The convention addresses intent, and stipulates that to eliminate a people—in whole or in part—constitute genocide.

Among other acts covered by the convention, crimes of genocide include “(a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.”

In the former Yugoslavia, acts of genocide have been perpetrated through the abhorrent policy of ethnic cleansing—that is, making entire areas ethnically homogenous by expelling large segments of the Kosovar population and destroying the very fabric of a people.

Ethnic cleansing does not require the elimination of all ethnic Albanians; it may target specific elements of the community that make the group—as a group—sustainable. The abduction and execution of the intelligentsia, including public officials, lawyers, and political leaders, for example, is part of a pattern of ethnic cleansing and could be genocide, as well as a particular segment of the population such as young men. It is clear from the refugees who have been interviewed that these acts are being systematically committed in Kosovo.

An often overlooked but important element of the 1948 convention is that an individual can be held responsible not only for committing genocide, but also for conspiring to commit genocide, inciting the public to commit genocide, attempting to commit genocide, or for complicity in genocide. The intent is that criminal responsibility extends far beyond those who actually perform the physical acts resulting in genocide. In short, the political and military architects such as Milosevic are also responsible for the forces that carry out this butchery. There is no immunity from genocide.

Prosecuting Milosevic will require relying on a legal strategy based on the concept of “imputed command responsibility.” Under this theory, Milosevic can be held responsible on the basis of his subordinates if he knew or had reason to know that crimes were about to be committed and he failed to take preventive measures or to punish those who committed crimes.

Since it is unlikely that Milosevic has allowed documentary evidence to be destroyed that would link him to atrocities in Kosovo, the prosecutor’s office will have to rely heavily on circumstantial evidence to build its case. This means identifying a consistent “pattern of conduct” that links Milosevic to similar illegal acts, to the officers and staff involved, or to the logistics involved in carrying out atrocities. The very fact that atrocities have been so widespread, flagrant, grotesque and similar in nature makes it near certain that Milosevic knew of them; despite his recent protestations to the contrary, it defies logic to suggest that he could be unaware of what his forces are doing.

What will the consequences be if the Yugoslav president is indicted? First an indictment would send a clear message that the international community will not negotiate or have contact with a war criminal. It is current U.S. policy not to negotiate with indicted war criminals. So and that it should be, Milosevic be stripped of international status as a fugitive from justice. This might, in turn, open an avenue for citizens long denied access to the truth. Finally, the tribunal would issue an international arrest warrant making it unlikely that Milosevic would venture outside his country’s borders.

When I watched the bus loads of new arrivals enter the Stenkovec camp, I saw a small girl’s face pressed against the window. Her hollow eyes seemed to stare at no one. History was being repeated. In his opening statement at the Nuremberg trials in 1945, Chief prosecutor Robert H. Jackson said, “The wrongs which we seek to condemn and punish have been so calculated, so malignant, and so devastating that civilization cannot tolerate their being ignored, because it cannot survive their being repeated.”

Jackson was expressing the hope that law would somehow redeem the next generation and that this would never again be allowed. Today, we must hold personally liable those individuals who commit atrocities in the former Yugoslavia. To negotiate with the perpetrators of these crimes only demands the suffering of countless civilian victims, it sends a clear message that justice is expendable, and that war crimes can go unpunished. Inevitably, lasting peace will be linked to justice, and justice will depend on accountability. Failing to indict Milosevic in the hope that he can deliver negotiated settlements makes a mockery of the words “Never Again.”

THE HEALTH INFORMATION PRIVACY ACT OF 1999

HON. HENRY A. WAXMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. WAXMAN. Mr. Speaker, I am pleased to join Reps. Gary Condit, Ed Markey, John Dingell, Sherrod Brown, Jim Turner, and others in introducing the Health Information Privacy Act of 1999. There is an urgent need for Congress to enact legislation to protect the privacy of medical records. We have worked hard to develop a consensus approach to achieve this goal.

Health records contain some of our most personal information. Unfortunately, there is no comprehensive federal law that protects the privacy of medical records. As a result, we face a constant threat of serious privacy intrusions. Our records can be bought and sold for commercial gain, disclosed to employers, and used to deny us insurance. There have been numerous disturbing reports of such inappropriate use and disclosure of health information.

When individual have adequate control over their health information, a health care system as a whole suffers. For example, a recent survey by the California HealthCare Foundation found that one out of every seven adults has done something “out of the ordinary” to keep health information confidential, including steps such as giving inaccurate information to their providers or avoiding care altogether.

The Health Information Privacy Act would protect the privacy of health information and ensure that individuals have appropriate control over their health records. It is based on three fundamental principles. First, health information should not be released without the authorization or knowledge of the individual, except in narrow circumstances where there is an overriding public interest. Second, individuals should have fundamental rights regarding their health records, such as the right to access, copy, and amend their records, and the opportunity to seek protection for especially sensitive information. Third, federal legislation should provide a “floor,” not a “ceiling,” so that states and the Secretary of Health and Human Services can establish additional protections as appropriate.

Congress faces an August 21 deadline for passing comprehensive legislation to protect the privacy of health information. I am very pleased to have come together with Mr. CONDIT, Mr. MARKY, Mr. DINGELL, Mr. BROWN, Mr. TURNER, and my colleagues to introduce the companion bill that colleagues with a wide spectrum of perspective can support. A recent editorial in the Los Angeles Times exhorted Congress to “fulfill its promise to pass the nation’s first medical privacy bill.” It called for legislators in both houses to “embrace [this] compromise language” that my colleagues and I have drafted.

I hope that my colleagues will join me in cosponsoring this legislation, and I look forward to working with them to ensure that Congress meets its responsibility to address this important issue.

INTRODUCING LEGISLATION TO AWARD A CONGRESSIONAL GOLD MEDAL TO REV. THEODORE HESBURGH, C.S.C.

HON. TIM ROEMER
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1999

Mr. ROEMER. Mr. Speaker, I rise today to introduce legislation to award a Congressional Gold Medal to Rev. Theodore Hesburgh, C.S.C. I introduce this bill with Representatives Peter King, John Lewis, Pete Visclosky, Mark Souder, Anne Northup and 85 original cosponsors in the U.S. House of Representatives. It is my understanding that a companion bill will be introduced in the U.S. Senate later today.

This bipartisan legislation recognizes Father Hesburgh for his many outstanding contributions to the United States and the global community. The bill authorizes the President to award a gold medal to Father Hesburgh on behalf of the United States Congress. It also authorizes the U.S. Mint to strike and sell duplicates to the public.

The public service career of Father Hesburgh, president emeritus of the University of Notre Dame, is as distinguished as his many educational contributions. Over the years, he has held 15 Presidential appointments and he has remained a national leader.
in the fields of education, civil rights and the development of the Third World. Highlighting a lengthy list of awards to Father Hesburgh is the Medal of Freedom, our Nation's highest civilian honor, bestowed on him by President Johnson in 1964.

Mr. Speaker, justice has been the primary focus of Father Hesburgh's pursuits throughout his life. He was a charter member of the U.S. Commission on Civil Rights, created by Congress in 1957 as a compromise to end a filibuster in the U.S. Senate to prevent passage of any and all legislation concerning civil rights in general and voting rights in particular.

Father Hesburgh chaired the commission from 1969 to 1972, until President Nixon replaced him as chairman because of his criticism of the Administration's civil rights record.

Father Hesburgh stepped down as head of the University of Notre Dame in 1987, ending the longest tenure among active presidents of American institutions of higher learning. He continues in retirement much as he did as the Nation's senior university chief executive officer—as a leading educator and humanitarian inspiring generations of students and citizens, and generously sharing his wisdom in the struggle for the rights of man.

I am personally grateful to Father Hesburgh for his friendship and guidance during my years as a student at the University of Notre Dame. My family shares my gratitude. My grandfather, William Roemer, was a professor of philosophy during the early years of Father Hesburgh's presidency, and my parents, Jim and Mary Ann Roemer, also worked during his tenure at the University.

Mr. Speaker, I once asked Father Hesburgh for advice about how to raise a happy and healthy family with children. His reply was helpful, insightful and advice I continue to follow today: "Love their mother." I strongly believe Father Hesburgh's response here was just one of many shining examples illustrating that his contributions to family values in American society are as numerous and meaningful as his dedicated contributions to human rights, education, the Catholic Church and the global community.

Mr. Speaker, today is Father Hesburgh's 82nd birthday, and I believe that this is the most appropriate time for Congress and the entire Nation to join me in recognizing this remarkable man and living legend of freedom in America. I strongly encourage my colleagues to support this bipartisan legislation and urge the House of Representatives to pass this important measure.

RUTH HYMAN TESTIMONIAL DINNER AT THE JEWISH COMMUNITY CENTER OF MONMOUTH COUNTY

HON. FRANK PALLONE, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 25, 1999

Mr. PALLONE. Mr. Speaker, on Tuesday, June 3, 1999, the Jewish Community Center of Greater Monmouth County in Deal, NJ, will honor one of our leading citizens, Ms. Ruth Hyman, with a Testimonial Dinner. I am pleased to add my voice to the chorus of praise for this exceptional lady.

Mr. Speaker, it is rare to see someone who has made such an impact on her community as Ruth Hyman has. Through her professional work, civic commitments, wide-ranging network of friendships and a unique personal flair, she has made a deep and lasting impression. Her accomplishments include her apparel business, Ruth Hyman Fashions, and a lifetime of work with numerous Jewish community organizations. Ruth is currently the President of the Long Branch, NJ, Hadassah, a Benefactor and Board Member of the Jewish Community Center, Board Member of the Jewish Family and Children's Service, and Member of Congregation of Brothers of Israel. She was the first Chairperson of the Women's Business and Professional Division of the Jewish Federation. Some of her other affiliations and leadership positions include, Past President and International Life Member of American Red Magen David for Israel, life member of Daughters of Miriam, AMIT, B'nai B'rith, Past President of Deborah, and Life Member of the Central New Jersey Home for the Aged. She is also Chairperson of the Women's Division of Israel Bonds, a position she has held for the past 25 years.

All of this hard work has not gone unnoticed, Mr. Speaker. Ruth has been presented with the Hadassah National Leadership Award and the Service Award from the Jewish Federation's Women's Campaign, and she was selected as Chai Honoree and Woman of the Year of the Long Branch Chapter of Hadassah. She was chosen by the Jewish Federation as Lay Leader of the Year. She has been presented with the State of Israel Bonds Golde Meir Award, the Service Award from the Jewish Federation Women's Campaign, and the State of Israel Bonds Ben Gurion Award.

In addition to her major contributions at the Jewish Community Center, Ruth is founder of Hadassah Hospital at Ein Kerem, Israel, and the Mt. Scopus Hospital, where her name is inscribed on the hospital's Pillar of Hope.

Mr. Speaker, as everyone who has known her will attest, Ruth Hyman's hard work for the community emanates from her sincere warmth and generosity. It is an honor to join with the community in paying tribute to her, for who she is and what she's done.

PERSONAL EXPLANATION

HON. XAVIER BECERRA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 25, 1999

Mr. BECERRA. Mr. Speaker, on May 24, 1999, I was unavoidably detained during two roll call votes: number 145, on the Motion to Suspend the Rules and Pass H.R. 1251, Designating the Noal Cushing Bateman Post Office Building; and number 146, on the Motion to Suspend the Rules and Pass H.R. 100, to Establish Designations for U.S. Postal Service Buildings in Philadelphia, Pennsylvania. Had I been present for the votes, I would have voted "aye" on roll call votes 145 and 146.

IN HONOR OF THE FIELD MUSEUM'S DEDICATION OF THE SIDNEY R. AND ADDIE YATES EXHIBITION CENTER

HON. JANICE D. SCHAKOWSKY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 25, 1999

Mr. SCHAKOWSKY. Mr. Speaker, I am very pleased to celebrate the dedication of the Sidney R. and Addie Yates Exhibition Center located at the Field Museum of Natural History in Chicago, IL, on May 27, 1999. The Center is so named because of the tremendous contributions that Congressman Yates and his wife, Addie, made over the years in support of the arts, humanities, and the environment.

There is no greater champion of the arts, humanities, and environment than Congressman Sidney Yates and there is no greater champion of Congressman Yates than his lifelong mate, Addie. In her own right, Addie has contributed greatly to causes close and dear to her heart. She spearheaded the wonderful exhibit, "The Children's Wall of Remembrance," in the U.S. Holocaust Memorial Museum, commemorating the nearly 1.5 million children who perished in the Holocaust.

Through her efforts, hundreds of thousands of American children were educated about the Holocaust and expressed this learning by painting tiles, which eventually found their way to this, now famous, Wall of Remembrance.

Congressman Yates' illustrious 48-year career in the House included saving the arts and humanities from drastic budget cuts in the 1980's, helping to establish the National Holocaust Museum here in Washington, DC, empowering the Department of Interior to safeguard more public lands and the rights of Native Americans, and protecting the Tongass National Forest from logging. The Field Museum's state-of-the-art new exhibition center will be a lasting tribute to the work of Mr. Yates.

Located on Chicago's beautiful lakefront, the Field Museum is one of the city's crown jewels. Since its founding in 1893, the Field Museum has been a leader in the natural sciences, conducting world-class research in disciplines such as anthropology, biology, agriculture, ecology and sociology. The Field's collection of over 20 million specimens, including its recent acquisition of "Sue", the largest and most complete Tyrannosaurus Rex ever found, serves to both educate and astound the visiting public.

The Sidney R. and Addie Yates Exhibition Center will serve as a permanent tribute to the Congressman in Chicago. It will be seen by the millions of visitors who make the Museum their destination for cultural programming. The facility will offer new and unique temporary exhibits, such as the current exhibit, "The Art of Being Kuna: Layers of Meaning Among the Kuna of Panama," which will instruct and delight visitors from Chicago, the nation, and the world.

While we miss Sid Yates, we will never forget the legacy he left behind, nor will the millions of visitors to the Field who will gaze and look in wonderment at the exhibits placed in the Center named for Sid and Addie Yates.