

February 15, 2000

FEDERAL COURT ASSIGNMENT OF
CRIMINAL CASES

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. BEREUTER. Mr. Speaker, this Member highly commends to his colleagues and submits for the RECORD this February 12, 2000, editorial from the Omaha World Herald regarding Federal court assignment of criminal cases concerning President Clinton's friends. Our colleague, Representative HOWARD COBLE (R-NC), recently discovered frequent use of a special rule allowing the chief judge to bypass the random assignment system for certain "protracted" cases; in this instance, fund-raising cases involving friends of the President that have been assigned to judges appointed by the President. This situation certainly should be investigated. It's little wonder that increasingly Americans are wondering if one can get justice from the Justice Department.

JUDGING A JUDGE'S JUDGMENT

The Washington, D.C. panel of federal judges that oversees judicial conduct there has reopened what had looked like's closed controversy. The judges were right to do so. The situation involved the chief judge's prior practice—it might reasonably be characterized as a habit—of naming judges who were appointees of President Clinton to preside over criminal cases involving his friends.

That particular federal judicial district has a computer system to assign almost all criminal cases randomly. The idea of putting the system in place was to avoid both the appearance and the reality of favoritism. But there was a special rule, which was recently eliminated, allowing the chief judge to bypass the system for "protracted" cases.

Chief Judge Norma Holloway Johnson used the rule with what might politely be called enthusiasm. It was revealed in recent months that five Democratic campaign fund-raising prosecutions and a tax-evasion case against Clinton confidant Webster Hubbell went to Clinton appointees. Now, appeals court Judge Stephen Williams has been ordered to look into the circumstances of these and other case assignments.

The decision to revive the inquiry was made after the revelation by Rep. Howard Coble, R-N.C., of additional non-random assignments in fund-raising cases, including one involving a former fund-raiser for Vice President Al Gore.

Coble, one of the most conservative members of a mostly conservative congressional delegation from a conservative state, is no friend of Clinton or Gore. He probably has an agenda behind his quest. But that shouldn't matter. The facts are the facts: Judge Johnson by-passed the system and has never said why, although she denies that there were political considerations.

It may all be on the up-and-up, but it smells funny. If Johnson in fact did nothing wrong, she deserves to have that publicized. Conversely, if some level of cronyism is involved, some sort of disciplinary action might be appropriate. Getting to the bottom of this is, plain and simple, a good idea.

EXTENSIONS OF REMARKS

TRIBUTE TO CHIEF MULLER

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. STUPAK. Mr. Speaker, I rise today to note for our House colleagues the loss of a fine community leader and dedicated public servant, Fred Muller of Acme, Mich., who died at his home on Dec. 21, 1999.

At the time of his death, Fred was chief of the Grand Traverse Rural Fire Department. He was also an arson investigator whose probes and seminars took him all over the nation, and he was an instructor at the National Fire Academy in Emmitsburg, Md. Most important to me, Fred Muller was my friend.

I am challenged, Mr. Speaker, to sum up this man's life in a few brief remarks. My anecdotes are only small windows on the career of a man who so loved firefighting from his youth that at age 13 he formed a junior volunteer fire brigade in his hometown of Brighton, Michigan. We can only glimpse the strength of his dedication to his community in such acts as coming out of retirement in 1985 after 24 years with General Motors to assume the post of rural fire chief in one of the most heavily populated counties in my district.

Our view of Fred Muller comes into better focus when we learn that he served eight years as a city council member and two years as mayor pro tempore of Brighton, and held various leadership positions, including president, of such professional organizations as the Northern Michigan Fire Chiefs, Michigan Fire Chiefs and International Association of Fire Chiefs.

Fred was a leader, and as his deputy chief Bill Sedlacek was quick to note in a news story on Fred's death, he led his volunteer force to a position of being rated among the top five in the nation.

In his public role, Fred's greatest test was a fire that broke out in late 1995 at a tire retreading facility in the small Michigan community of Grawn.

When the black clouds began climbing from the site and soot began turning snow around the site black, Fred ordered homes evacuated and a local school closed.

But the fire, which burrowed deep into a field of hundreds of thousands of tires, sometimes piled 50 feet high, soon signaled it would not be easily dealt with. There was no model for this conflagration. Temperatures at the core of the fire built up to almost 2,500 degrees. The fire burned under the surface, creating cavities that constantly threatened to swallow firefighting equipment. Conventional hoses merely built a shell of ice around the fire, which burned uninterrupted.

The fire became a siege, drawing manpower from around the state and bringing in technical experts from various state and federal agencies. Almost 125 firefighters were at work on New Year's Eve. Throughout the fire, Fred continued to monitor the hours that men worked, aware that fatigue and complacency were the greatest threats to the well-being of the army of firefighters. Whenever he gave community updates, Fred drew applause from audiences who knew he was dedicated to

1273

finding a way to defeat this fire through techniques that would serve as a guide for any future fire of this kind.

I had known Fred through his efforts to win funding for fire training, but now I had an opportunity to stand shoulder-to-shoulder with him in this great fight. I was able to assist by obtaining for Fred a pair of Air National Guard water cannons from a nearby base. With these cannons, his crews were able to blast apart the hot core of the fire, eventually reducing the blaze to smaller, cooler fires that could be doused by conventional means.

Mr. Speaker, we all owe a debt to this dedicated citizen, one of those men who care about people, give of themselves, and seem to live a life in preparation from some great moment when they can marshal and utilize all the skills they have acquired.

Not only my northern Michigan communities but the entire nation sustained a great loss with Fred Muller's untimely death. He will be missed.

CELEBRATING NATIONAL TRIO
DAY

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mr. BALDACCI. Mr. Speaker, I rise to bring my colleagues' attention to the upcoming celebration of National TRIO Day on February 26.

The TRIO programs are Upward Bound, Upward Bound Math/Science, Veterans Upward Bound, Talent Search, Student Support Services, Educational Opportunity Centers and the Ronald E. McNair Postbaccalaureate Achievement Program. These programs, established over the past 30 years, provide services to low-income and potential first generation college students and help them overcome class, social, cultural and physical barriers to higher education.

Currently 2,000 colleges, universities and community agencies throughout our nation sponsor TRIO programs. More than 780,000 middle school and high school students and adults benefit from their services. Most of these students come from families in which neither parent graduate from college. These students represent the highest aspirations and best hope for the American dream. By lifting these students out of poverty, the nation is lifted to new heights.

There are 15 TRIO programs hosted on nine college campuses in my State. Together, they serve nearly 6,000 aspiring students and adults annually. Almost 5,000 of these students are in my Congressional District. They are low income, first generation students and adults who are preparing to enter, or have entered, postsecondary education programs.

I have met with many of these students, and I know these programs work. For example, in recent years I have met Mark Crosby, a First Vice-President for Personnel for one of Maine's most successful and fastest-growing employers, MBNA America Bank. Mark was a student in the Upward Bound Program which he credits for his success in completing high school, college and graduate school. As he