

forces. While the portability of diamonds means that some stones from conflict areas will continue to enter the world economy, a greater international effort can reduce this to a minimum.

Members of the organized diamond community, including the close to 2000 member Diamond Dealers Club in the United States, strongly oppose the sale of diamonds that do not comply with the UN resolution. Indeed, in July 1999, months before the current media attention, the DDC's Board of Directors went on record in support of the UN sanctions prohibiting our members from trading in diamonds which do not comply with the position taken by the UN and the U.S. government.

While the above is important in preventing the sale of unlicensed diamonds, to be truly effective we believe it is necessary to initiate a proactive approach, one that will encourage stability, accountability and transparency. More specifically, we must establish a direct relationship between African diamond mining nations and the American diamond cutting industry. This means that the American diamond industry should be able to deal directly on a business-to-business basis with African diamond producing nations to purchase stones that have been licensed for export by legitimate governments. In doing so we would pay the world market price, a price which is substantially above the payments received for diamonds that are now being used to contribute to the internal conflicts.

One other major advantage of this proposal is that the transparency and accountability which is the hallmark of the American industry's style of operation surely would lead to a decline in corruption and other illegal activities. This would result in fewer stones sold through either "leakage" or other unauthorized sources as well as reduce the corruption that is often associated with diamond commerce in several producing nations.

The benefit to African diamond producing nations is clear. With U.S. government involvement, the American diamond industry would also benefit since the establishment of a direct pipeline would play a significant role in overcoming the current shortage of rough diamonds. In turn, this would revitalize our cutting and polishing industry.

Ultimately, we believe that our proposal represents a win-win situation for the American diamond industry and the diamond producing nations of Africa. Instead of diamonds being used to finance internal conflicts and the death and destruction of innocent civilians, they would become—as is already the case in the other African nations—a major opportunity for gainful employment for tens of thousands of people and a major source for economic development in the diamond producing nations of Africa. At the same time, diamonds would strengthen the American industry, thereby providing new opportunities for employment, and tax revenues.

TRIBUTE TO THE DEL VALLE
FAMILY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. SERRANO. Mr. Speaker, today I pay tribute to the "The Puerto Rican Family of the

Millennium," the Del Valle Family. Telesforo del Valle, Sr., Rafaela Leon del Valle and Telesforo del Valle, Jr., were honored on Wednesday, June 7 by the National Puerto Rican Day Parade of New York, GALOS Corp. of New York and Puerto Rico and Manhattan Valley Senior Center.

Telesforo del Valle, Sr., was born in Aguadilla, Puerto Rico, in 1908. He moved to Brooklyn before moving to "El Barrio" in Manhattan. He was a guitarist and a composer and in 1932 he became a member of a musical group called "Trio del Valle". In 1941, while studying law, he joined the National Guard and Civil Defense. In 1945 he made history as the first Puerto Rican elected Councilman at Large in the City of New York. He was also the first Hispanic candidate to form his own political party. In 1948 he became the first Hispanic from New York to run for the United States Congress.

Mr. Speaker, in 1958 Telesforo, Sr., and his wife Rafaela Leon del Valle, who was born in the town of Guarbo, Puerto Rico, formed an organization known as "Loyal Citizens Congress of America, Inc.". They established offices in Manhattan, Brooklyn and the Bronx. They organized the first military troop of Hispanic cadets in New York and New Jersey to prevent and combat juvenile delinquency. A major goal of the organization was to provide guidance to workers and to intervene in labor disputes.

Loyal Citizens Congress of America had over a thousand members who were knowledgeable on the political and electoral systems. With their support, Telesforo, Sr., was appointed by New York Governor Nelson Rockefeller to be his campaign director in the Hispanic communities of New York State. Rockefeller won the Latino vote by 85 percent. It was the first time the Republican Party ever won in East Harlem.

In 1985, Mr. And Mrs. Del Valle were recognized with the "Valores Humanos" award. Mrs. Del Valle was honored by the newspaper "El Diario" of New York as the most prominent feminist in the State of New York. Their son, Telesforo del Valle, Jr., Esquire, is a criminalist who has followed in their footsteps and whose career and achievements are great sources of pride for them.

Mr. Speaker, I ask my colleagues to join me in paying tribute to the "The Puerto Rican Family of the Millennium," the Del Valle Family.

NEW TRIAL FOR GARY GRAHAM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. TOWNS. Mr. Speaker, I rise today to raise an issue of great importance to society's guarantee of due process and fairness to all of our citizens. As you all know we are less than two days away from executing a potentially innocent man, Gary Graham. There is a great weight of evidence, still unheard by a Texas court, that could establish his innocence. The evidence that he had an inadequate lawyer is so overwhelming that to put this man to death,

without consideration of the evidence that could exonerate him, would be a travesty of justice.

Last week, 34 of my colleagues in the Congressional Black Caucus sent a letter to the Texas Governor, appealing to him to grant Mr. Graham a conditional pardon and the right to a new trial. Mr. Speaker, I insert a copy of this letter into the RECORD at this point. Were the relief we requested granted, Mr. Speaker, the Texas Court would be able to consider this important evidence that could exonerate Mr. Graham.

In a new trial, Mr. Graham's counsel would be able to effectively challenge the only evidence that was used to convict Mr. Graham—the testimony of a single witness. With the assistance of effective counsel, the court would hear that the witness initially failed to identify Mr. Graham at a photo spread the night before she picked him out of a lineup of four people. The Court would also hear that the .22 caliber gun found on Mr. Graham at the time of his arrest was determined by the Police Crime Lab not to be the weapon used in the murder. Further, the Court would hear from four other eyewitnesses mentioned in the police report who said that Mr. Graham was not the shooter.

In addition to this evidence available in the first trial that defense counsel failed to present, the Court would also benefit from "new" evidence obtained after the first trial concluded. The court would need to hear this evidence, consisting of statements from at least six eyewitnesses to the incident who affirmed under oath that Mr. Graham did not commit the crime for which he may soon pay the ultimate price. Because prior Texas court rules give persons convicted of a crime only 30 days after their trial to present "new" evidence, these exonerating testimonies could not be presented to the Appellate Court for consideration.

Mr. Graham may not be innocent, but as we stand here today we know that he has not been proven guilty beyond a reasonable doubt. We are talking about a man's life, one that cannot be brought back once we have taken it away. If we execute this man without a fair trial it will be an obvious contradiction to everything this country stands for and a dark day in our history.

Mr. Speaker, we have a choice today: we either hold strong to our principles and show that we are truly a nation of justice, or we allow a man to die in the face of strong evidence of his innocence. I urge my colleagues to join me in support of justice, to show that a human life can never take a back seat to politics. In two days we will show that we are truly the greatest country of all time, or we will put our heads down in shame in the realization that a great country, a just country, and a truly democratic country does not yet exist.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 13, 2000.

Hon. GEORGE W. BUSH,
Governor, the State of Texas,
Office of the Governor.

Re Request for Stay of Execution, Grant of Clemency for Shaka Sankofa, formerly known as Gary Graham

DEAR MR. GOVERNOR: As you are aware, time is quickly running out before the June 22, 2000, scheduled execution of Gary

Graham, also known as Shaka Sankofa. Based upon our understanding of the facts and merits of the case, as well as the ineffective counsel Mr. Sankofa received at trial, we believe that it would be a severe miscarriage of justice for his execution to proceed. Therefore, we are writing to request that you grant an immediate stay of Mr. Sankofa's execution, as your predecessor, Governor Ann Richards, did in 1993.

We feel strongly that it is altogether appropriate for you to grant the stay of execution for Mr. Sankofa to give your office and the Texas Board of Pardons and Paroles time to approve Mr. Sankofa's clemency petition. As is clear from reviewing the history of this case, which is set forth in detail in Mr. Sankofa's clemency petition, Mr. Sankofa received grossly ineffective counsel at his two-day capital trial. Throughout the recent history of Texas capital cases, there is perhaps no situation like this, where a young man is sentenced to die based entirely upon the testimony of one witness—with absolutely no corroborating evidence. We must not ignore the fact that officers investigating the shooting never recovered any physical evidence or corroborating witness testimony linking Mr. Sankofa to the shooting.

Whether Mr. Sankofa received ineffective assistance of counsel is hardly a dispute. Mr. Sankofa's trial lawyer failed to use any of the key witnesses who were available at the trial to rebut the testimony of the prosecution's only witness—indeed, their only evidence—to tie him to the crime. A reasonably competent attorney would have called witnesses, like Ronald Hubbard, who would have directly rebutted the prosecution's evidence by testifying that Mr. Sankofa did not resemble the gunman. Had Mr. Hubbard's testimony been received into evidence, the jury or a later appeals court would have had a factual basis, at the very least, to determine that Mr. Sankofa should not be executed.

Furthermore, at trial, Mr. Sankofa's attorney did not even seek to impeach the testimony of the prosecution's lone witness, Bernadine Skillern. Mr. Sankofa's lawyer was negligent in not pointing out to the trier of fact that Ms. Skillern failed to positively identify Mr. Sankofa in a photo array shown to her the night before she finally identified him in a lineup with four different men in the lineup. Mr. Sankofa's lawyer did not introduce a police report saying that Ms. Skillern focused on Mr. Sankofa's photo but declined to positively identify him, saying the shooter had a darker complexion. A competent attorney would have used this information to establish a foundation for impeaching Ms. Skillern's testimony—the only evidence of any kind linking Mr. Sankofa to the murder.

In fact, a reasonably competent attorney would have realized that Mr. Hubbard's testimony alone would have seriously undermined a finding that the prosecution met its burden to present clear and convincing evidence establishing guilt beyond a shadow of a doubt with the scant evidence it offered. Clearly, directly conflicting witness testimony raises a legally significant doubt about a person's guilt. Mr. Sankofa's counsel's failure to offer this evidence is inexcusable neglect. As the clemency petition shows, there are many other instances of ineffective assistance of counsel, which do not need to be set forth again here. The pattern of negligence of Mr. Sankofa's trial lawyer is well established, and Mr. Sankofa should not pay with his life for his attorney's many mistakes.

Unfortunately, simply failing to call important witnesses to testify at trial was not the end of Mr. Sankofa's lawyer's negligence. Because prior Texas court rules gave persons convicted of a crime only 30 days after their trial to present "new" evidence, Mr. Sankofa's subsequent counsel, retained in the mid-1990s, were not permitted to offer exonerating testimony to appellate courts. Specifically, these attorneys obtained statement from at least six witnesses to the incident who affirmed under oath that Mr. Sankofa did not commit the crime for which he may soon pay the ultimate price. Therefore, Mr. Governor, we request you to weigh all the evidence that is available to you, which could not be considered by the courts, and ensure that justice is done by preventing his execution and granting him a conditional pardon and the right to a new trial.

Mr. Governor, what we have here is a very compelling case for granting Mr. Sankofa clemency. Unfortunately, we are concerned that the merits of his petition may get overlooked in the current atmosphere of your candidacy for the Office of the President of the United States. The life of an innocent man may be at stake, and politics must not be allowed to cause a miscarriage of justice that can never be undone. For the foregoing reasons, we respectfully request you to grant an immediate stay of Mr. Sankofa's execution, and work with the Texas parole board to approve his petition for clemency.

Thank you for your consideration of this request. Please feel free to contact Jeffrey Davis, Legislative Counsel, in Congressman Towns' office should you need any additional information.

HONORING JUDGE JOE FISHER

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. LAMPSON. Mr. Speaker, I rise today in great sadness to honor Judge Joe Fisher, who passed away yesterday, June 19th. Judge Fisher was a remarkable man who was committed to his community, his country, and above all, his family.

Judge Fisher received his law degree from the University of Texas in 1936 and was appointed by Dwight D. Eisenhower as a U.S. District Judge in 1959. Following his appointment many of his rulings set legal precedents.

In 1972, he ruled for the first time that manufacturers of asbestos that didn't warn workers of the potential dangers could be held liable and awarded a family \$79,000 in damages. The case went all the way to the Supreme Court and is still the basis for law today. The first desegregation plan for Beaumont was drafted by Judge Fisher in 1970 after the U.S. Justice Department ordered the integration of the South Park school district in Beaumont.

Always a man who believed in equality and justice, in 1994 Judge Fisher struck down the Klu Klux Klan's attempt to adopt a highway as part of a state highway cleanup program. He was a man of great courage he wrote in his decision that members only applied "as subterfuge to intimidate those minority residents * * * and discourage further desegregation."

After he retired from active duty in 1984, he continued to work full time as a senior judge

and continued to hear a substantially full caseload up until two weeks before his death. His impact on the community could be felt outside the court room as well. Judge Fisher contributed to the Salvation Army and the YMCA.

He was of the utmost character, and his attributes of selflessness and commitment to others are rare gifts that this nation was lucky to have. Judge Fisher was a man who served his country as a Federal Judge with great pride and devotion. He often thought outside the box to make sure that his decisions were fair and honorable.

His work was part of the fiber of Southeast Texas, and with his passing a great loss will be felt in the spirit and the heart of our community. Today, as an American we lost a great jurist, but as a Congressman I have lost a mentor and a friend.

FAITH BASED LENDING PROTECTION ACT

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. ROYCE. Mr. Speaker, each day our nation's religious institutions quietly go about performing critical social programs that serve as lifelines to individuals and families in need. Besides providing places of worship, religious institutions also serve their communities by operating outreach programs such as food banks, soup kitchens, battered family shelters, schools and AIDS hospices. To families in need, these programs often provide a last resource of care and compassion.

Yet, in spite of the clear social good that these programs provide to communities across America, we are faced with the growing reality that religious institutions are finding it increasingly difficult to secure the necessary capital resources at favorable rates that enable them to carry on this critical community work.

Mr. Speaker, I stand before you today to introduce legislation that I believe will help ensure that religious institutions have available all the financial resources necessary to carry out their missions of community service. The "Faith-Based Lending Protection Act," which enjoys bipartisan support, seeks to amend the Federal Credit Union Act by clarifying that any member business loan made by a credit union to a religious nonprofit organization will not count toward total business lending caps imposed on credit unions by federal law.

Each year credit unions loan millions of dollars to nonprofit religious organizations, many located in minority and/or lower income communities. Historically, these loans are considered safe and help sustain critical social outreach programs. Without legislative action, Mr. Speaker, these religious institutions will find it increasingly difficult, if not impossible, to secure the necessary funds under favorable terms to allow them to continue their work. I urge my colleagues to join me in this legislative effort.