

EXTENSIONS OF REMARKS

TRIBUTE TO THE LATE CONGRESS-
MAN, GARRY BROWN, 1923-1998

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. UPTON. Mr. Speaker, many of you may not have heard of the passing a few weeks ago of our former colleague, Congressman Garry Brown, who represented southwest Michigan. Through more than a decade of service in the House of Representatives, Garry Brown will be remembered as an ambassador from a more genteel era of politics.

Brown served six terms in the U.S. House of Representatives, from 1966 to 1978, where he was known for his hard work and solid command of the issues. Brown's personal foundation was rooted in his high ethical standards. His belief that Members could remain close friends while disagreeing over the issues helped carry him through some of the most difficult times in our Nation's history.

His service to his Nation was not limited to the House. Preceding his congressional career, Brown was a brave member of our armed services during the Second World War in Japan. After the war, he worked for the FBI before he came home to Schoolcraft, MI, to enter State politics. A delegate to the Michigan Constitutional Convention, he played a major role in crafting the present State constitution.

Later in life, Garry Brown returned to his farm in Schoolcraft, MI, where he spoke of the pride and joy he gained in his role as an elder statesman. He will be remembered as the gentleman from Michigan in every sense of the word. He led his life with dignity, served his community with respect, and lived with a profound love for his country.

Mr. Speaker, please join me in sending my condolences to his daughter, Ms. Frances Brown, and to all of Gerry's family and friends. Congressman Garry Eldridge Brown will be sorely missed by us all.

ATTEMPTS TO BLACKLIST PEOPLE
BECAUSE OF DEMOCRATIC
PARTY AFFILIATION

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. KLINK. Mr. Speaker, there was a time when people were blacklisted from jobs because of alleged affiliation with the Communist Party. Today, attempts are being made to blacklist people because of their affiliation with the Democratic Party.

How do they do that in our democratic system? Through direct threats to employers' pocketbooks. According to Roll Call, the Washington Post, and the New York Times, Speaker GINGRICH, Majority Leader RICHARD ARMEY, Majority Whip TOM DELAY and House

Republican Chairman JOHN BOEHNER either themselves called or instructed others to call member companies of the Electronics Alliance Industry (EIA) and demand that EIA break its contract with former Democratic Congressman Dave McCurdy and hire a Republican as its new president. In case that was not sufficient warning, the Republican leadership then removed legislation to implement the World Intellectual Property Organization Act from the floor schedule and told EIA it was to "send a message" that McCurdy and other Democrats were not welcome in Republican leadership offices. EIA stood up to the pressure, but some member companies now are talking about leaving the association to set up a more Republican-acceptable one.

This is not new. Since 1995, Representative DELAY has been threatening trade associations, law firms and lobbying groups to remove Democrats from top jobs and replace them with Republicans. To see him, Representative DELAY told one company, "you have to hire a Republican." As Representative BILL PAXON said, Democrats are "the enemy" and should not be supported. ["Speaker and His Directors Make the Cash Flow Right," Washington Post, Nov. 27, 1995.] Apparently, the Republican leadership no longer believe in a robust two-party system.

In many countries in the world, the actions of the Republican majority would be routine behavior. Persons affiliated with the ruling dictator or party and its henchmen get good private and public jobs for themselves and their families; special deals when public businesses are "privatized"; and many other luxuries. Several billionaires were made in Mexico over the past decade because of such affiliations with the ruling party—the PRI. Dissidents in the former Soviet Union and its satellite states were denied the right to work at their chosen professions because of their political views. In the Congo, the right to work at all under former dictator Mobutu often depended on political party affiliation. The right to work and speak in China today can depend upon a person's political views. Indonesia, Malaysia . . . I could go on and on.

From our vaunted and privileged perch in what is still the world's greatest democracy, we call these countries and their leaders "corrupt," "backward," and "undemocratic." We decry the "inefficiencies" that result from such interferences with individual and corporate freedoms. We spend millions of dollars every year to bring the message of our "democracy" to the benighted of the world. But unfortunately, in the Congress of the United States, the majority party too is now imposing the litmus test of party affiliation to reward or punish our citizens. The Republicans are using party affiliation to determine who has the right to petition the government. The sacred constitutional rights of free speech and association and the right to freely contract for goods and services no longer exist if you are registered as a Democrat. In fact, you may be summoned before a Congressional Committee to explain all of your business dealings. This new

1990's McCarthyism is a way of life for the Republican party. Light must be shed on it and it must be stopped.

Let me provide another example about how this Congress is punishing people for being Democrats or having the audacity to hire Democrats to work for them. Last week Chairman JOE BARTON of the Oversight and Investigations Subcommittee of the Commerce Committee, came to the floor to announce that he intended to refer to the Justice Department for further "investigation" his allegations that certain highly connected Democrats and Democratic supporters had lied under oath at subcommittee hearings, paid illegal contingency fees for government leases and conspired to commit all manner of mayhem in violation of the federal conspiracy statute.

Chairman BARTON also demanded that the General Services Administration "take immediate steps"—apparently without going through proper legal channels and by breaching a valid contract—to get back all the rent it has paid for the Portalls II building, the new headquarters into which the Federal Communications Commission will begin moving next week. Chairman BARTON also wants the GSA to recover all fees paid to Washington lawyers by one of the partners in that development. Exactly how this is to be done legally is quite unclear, particularly since on October 7, 1998, GSA issued a "lease status" letter indicating that the government was not aware of any "defense to its obligations under the Lease." The chairman did not further enlighten us.

The special order appeared to be a last-minute, cheap shot bid for press attention—and speech-and-debate protection—for old, unproven allegations and an investigation that has drilled a dry hole. There is no report nor is a referral letter yet written. One must question why a subcommittee chairman needs to go to the floor to give instructions to his staff.

More importantly, this referral is not based on credible evidence but is an attempt to punish private persons who happen to be Democrats by forcing them to go through months of additional investigations when the Subcommittee's own work failed to uncover any criminal wrongdoing. Attorneys' fees to defend against a continuing string of unsuccessful investigations can be used quite easily to cripple individuals with different political views. As much was threatened at the Subcommittee's October 6, 1998, hearing. In his opening statement, Committee Chairman BLILEY told the witnesses that he believed that their behavior was "wrong," and that "if they continue down the path of evasion and avoidance, they should know the consequences will be far greater." (emphasis added)

Chairman BLILEY stated that the witnesses' previous testimony, in which they denied any wrongdoing, raised "serious questions about whether these men intended to mislead the Committee." He claimed the Subcommittee had "other testimony and evidence" that should cast "significant doubt" on their explanations. But, as staff and members already knew, there was no new testimony or evidence to be presented at that hearing or the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

following hearing on October 9. In fact, on October 9, witnesses from two government agencies denied that any misconduct had occurred, confirming statements that they had made to staff months before. Nonetheless, Chairman BLILEY complained again about what he viewed as "implausible stories and explanations."

As Rep. JOHN DINGELL, ranking member of the Commerce Committee, and others stated in the press last week, these statements are nothing more than the last gasp of a Subcommittee staff that has labored unsuccessfully for almost two years. In two investigations, this subcommittee has engaged in a futile effort to link Peter Knight, the well-paid lawyer/lobbyist who successfully managed the 1996 Clinton-Gore re-election campaign, and Vice President AL GORE to some type of illegal activity. This was done to the detriment of much more important investigations that could have been done on health care, securities, telecommunications, and other issues under the Commerce Committee's jurisdiction.

During most of those two years, there was little or no effort to conduct a fair investigation. During 1997, the majority worked mightily to show that Molten Metal Technology, a small Massachusetts company which hired Mr. Knight as its Washington representative, received special treatment from the Department of Energy and Vice President GORE in obtaining research and development contracts for a nuclear waste clean-up technology it was developing. The president of that company, a life-long Democrat, had contributed to both the Democratic and Republican national parties, but the allegation was that he has received special treatment only because of his Democratic contributions.

The political purpose of that investigation was revealed before even a single hearing was held. Two days before the first hearing, a Subcommittee staff memo was leaked to the press in which the staff stated that it had no evidence of wrong-doing and no evidence of any linkage to Vice President GORE. This was already clear to the minority staff which had reviewed all of the documents and participated in many interviews. But the majority staff recommended—and the chairman concurred—that hearings be held anyway to "highlight . . . the cozy relationship among the key players, and the substantial flow of campaign contributions to Democrats." One of the benefits, according to the Republican memo, would be "enormous press coverage" and forcing key players to "deny allegations of misconduct under oath." McCarthyism at its worst.

Strangely, after the "enormous press coverage" resulting from Mr. Knight's appearance, at which he denied "allegations of misconduct under oath," the majority had to be pressured by the minority to allow the executives from Molten Metal Technology to testify—even though these were the very same persons who had supposedly paid for influence at DOE, according to the majority's allegations. The minority's request to have Molten Metal's Republican Washington representative testify about his role for the company was turned down.

Not surprisingly, the Subcommittee's investigation turned up no evidence of wrongdoing, but there were very heavy and tangible penalties placed on the parties targeted. Molten Metal was driven into bankruptcy. Two hundred people, including the president of the

company, lost their jobs. Personal reputations were damaged. Private individuals amassed huge legal fees; and the taxpayer will probably never benefit from the \$33 million invested in the technology. No report was ever written: no apologies were ever made by the Republican accusers or those who leaked negative stories to the press.

The second investigation, which Rep. BARTON says he will refer to the Justice Department—to find the evidence that the Subcommittee could not—grew out of the first one. During the Molten Metal investigation, majority staff heard that Mr. Knight had been paid \$1 million by another client and decided that such a fee was too large. Molten Metal was soon forgotten, as the Subcommittee plunged forward into another year-long investigation of another of Mr. Knight's clients. This investigation involved the \$1 million payment by Franklin Faney, a Tennessee developer, to Mr. Knight for three years' work of various real estate projects, mostly in the Washington area. Mr. Haney also had the misfortune to be an active Democrat, a former Democratic candidate for governor of Tennessee and a big contributor to the Democratic Party. The project on which the Subcommittee focused was Mr. Haney's ultimately successful attempt to become a participant in the Portals II building.

The chairman alleged at various times that Mr. Haney had paid illegal contingency fees and improperly and politically influenced decisions by government officials on a supplemental lease agreement signed on January 3, 1996. All testimony and documents to the contrary were ignored, particularly the evidence that Mr. Haney was not a member of the Portals partnership at the time in question, Chairman BARTON stated at various times that he did not have evidence of improper contingency fees or other improprieties, but the investigation and the hearings continued—hours and hours of hearings. The final one consumed almost nine hours during which *eleven* government witnesses denied any improper behavior or influence by Mr. Haney or his representatives. A number of them denied even knowing Mr. Knight or Mr. Haney. Chairman BARTON said that he hoped to "gain a much clearer picture of the contracts and negotiations" at that session, but what he heard apparently did not meet his pre-conceived view of the facts. So he came to the floor of the House to try again to do what his subcommittee could not do—ruin Peter Knight's reputation. Why? Because Peter Knight happens to be a Democrat.

This investigation has also established a number of new, expansive roles for Congressional committees that make us vulnerable to charges of abuse and meddling in business that is entirely and properly private, not public. The first new role is a judicial one. We set a new standard for evidence that sworn testimony by individuals is evidence only if it is backed up by documents. Otherwise, it is just talk.

Second, we became the D.C. Bar's ethics guru because some law firms have billing and partnership practices that we don't like. This was brought to our attention by disgruntled former partners who one would assume can litigate their own differences and file bar complaints.

The third new role was that of making sure that private businesses—particularly those

with chief executives of Democratic leaning—who agree to do business with the government take no steps to understand the business or the risks involved before they invest their funds. "Due diligence" by Democratic business people—especially if it involves hundreds of millions of dollars—is forbidden. Phone calls, meetings with anyone who might know about the project—all are suspect. If carried out, such activities are put under a Republican microscope for months on end.

Even when no wrongdoing is found, Republicans continue to sully the reputations of those innocent people. Is there no decency left in the GOP?

The people did not pay us to come to Washington to punish those of different political views, to eliminate our two-party system and political debate or to look into people's private businesses because we think they are paid too much or don't like the way they comb their hair. Millions of dollars in public and private funds have been expended on these investigations already because certain business people were seen by the Republican majority as Democratic "enemies" of this Congress. Hopefully, the Justice Department can separate a political referral designed to save face from a legitimate investigation and end this charade.

TRIBUTE TO JOSEPH P. KENNEDY,
II, MEMBER OF CONGRESS

SPEECH OF

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to honor the good-hearted gentleman from Massachusetts. I have had the great privilege to serve in the United States Congress with JOE KENNEDY since we were both elected in 1986. Over the years, JOE KENNEDY has become more than just my colleague, he has become my friend and my brother. He will be missed in this great institution. He will also be remembered for his indefatigable capacity to help those and to stand up for those who have been left out and left behind.

It is no great secret that JOE KENNEDY is the oldest son of my friend and hero, Robert F. Kennedy. There goes a saying that the apple never falls very far from the tree. Since I first met JOE, I knew he possessed the same passion for justice and equality that characterized the extraordinary political career of his father. For some, to follow in the footsteps—let alone be the eldest son—of an American hero would be a curse. But for JOE, he honors his father and his mother, Ethel Kennedy, by being a passionate fighter for what is right. Our nation has been well served by his advocacy for better public and affordable housing for every American, by his tireless efforts for low income energy assistance, by his tenacious efforts to stop the practice of redlining by banks and other institutions and by his leading opposition to the School of the Americas, better known as the "school of assassins." I will miss JOE KENNEDY, but the poor, the elderly, the dispossessed and the lovers of democracy will miss him even more.

When you consider all the accomplishments of JOE KENNEDY, both as a private citizen and