

stand on their feet and get back a little of their pride.

"Sarge was living in an old pickup truck behind the bar when we first got to know him. When the people in the bar found out he was homeless, they chipped in and bought him a tent."

Sarge proudly moved his new tent to the woods behind the Scramble Dog where, of course, he set it on fire with his hard drinking and endless smoking.

"You know what he did then?" Debbie asks. "His false teeth had been burned in the fire and he brought them to me and asked me to clean them. Can you believe that?"

Well, yes, because it wasn't the last time Sarge would test Debbie's patience.

Look for the rest of the story in this space Friday.

[News & Observer, December 25, 1998]

DENNIS ROGERS: FINALLY, A FAREWELL FOR SARGE

Robert Joseph Burke died in an apartment fire Nov. 5, just another old man who went to sleep with a cigarette in his hand.

Sarge, as he liked to be called, spent his days drinking at the Scramble Dog Inn on Western Boulevard and telling war stories that few people took seriously.

But the stories were true and he had the medals to back them up: the Silver Star, the Bronze Star and two Purple Hearts that proved he was everything he said, a combat-tested Ranger who fought bravely in Korea.

"He was a sweet old man," said Debbie Jernigan, the bar owner who had befriended him. "There was so much kindness in him. And so much bull."

"I had to ban him from the bar several times. He just would not leave the women who came in there alone. I wouldn't put up with mess. But when I'd throw him out, he'd go stand across the street and look at the front door like a sad puppy. I was hard on him sometimes, but he needed that."

Debbie let Sarge eat free when the bar had a charity cookout. She got him medical care. Once she learned that his war stories were true, she fought with the Veterans Administration to get him help. And when he died, she held his hand to help him through the last dark night of his life.

Sarge was dead. But other than Debbie and those who were his family at the bar, nobody seemed to care. His body was taken to the medical examiner's office in Chapel Hill, where it lay unclaimed for several weeks. Desperate, his friend Jerry Rengler called me for help.

I tried, but the bureaucracy would not be moved. That's just terrible, one suit after another said, and then came up with reasons why it was always someone else's responsibility.

Then came Myoshi Jones, who works for Rep. Bob Etheridge of the 2nd district. When I couldn't find anyone in government willing to do the right thing, I did what thousands do every day: I called my congressman. Myoshi, who works in Etheridge's Durham office, was assigned the case.

Standing maybe 5 feet tall and weighing about 100 pounds, she took on the entire government and it was not a fair fight. As a government official said of her later. "Who is that woman? She's chewing on people from one end of town to the other."

"They made me mad," Myoshi said. "They weren't treating that man right. I'm from a military family, and I'm sensitive to veteran issues."

The battle took a month, but on Monday, six weeks after he died, Robert Joseph Burke, American soldier and bona fide hero, was laid to rest in the Sandhills Veterans Cemetery at Fort Bragg. He was interred with the quiet dignity and honor he was due.

Rep. Etheridge, in the classiest move I've seen a congressman make lately, was there to pay his respects. When the brief service was over, Rengler accepted the flag that had covered his remains. He presented it to Myoshi Jones for her untiring efforts.

To all who helped, like Lois Raver, veterans service officer for Orange County, and my neighbor Alex Lee, who took care of the funeral arrangements, my gratitude. Thanks to you, an old soldier, almost forgotten by the nation he served so valiantly, is finally at rest with his comrades.

#### INTRODUCTION OF THE PROTECT AMERICAN JOBS THROUGH THE FOREIGN TRADE ANTITRUST IMPROVEMENTS AMENDMENTS ACT OF 1999

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. CONYERS. Mr. Speaker, I am pleased to join with my colleague, Commerce Committee Ranking member JOHN DINGELL, in introducing today the "Protect American Jobs Through the Foreign Trade Antitrust Improvements Amendments Act of 1999." This bill clarifies one of our most important U.S. antitrust laws in order to enshrine the principle that U.S. law reaches anti-competitive foreign cartels, acts, and conspiracies designed to unfairly exclude American products from overseas markets. The principle aim of my bill is to codify the U.S. Department of Justice's current and correct interpretation of the Foreign Trade Anti-trust Improvements Act ("FTAIA") which is embodied in footnote 62 of the International Antitrust Guidelines. The footnote makes it clear that there are no unnecessary jurisdictional or legal roadblocks to challenging anti-competitive acts and conspiracies that take place outside our borders.

We live in an era of economic globalization. Today, America's prosperity depends, not just on vigorous competition within our territorial borders, but on free and fair access to markets in Japan, Europe, Africa, Latin America, China, Russia, and a host of other countries. Anti-competitive practices that block foreign markets to U.S. exporters are just as much a threat to the U.S. economy, as the purely domestic cartels and combinations that the Sherman Act sought to address at the turn of the century.

The opening of global markets has advanced America's current economic prosperity, but it also poses fundamental challenges for U.S. antitrust laws. One example is the U.S. flat glass industry. For the better part of a decade, America's leading flat glass producers have been seeking access to the Japanese market, the biggest and richest in Asia. This isn't a situation where America doesn't have a good product, American companies are leaders in producing and selling high-quality innovative glass products around the world; and in fact, have succeeded in Europe, Asia, the Middle East, Latin America, but not Japan. The fact is that securing distribution effective channels for American glass products has not proved to be a significant barrier to entry in any country but Japan.

My bill aims to address this situation by making an important clarification in the U.S.

antitrust laws that govern jurisdiction over foreign firms. It does not change U.S. antitrust law. Instead, it is designed to codify and clarify U.S. antitrust doctrine. Although most observers would agree that the FTAIA established conclusively that DOJ and U.S. firms have jurisdiction to bring an antitrust case against foreign firms engaged in anti-competitive conduct that harms U.S. exporters, enforcement officials misinterpreted the law and said so in a footnote to the International Antitrust Guidelines. That footnote—footnote 159—created a higher burden for U.S. exporters than Congress intended by requiring that they show harm to U.S. consumers in order to get their day in court. The bill would ensure that the will of Congress and the plain meaning of the FTAIA could never again be misconstrued by the federal antitrust agencies, a foreign litigant or a U.S. court. In doing so, it would assist in breaking down anti-competitive foreign barriers to U.S. exports.

While the correction to Footnote 159 was drafted by Assistant Attorney General Jim Rill in the Bush Administration, it has been fully endorsed by the Clinton Administration. I commend Assistant Attorney Generals Rill, Bingman, and Klein for their strong leadership in strengthening international antitrust enforcement and for bringing cases under the authority of the FTAIA.

By clarifying the jurisdictional requirements of the FTAIA, I hope to encourage the Department of Justice and injured industries to make any necessary use of this important power by challenging cartels, such as those blocking distribution of the U.S. courts, before U.S. juries, under U.S. law.

My bill makes a simple and straightforward point. Anti-competitive foreign cartels and conspiracies are subject to the long arm of U.S. antitrust law. Foreign producers can run...but they can't hide. The global economy may be a reality, but U.S. law applies fully to anti-competitive international cartels, combinations and conspiracies.

This bill already has the support of industry leaders, including Kodak, PP&G Industries, and Guardian International Corporation, and the National Association of Manufacturers. I look forward to working with other interested parties to bring U.S. law into a new era of international economic globalization, and to ensure that American firms and workers have a timely and effective remedy against those who engage in anti-competitive acts designed to exclude American products or services from the international marketplace.

#### CELEBRATING THE PRINCIPLES OF KWANZAA—A TRIBUTE TO DR. E. ALMA FLAGG

**HON. DONALD M. PAYNE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. PAYNE. Mr. Speaker, it gives me great pleasure to inform my colleagues of a special event and a special person. In the African American community Kwanzaa, a festive, non-religious celebration, is held reflecting upon our rich heritage. It begins on December 26 and lasts for seven days. Each day focuses on one of seven principles; unity, self-determination, collective work and responsibility,

cooperative economics, purpose, creativity and faith.

The Beta Alpha Omega Chapter (Newark, NJ) of the Alpha Kappa Alpha Sorority in cooperation with the New Jersey Performing Arts Center sponsored the Second Annual Kwanzaa Festival honoring community elders. The person chosen to be honored on the first day of the 1998 Festival, December 17, was Dr. E. Alma Flagg. Dr. Flagg is truly deserving of this honor. She has spent most of her years in New Jersey working for the betterment of many. On May 2, 1995, I had the privilege and pleasure of bringing Dr. Flagg and her work to the attention of my fellow American citizens through remarks printed in the CONGRESSIONAL RECORD. It is not often that we are able to pay such important homage to the same individual within a short period of time. Dr. Flagg is one of the very few for whom a school has been named while still active.

Last year, Kwanzaa was recognized by the United States Postal Service with the printing of a postage stamp. Established in 1966, this celebration of family, community and culture is taking an important place in our diverse culture. I would like to thank Dr. Mabel B. Perry and Mrs. Greta D. Shepherd, Tribute Coordinators, for affording me this opportunity and bringing attention to this important commemoration.

As I stated on Tuesday, May 2, 1995, "Mr. Speaker, I am sure my colleagues would have joined me as I gave my best wishes to an outstanding human being and consummate role model, Dr. E. Alma Flagg".

#### THE WORLD WAR II GENERATION

### HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. BARR of Georgia. Mr. Speaker, today I rise to share with my colleagues a commencement speech delivered at the University of Georgia, entitled "Reflections from the World War II Generation," by former Attorney General and retired Federal appellate judge Griffin B. Bell, on December 19, 1998. I hope each Member of the House of Representatives will take a moment and read this inspiring document.

#### REFLECTIONS FROM THE WORLD WAR II GENERATION

I am from the World War II generation. My youth was in the Great Depression, which tempered all who lived it.

The discipline of military service, indeed, the service itself in World War II, had a marked effect on some 14 million Americans who served. Following our service, our country educated many of us under the GI Bill of Rights. Ours was the first generation of Americans to include substantial numbers of people who had graduated from college.

The electronic revolution had its genesis in World War II and has continued to develop at a rapid rate until this day. Much of it was developed in the vast defense and space enterprises, which followed World War II and in the Cold War with the Soviet Union.

Some of our generation had to participate in the Korean War along with many other Americans who had not been in World War II.

We sent our sons to Vietnam if our sons wanted to serve. Vietnam was the first of our

peculiar wars where almost anyone could dodge service and, if all else failed, could run away to Canada. This meant that the Armed Forces during the Vietnam War were made up of poor people who did not know how to escape and those Americans who were patriotic enough to go even though they could have escaped.

The Vietnam War was the beginning of the sharp divisions in our country between those who served and those who did not or who did not support the war effort. It was during this era that we began to question values that had served us well for generations. Patriotism, to some, meant protest. The idea sprung up that there was no such thing as absolute truth; that truth was a relative term and therefore depended on the circumstances. We learned that there was such a thing as situational ethics; that ethics depended on the particular setting.

Our own children, known by some as the Yuppie Generation, were badly split over Vietnam and social mores. Many turned to drugs and the hippie life.

Our World War II generation had a large role in the civil rights revolution of the 60's. Many of the Yuppie Generation participated as well, thus a joint effort which reached across the two generations. The revolution was momentous in the history of our country. It stands as one of the nation's highest achievements—a revolution engaged in under law and contained within the law.

The Yuppie Generation has never had to face hard problems of war or depression. Its problems are smaller but still important. Our education system is in disrepair despite prosperous times, ill serving substantial numbers of people who are in the public schools. We experimented with leaving the neighborhood school concept and let the federal government into local education. We seem to have either lost the ability to manage the schools and the system or have lost the will to correct the problem. The school problem is exacerbated by poverty.

We are turning into a sound bite people. We catch the television news or hear the kibitzing on the radio. We are not readers. We are losing the ability to write well.

Politicians have learned to use the television and radio as a means of spinning the news to suit their purposes. A gullible populace seems to be taken in by the spinners. This is much like the medicine shows which passed through the small towns during my youth. As Oliver Goldsmith said in his poem, *The Deserted Village*, referring to the village schoolmaster when he spoke on the village square: "Amazed the gazing rustics ranged around; And still they gazed and still the wonder grew, How one small head could hold all he knew."

We must ask: Have we lost our capacity to govern in a representative government? Have the pollsters and polls taken over? Is there a need for us to have representatives or are representatives mere rubber stamps to obey the will of the polls? Pure democracy was a form of government rejected by the Founding Fathers. We must remember Jefferson's words that our representatives owe us their best judgment, not their votes. Their judgment is important.

During this period has come an era of bad manners—incivility and rancor in our private and political life, extremism in entertainment and sensationalism in the arts and in the media. How can we improve our discourse? What has happened to old fashioned courtesy? Nowhere is conduct worse than among the too-clever-by-half lawyers where the smart aleck and ill-mannered so-called advocate is destroying the nobility and high calling of the law, and perhaps the last vestige of good manners as taught us under the English Common Law practice. Sir Matthew

Hale, a British judge who died in 1676, in writing on ethics, gave us a rule that would serve us well today. This was his rule: In all my actions, I will seek to know and follow my better instincts, never my worst; the nobler course, never the baser; [I will seek to know and follow] the high purpose, never the meaner.

I suggest this as a good rule for all people of good will and good manners. We should expect no less from our leaders, whether public or private; that they take the high road.

Our country is passing now into your hands. We call you Generation X, and we wonder what your values will be and what your aspirations will be for our country and for your fellow citizens.

Based on my observations of my own grandchildren, I believe that Generation X will be one of our greatest. Your values will increasingly be in the public interest. You will accept the challenge of doing something about the poor public schools and about the fifteen percent of our population who live below the poverty level. You are our hope—our highest hope. How will you deal with our greatest failure: the scourge of drugs? Poor education and poverty will weaken our country, but drugs can destroy it. The prisons are filled, largely because of drugs. Using drugs is unpatriotic, but our leaders do not put the problem in those terms.

You have received a good education and are in a better position to serve others than many Americans. I hope that you will adopt the standard of noblesse oblige—"To those to whom much is given, of them is much expected."

Supreme Court Justice Lewis Powell may have been the greatest Southerner of this era—and certainly among the greatest Americans. On the occasion of his death, the *Richmond, Virginia Times-Dispatch*, in an editorial of his life, quoted him as having written, "As to values, I was taught—and still believe—that a sense of honor is necessary to personal self-respect; that duty, recognizing an individual's subordination to community welfare, is as important as rights; that loyalty, which is based on the trust-worthiness of honorable men, is still a virtue; and that work and self-discipline are as essential to individual happiness as they are to a viable society. Indeed, I still believe in patriotism—not if it is limited to parades and flag-waving, but because worthy national goals and aspirations can be realized only through love of country and a desire to be a responsible citizen."

There is a chapter in Sandberg's *Life of President Lincoln* entitled "A Tree Is Best Measured When It Is Down." This chapter includes many of the tributes paid to President Lincoln after his assassination. One of the tributes was by the great Russian writer, Tolstoy, who, when asked by Russian tribesmen to tell them about President Lincoln, responded, "Lincoln was a great man. He was greater than Alexander the Great and greater than George Washington. The reason he was great was his values. Everything that he did was rooted in four great values: humanity and justice, truth and pity."

Truth is important. It is the bedrock of our legal system, and the legal system is the bedrock of our country.

I speak of a legal system as being different from justice. Justice is that which is rendered in the legal system. It is the redeeming virtue of our country; that no person is above the law and no person is below the law; we are all equal before the law. You must take care to see that no fellow citizen is ever denied justice. You must also take care to see that there are no preferred citizens in the sense that the rich and well-to-do can have a different kind of justice. I direct your attention to the latterday style of trial