by a metropolitan crime lab. When we find out that we've not had that, it causes people to question the whole criminal justice system.''

In the December audit, a team of forensic scientists detailed problems that included inadequate recordkeeping, poor maintenance of equipment and a leaky roof that it said could lead to contamination of DNA samples.

City Councilwoman Carol Alvarado, who toured the facility June 11 after receiving complaints from lab employees, said the roof was in poor shape.

''These were not just leaks; these were holes,'' she said. ''There were trash buckets and water buckets throughout the lab. They were having to move tables around, because some of the leaks were near and sometimes above where the analysis was occurring.''

Alvarado said she reported her findings to the council June 19, but funding issues prevented the council from awarding a contract for roof repair until January.

Houston Police Department spokesman Robert Hurst refused to comment on the lab.

Elizabeth Johnson, who directed the Harris County DNA lab until 1996, said water from a leak could taint samples. But she also said the city police lab's problems run deeper than a leaky roof.

''Every single case I ever reviewed of theirs had at least one serious error and sometimes more than one error,'' she said. ''I'm not talking about a typo. I'm talking about things like controls being missing. Most common were that their reports would say one thing, and their data didn't support that at all.''

Rosenthal said any DNA retests that reveal errors will lead to new trials.

Bailey said the use of DNA evidence from a flawed lab reveals the ''win and get a conviction at all costs'' attitude of the district attorney's office. He wants hearings to determine whether an external review is necessary.

''No innocent people should be convicted because of faulty analysis,'' he said. ''At this point, I'm skeptical as to whether the Houston lab can analyze their own mistakes.''

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[From the Washington Post, Mar. 13, 2003]

TEX. EXECUTION STAYED AT LAST MINUTE—SUPREME COURT CONSIDERS REVIEW

(By Charles Lane)

The Supreme Court granted a last-minute stay of execution last night to a Texas death-row inmate who says he is innocent of the murder of which he was convicted 23 years ago, setting the stage for another high-profile debate at the court over alleged flaws in the U.S. capital punishment system.

In a brief order issued about 10 minutes before officials were to administer a lethal injection to Delma Banks Jr., the justices said that he should be kept alive at least long enough for them to consider his request for a full-scale hearing on claims that his 1980 trial in Bowie County, Tex., was marred by prosecutorial misconduct, ineffective defense counsel and racially discriminatory jury selection.

Banks, an African American, was convicted of killing a white teenager by an all-white jury. If his execution had proceeded last night, he would have been the 300th person put to death in Texas since the state resumed executions in 1982.

It was unclear when the court might meet to consider Banks' petition. Its next scheduled closed-door conference is March 21. However, the stay may be a favorable sign for Banks because it required the votes of at least five justices, and a decision to hear his case could be made with the assent of just four justices.

Consistent with growing public concern over the possibility of wrongful death sentences, the court has shown interest recently in the issues raised by Banks' appeal, though its rulings have not always come out the way death penalty opponents would have liked.

The court ordered a lower court review of another Texas man's death sentence last month, ruling that a case could be made that jury selection at his trial was racially biased; last year, it abolished capital punishment for the mentally retarded. But also last year, the court rebuffed an effort to seek abolition of the death penalty for juveniles and let Virginia proceed with the execution of a murderer who had been represented at trial by the murder victim's former lawyer.

''Delma Banks Jr., who has maintained his innocence from the beginning, found justice in the courts today, and we are hopeful that this delay will allow a meaningful review of the serious claims in his case,'' Banks' lawyer, George Kendall of the NAACP Legal Defense and Education Fund, said in a prepared statement. ''The court's decision to stay the execution in order to potentially hear the significant claims put before it demonstrates that our tribunals will not turn a blind eye to egregious miscarriages of justice.''

Bobby Lockhart, district attorney of Bowie County, said, ''Factually, [Banks] was guilty, and legally the jury found him guilty. As to the death penalty, that's up to the Supreme Court. I think that the Supreme court will review the case and find that he was guilty, and I think there's no way the stay [of execution] will be extended beyond 30 days.''

Banks' case has attracted attention in part because of the supporters who have rallied to his cause, including former FBI director William S. Sessions and two former federal appeals court judges.

In a brief submitted to the Supreme Court in support of Banks' request for a stay, Sessions and his colleagues said that the Banks case is tainted by ''uncured constitutional errors'' that are ''typical of those that have undermined public confidence in the fairness of our capital punishment system.''

Banks, then 21, was convicted in 1980 of shooting his co-worker Richard Wayne Whitehead, 16, to death with a .25-caliber handgun.

Banks' lawyers argue that prosecutors wrongfully suppressed evidence that one of their key witnesses, who has since recanted, lied on the stand. Banks' attorneys also argue that his inexperienced defense lawyers offered little evidence to counter prosecutors' claims that Banks deserved the death penalty, even though he had no previous criminal record.

Prosecutors kept African Americans off the jury, they contend, producing the all-white panel that convicted Banks and sentenced him to death in the course of two days of legal proceedings.

No physical evidence linked Banks to the crime. But Banks was the last person seen with Whitehead, and prosecutors said their case against him is strong. Last week, the New Orleans-based U.S. Court of Appeals for the 5th Circuit, reversing a federal district judge's ruling in favor of Banks, permitted his execution to proceed, on the grounds that the alleged flaws in his trial were not substantial enough to have changed the outcome.

The Texas Court of Criminal Appeals this week refused to block Banks' execution, and the Texas Board of Pardons and Paroles would not hear his plea because it was filed too late.

Because of the prolonged appeals process in his case, Banks has been on death row while Texas conducted 299 executions, the most of any state since the Supreme Court permitted states to resume capital punishment in 1976.

## RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCAIN. Mr. President, the Committee on Commerce, Science, and Transportation has adopted rules governing its procedures for the 108th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator HOLLINGS, I ask unanimous consent that a copy of the Committee Rules be printed in the RECORD.

RULES OF THE SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

I. MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the Committee, or any Subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any Subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the Committee, or any Subcommittee, when it is determined that the matter to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identify of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets of, or financial or commercial information pertaining specifically to, a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

4. Field hearings of the full Committee, and any Subcommittee thereof, shall be

scheduled only when authorized by the Chairman and ranking minority member of the full Committee.

II. QUORUMS

1. A majority of members shall constitute a quorum for official action of the Committee when reporting a bill, resolution, or nomination. Proxies shall not be counted in making a quorum.

2. Eight members shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill, resolution, or nomination. Proxies shall not be counted in making a quorum.

3. For the purpose of taking sworn testimony a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a majority of the members being present, a member who is unable to attend the meeting may submit his or her vote by proxy, in writing or by telephone, or through personal instructions.

IV. BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any Subcommittee thereof, shall be televised or broadcast only when authorized by the Chairman and the ranking minority member of the full Committee.

V. SUBCOMMITTEES

1. Any member of the Subcommittee may sit with any Subcommittee during its hearings or any other meeting but shall not have the authority to vote on any matter before the Subcommittee unless he or she is a Member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the chairmanship, and seniority on the particular Subcommittee shall not necessarily apply.

VI. CONSIDERATION OF BILLS AND RESOLUTIONS

It shall not be in order during a meeting of the Committee to move to proceed to the consideration of any bill or resolution unless the bill or resolution has been filed with the Clerk of the Committee not less than 48 hours in advance of the Committee meeting, in as many copies as the Chairman of the Committee prescribes. This rule may be waived with the concurrence of the Chairman and the ranking minority member of the full Committee.

## ARMING CARGO PILOTS AGAINST TERRORISM ACT

Mr. BUNNING. Mr. President, I rise to thank my colleagues on the Senate Commerce Committee for unanimously passing the language of the Arming Cargo Pilots Terrorism Act as an amendment to the Air Cargo Security Act.

As was made so terribly clear on September 11, 2001, we must be ready for terrorist threats in places and times we never before thought we would. Congress has acted deliberately to increase our security and make it harder for terrorists to repeat the destruction of September 11.

One step Congress took was to arm pilots of commercial aircraft who volunteered for a rigorous training program. At the last minute, commercial cargo pilots were left out of the program while their counterparts flying for commercial passenger carriers were armed. That makes no sense because cargo pilots fly the same planes with the same or larger fuel loads as the passenger aircraft that were hijacked on September 11.

Last week, I introduced the Arming Cargo Pilots Against Terrorism Act to close that dangerous loophole. Today, Senator BOXER offered our bill as an amendment in the Commerce Committee and it passed unanimously. I thank her for all her hard work on this issue and I thank the Commerce Committee for acting expeditiously.

I am hopeful this bill soon become law and the loophole will be closed. We need to protect our cargo pilots and the general public from any possible threat.

## THE ASSASSINATION OF SERBIAN PRIME MINISTER ZORAN DJINDJIC

Mr. MCCAIN. Mr. President, when Zoran Djindjic was assassinated in Belgrade yesterday, Serbia and the world lost a champion of freedom who gave his life in service to it. We mourn his death and condemn his assassins' attempt to destroy democratic rule in a country that was only recently liberated from Slobodan Milosevic's tyranny, but had already come so far.

I first heard about Zoran Djindjic in 1996 when he took to the streets of Belgrade with hundreds of thousands of Serbs to force Milosevic to accept local election results. He was victorious in that battle. It took him four more years of hard and dangerous work to defeat Milosevic at the polls and in the streets.

The Serbian revolution of 2000 showed the world that democracy can succeed, in the Balkans as elsewhere, if leaders are wise, persistent, and courageous. The Milosevic government was the last Balkan dictatorship to fall. Zoran Djindjic was the person pushing hardest at the pillars of the authoritarian state. Once he became Prime Minister, he made the tough decisions to transform Serbia from dictatorship to democratic republic. He sent Milosevic to The Hague, despite fierce internal opposition; he implemented critical economic and political reforms; and recently he had begun to aggressively fight organized crime. It was one battle too many.

Those who would corrupt and destroy democracy in Serbia presumably hope by their actions to extinguish the Serbian people's aspirations to live under rule of law and in liberty as part of a secure and prosperous Europe. They have failed. Killing one man will not stop reform or diminish the passion of Serbs to be part of the European family of free nations. I hope it will only invigorate Zoran Djindjic's many followers to carry on the struggle they began together in the dark days of Milosevic's rule.

Our prayers are with the Djindjic family, his colleagues in the Democratic Opposition of Serbia, and the Serbian nation. To the people of Serbia, we say: Please continue to fight for those principles your Prime Minister represented with honor, skill, and courage. He will be written into the history of a very difficult time. His name will be known for the freedom he helped bring to a long-suffering people. America salutes a fallen hero.

## JACKSON-VANIK

Mr. LEVIN. Mr. President, nearly three decades ago, a small provision was included in the Trade Act of 1974. While relatively small in number of words, this provision, known as the Jackson-Vanik amendment, helped open up an entire society.

Three decades ago, during the height of the Soviet Union's power, Senator Henry ''Scoop'' Jackson and Representative Charles Vanik introduced legislation that exposed the repressive tactics of the Soviet Union. By focusing attention on the emigration restrictions that the Soviet Union placed on its Jewish citizens, the Jackson-Vanik amendment reiterated American concern about the wide-scale human rights abuses occurring in the Soviet Union. In the process, the Jackson-Vanik amendment played a vital role in changing Soviet society.

Now, as the cold war recedes further into the past, it is time for Russia to be ''graduated'' from Jackson-Vanik. Because of the persistence of the Jackson-Vanik requirements, the administration must report semi-annually on the Russian Federation's compliance with the freedom of emigration requirements. This reporting requirement is a source of much frustration and embarrassment to our Russian friends, a fact that is made clear to me whenever I meet with individuals or groups from Russia.

Russia has made great progress in reforming itself. Since 1994, consecutive administrations have noted that the Russian Federation has been found to be in full compliance with the freedom of emigration requirements under Title IV of the Trade Act of 1974. In this time, the United States has signed a bilateral trade agreement with Russia, and the Bush Administration according to its website ''has begun consultations with Congress and interested groups on the possibility of graduating Russia and other countries of the former Soviet Union from the provisions of the Jackson-Vanik amendment.'' Graduating Russia from Jackson-Vanik at this time will improve our relations with Russia while enabling us to reflect upon the courage of Soviet Jewry and the success of this legislation. I ask unanimous consent that a letter from Mr. Leonid Nevzlin, former President of the Russian Jewish Congress and a current member of the Russian Senate, be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)