A native of the borough of Queens, New York. A 1948 graduate of the Long Island College of Medicine. A 10-year veteran of the U.S. Army Medical Corps. A resident of Marquette County in my Northern Michigan congressional district since 1962. A member of the Ishpeming city council and four times mayor of Ishpeming. An Ishpeming Chamber of Commerce member and former chamber president. Member of a variety of local, state and national medical societies. A visionary chairman of a Michigan governor's task force whose work helped advance the quality of neonatal care at Marquette General Hospital. Church member. Husband. Father of five girls and one boy. Grieving father of a college-age daughter killed in a tragic automobile accident only last December.

This biographical outline can give us a sketch of Dr. Tobin as a member of his community, but it cannot come close to painting a picture of the impact of a family doctor on

those around him. In a lifetime of family medical practice, Dr. Tobin has shared intimately in the lives of thousands and thousands of his friends and neighbors, an involvement rich in the pageantry of life and death. In addition to his human drama, Dr. Tobin in the past 50 years has witnessed a revolution in medicine akin to the revolutions in other branches of science.

Advances in life-saving equipment, medicine and techniques, however, has not come without a trade-off in the way medicine is practiced, as Dr. Tobin frankly admits. Working without the benefit of CAT scans or Ultrasound, doctors once had to more carefully hone their skills of observation. "Your eyes, your fingertips, all of your senses," all came into necessary play, he says, adding, perhaps most importantly, "you had to listen to your patients, too."

We must go beyond the biographical outline, as well, to get a better view of a genuine human being concerned about the health of all individuals in his community. As the Mining Journal stated, Dr. Tobin has tried to follow in his father's footsteps, assuring all those patients who come into his office that they will be treated. "Dad took care of rich and poor alike," Dr. Tobin says in fond recollection. "Nobody ever got turned away for lack of money."

Mr. Speaker, the people of northern Michigan will officially recognize and celebrate this lifetime of dedication—this story for which the final chapters have not yet been written—at a special gathering on June 30. I ask all my colleagues in the U.S. House to join me in praising the selfless commitment of Dr. James Tobin to the health and well-being of his fellow man.

JAMES H. BAKER—A MAN OF HISTORY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1998

Mr. BARCIA. Mr. Speaker, in each of our communities we have the legacy of historic figures who worked to make a difference. In my district and my home town of Bay City, we have the privilege of having been the home of James Baker, the first black to run for a statewide public office in Michigan. His candidacy was one hundred years ago this month, and is a point of history of importance to all Americans.

Les Arndt has written an informative review of James Baker in the June 1998 issue of *Wonderful Times*, I submit this article to be included in the RECORD as part of my statement. I commend Mr. Arndt's column to all of our colleagues.

[From the *Wonderful Times*, June 1998]

MEMORY LANE

(By Les Arndt)

On June 21, 1898, exactly 100 years ago this month, the People's Party convention in Grand Rapids nominated Bay Cityan James H. Baker for state land commissioner by acclamation, and he became the first black to run for a statewide public office in Michigan.

Baker campaigned throughout Michigan, and excerpts from one of his campaign posters, paid for by the Committee to Elect

James H. Baker, on October 12, 1898, read as follows: "To the colored citizens and other voters of Michigan: Whereas the People's Party was the first to recognize a colored man on the same ticket, therefore we ask your individual support for James H. Baker. We know he is worthy and well qualified to fill the position and recommend him for your consideration. We beg you to advocate his cause, not for him alone, for he is paving the way for others."

Bay City was newly chartered when James H. Baker came here in 1867 to make his permanent home and become the keystone to Bay City's black community, after he was mustered out of the First Michigan Infantry as an orderly to General Ely and meritorious service with a black Pennsylvania regiment during several major Civil War campaigns.

The city was still in its infancy, electing a prominent lumberman, Nathan B. Bradley, as mayor only two years previously in the historic first election under city charter, which was held seven days before the end of the Civil War.

When James H. Baker came here in the 1860s, he found only six blacks residing in Bay City. He became a dominant figure not only among fellow blacks but also as a community leader. He became a barber, then policeman, and finally the proud owner of the New Crescent Lunch Counter and Ladies' Dining Room at 805 N. Water, which he boasted as "serving no alcoholic drinks."

He was a delegate to the First Colored Men's State Convention at Battle Creek, March 25, 1884; a member of a committee of Michigan Negroes who petitioned the state lawmakers "for the right of suffrage" and avid backer to a movement to send a black delegate-at-large to the Republican National Convention in Chicago in the late 1880s.

Baker was born in Manchester, Va., where his father, also James H., landed after emigrating from Ireland. A son, Oscar W., was born here in August 1879, and he was scarcely six years old when he was struck by a Pere Marquette Railway train at the 11th and Jefferson crossing and eventually lost a leg. That unfortunate accident launched the Bakers' longtime connection with the law.

The father brought suit in young Oscar's name and won a \$5,000 judgment. Although bad investments contributed to the dissipation of the cash before Oscar was 21, he went to the University of Michigan Law School with monies earned as secretary to Michigan Lt. Gov. Orin W. Robinson.

Graduating from law school in 1902, Oscar began practice here with white lawyer Lee E. Joslyn. In 1906, he brought suit against the railroad on the grounds it had been a mistake to pay the \$5,000 without securing a bond from his father. After winning in Circuit Court here, the Michigan Supreme Court ruled against him, holding that payment of the \$5,000 to the attorneys who were to turn it over to the Bakers qualified as a valid procedure.

As a result of the case, insurance companies, railroads, etc. began to require that a guardian be appointed for minors in civil cases.

Oscar, Sr. was the city's first black attorney, and he became a master courtroom psychologist, especially in criminal cases. He served as director for the association which sponsored professional baseball here at the turn of the century.

James H. Baker's grandsons, Oscar J. and James W., were long-time attorneys here, with the former founding what today is the Baker & Selby law firm after graduation from the U-M Law School in 1935. After practicing for nearly a half-century, Oscar Jr. has retired. In 1937, he was chairman of the State Bar's legal redress committee, traveling the state in helping blacks acquire their rights.