

letter, worded in the manner of litigation interrogatories, enumerated eleven separate categories of information sought by the Committee. One follow-up letter, four pages in length and densely footnoted in the form of an adversarial brief, posed six separate questions about a single case. The practice of propounding follow-up questions to congressional witnesses is common, but the intensity with which this subcommittee pursued Judge Rosenbaum is unprecedented.

Second, the Committee claims that Judge Rosenbaum "misstated" facts by not explaining that several defendants he described were awarded downward departures from the guideline range.

This criticism misunderstands the point of Judge Rosenbaum's testimony. In supporting the Sentencing Commission's proposed amendment, Judge Rosenbaum faulted the current sentencing guidelines that result in unjust sentencing ranges. The fact that judges possess statutory authority to "depart" from the guidelines in unusual cases is an insufficient objection to the proposed guideline amendment, because the guidelines themselves should result in a just sentencing range for a class of defendants. The fact that at least a half dozen drug defendants in a single federal district in a short period of time qualified for downward departures demonstrates a flaw in the guidelines. Moreover, a departure is subject to appeal while a sentence within the guidelines is not.

In any event, Judge Rosenbaum did not "misstate" facts as the report alleges. He made amply clear that he was presenting the sentence each defendant was "subject to" under the existing guidelines—guidelines which he, the seven members of the Sentencing Commission, Senator SESSIONS and Senator HATCH all believe should be amended.

Third, the Committee alleges that Judge Rosenbaum testified "falsely" when he stated that low-level drug defendants are sentenced "the same way" as more culpable defendants.

This is an absurd criticism. Judge Rosenbaum's basic point was that the current sentencing guidelines are flawed in that they utilize drug quantity to determine the base offense level for all drug trafficking defendants, even those who, although legally responsible for an amount of drugs, played no role in setting the quantity or sharing in the profits. In his prepared statement, Judge Rosenbaum described this problem clearly: "it is the quantity of drugs in the whole scheme that drives the sentence. The judge only looks at the defendant, after all the scheme's drugs have been accounted for." He did not contend that minor and major participants receive identical sentences; rather he stated that all drug defendants are sentenced "the same way," *i.e.*, using the same quantity-driven mechanism.

The Committee chooses to interpret the judge's words "the same way" to mean the same sentence. A full reading of his written and oral testimony makes clear that is not what Judge Rosenbaum meant. But the Committee then uses this misunderstanding to accuse Judge Rosenbaum of providing "unquestionably false," "inaccurate" and "utterly false" testimony to Congress. On this innocuous record it is inconceivable that any witness, least of all a federal judge, could be accused of testifying falsely.

Fourth, the Committee accuses Judge Rosenbaum of improper motives in closing a

sentencing hearing and suggests that he may have acted "unlawfully."

There is no reasonable basis for this grave accusation. The Committee says Judge Rosenbaum may have "unlawfully" sealed the transcript of a sentencing hearing "to conceal from the public and from the Subcommittee" his actions. By definition, the facts involved in a sealed proceeding may not be revealed publicly, and the Committee's speculation is irresponsible. But if either the sentence itself or the decision to seal the proceeding were illegal, the United States could appeal. It has not done so.

CONCLUSION

By voting in favor of H.R. 4689, a majority of the House Judiciary Committee expressed its disagreement with the views of Judge Rosenbaum, all seven members of the Sentencing Commission, and Senators SESSIONS and HATCH. That is the Committee's prerogative. It is also the Committee's prerogative to rebut the arguments of any witness. However, the Committee exceeded the bounds of decency and fairness when it published a 22 page diatribe against a distinguished, respected federal judge and former United States Attorney.

RECOGNIZING AGENT DAVID F. CORRIGAN

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Ms. SOLIS. Mr. Speaker, I rise to recognize the numerous contributions of Agent David F. Corrigan, one of Monterey Park's finest police officers. Agent Corrigan is retiring from active duty after 28 years of outstanding and selfless service.

Agent Corrigan graduated from the Los Angeles County Sheriff's Department Academy and joined the Monterey Park Police Department on September 9, 1974, as part of the Patrol Bureau. During his career, Agent Corrigan was assigned to the Patrol and Detective Bureaus and periodically to the Administration Bureau as a Background Investigator.

Agent Corrigan has received countless commendations from the Monterey Park Police Department. He was highly recognized for his role during the evacuation of a hospital emergency room that was held hostage in June of 1995 and for apprehending the gunman. Furthermore, he frequently received letters of appreciation from residents and other law enforcement agencies for his work as an investigator and a patrol officer.

In November 1998, Agent Corrigan was recognized as the Police Department Employee of the Month and in 1999, he was awarded the department's third highest honor, the Distinguished Service Medal, for outstanding performance throughout his career as an officer, detective, field training officer and field supervisor. Agent Corrigan is an integral member of the community and his church. He is a role model for the youth of Monterey Park and continues to participate in the Police Department's D.A.R.E. Camp and In-School Scouting programs.

Throughout his career, Agent Corrigan was known for his honesty, compassion and professionalism. He will be greatly missed by his

co-workers and the community he greatly impacted. Mr. Speaker, I ask you to join me in expressing my gratitude to Agent Corrigan for his selfless dedication to our community.

TRIBUTE TO CONG. TIM ROEMER

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. HINOJOSA. Mr. Speaker, as the 107th Congress comes to a close, I wanted to take this opportunity to recognize my friend and colleague on the Education and Workforce Committee, Congressman TIM ROEMER. TIM has decided to leave Congress to pursue other avenues of service, but I want to thank him for his dedication to the education of America's children.

TIM was born and raised in Indiana and since 1990 he has ably represented the Third District. His constituents have recognized his outstanding service and in 1998 he was re-elected with the highest winning percentage for any Third District candidate in a quarter century.

While in Congress, TIM has been a strong supporter of students, teachers and school officials. He exercised great leadership during the development of the landmark legislation, "No Child Left Behind Act," our most recent reauthorization of the Elementary and Secondary Education Act. His contribution will be felt by thousands of children throughout our country.

As a Co-Chair of the New Democrat Coalition, of which I am a member, he has advocated for a fiscally responsible government that still compassionately meets the needs of individuals and institutions that require federal assistance.

I regret that TIM will not be with us as we work next year to reauthorize the Higher Education Act and Head Start. His thoughtful insights and his commitment to educational opportunities for every child will be sorely missed. I am confident that he will continue to serve the interests of our country in whatever future endeavors he may pursue. My colleagues and I are losing a very articulate champion for the issues promoted by our Democratic Party, but we all wish the very best for him and his family.

Indiana has been proud of her Native Son and we hope that the Great State of Indiana will send us another Democrat as gifted and committed as TIM ROEMER.

TRIBUTE TO JUDGE SID STEWART

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to a dedicated public servant, family man, friend, and all around great Kentuckian, Judge Sid Stewart. After 17 years of tirelessly serving as County Judge/Executive of Morgan County, Kentucky, he is retiring from public office. I want to express my deepest gratitude for his many contributions.