

judiciary's circumspection before imposing the ultimate sanction.

DECEPTIVE FACTOIDS

The 68% factoid, however, is quite deceptive. For starters, it has nothing to do with "wrong man" mistakes—that is, cases in which an innocent person is convicted for a murder he did not commit. Indeed, missing from the media coverage was the most critical statistic: After reviewing 23 years of capital sentences, the study's authors (like other researchers) were unable to find a single case in which an innocent person was executed. Thus, the most important error rate—the rate of mistaken executions—is zero.

What, then, does the 68% "error rate" mean? It turns out to include any reversal of a capital sentence at any stage by a appellate courts—even if those courts ultimately uphold the capital sentence. If an appellate court asks for additional findings from the trial court, the trial court complies, and the appellate court then affirms the capital sentence, the report finds not extraordinary due process but a mistake. Under such curious score keeping, the report can list 64 Florida postconviction cases as involving "serious errors," even though more than one-third of these cases ultimately resulted in a reimposed death sentence, and in not one of the Florida cases did a court ultimately overturn the murder conviction.

To add to this legerdemain, the study skews its sample with cases that are several decades old. The report skips the most recent five years of cases, with the study period ostensibly covering 1973 to 1995. Even within that period, the report includes only cases that have been completely reviewed by state appellate courts. Eschewing pending cases knocks out one-fifth of the cases originally decided within that period, leaving a residual skewed toward the 1980s and even the 1970s.

During that period, the Supreme Court handed down a welter of decisions setting constitutional procedures for capital cases. In 1972 the court struck down all capital sentences in the country as involving too much discretion. When California, New York, North Carolina and other states responded with mandatory capital-punishment statutes, the court in 1976 struck these down as too rigid. The several hundred capital sentences invalidated as a result of these two cases inflate the report's error totals. These decades-old reversals have no relevance to contemporary death-penalty issues. Studies focusing on more recent trends, such as a 1995 analysis by the Criminal Justice Legal Foundation, found that reversal rates have declined sharply as the law has settled.

The simplistic assumption underlying the report is that courts with the most reversals are the doing the best job of "error detection." Yet courts can find errors where none exist. About half of the report's data on California's 87% "error rate" comes from the tenure of former Chief Justice Rose Bird, whose keen eye found grounds for reversing nearly every one of the dozens of capital appeals brought to her court in the 1970s and early 1980s. Voters in 1986 threw out Bird and two of her like-minded colleagues, who had reversed at least 18 California death sentences for a purportedly defective jury instruction that the California Supreme Court has since authoritatively approved.

The report also relies on newspaper articles and secondhand sources for factual assertions to an extent not ordinarily found in academic research. This approach produces some jarring mistakes. To cite one example,

the study claims William Thompson's death sentence was set aside and a lesser sentence imposed. Not true. Thompson remains on death row in Florida today for beating Sally Ivester with a chain belt, ramming a chair leg and nightstick into her vagina and torturing her with lit cigarettes (among other depravities) before leaving her to bleed to death.

These obvious flaws in the report have gone largely unreported. The report was distributed to selected print and broadcast media nearly a week in advance of Monday's embargo date. This gave ample time to orchestrate favorable media publicity, which conveniently broke 24 hours before the Senate Judiciary Committee began hearings on capital-sentencing issues.

The report continues what has thus far been a glaringly one-sided national discussion of the risk of error in capital cases. Astonishingly, this debate has arisen when, contrary to urban legend, there is no credible example of any innocent person executed in this country under the modern death-penalty system. On the other hand, innocent people undoubtedly have died because of our mistakes in failing to execute.

REAL MISTAKES

Collen Reed, among many others, deserves to be remembered in any discussion of our error rates. She was kidnapped raped tortured and finally murdered by Kenneth McDuff during the Christmas holidays in 1991. She would be alive today if McDuff had not narrowly escaped execution three times for two 1966 murders. His life was spared when the Supreme Court set aside death penalties in 1972, and he was paroled in 1989 because of prison overcrowding in Texas. After McDuff's release, Reed and at least eight other women died at his hands. Gov. George W. Bush approved McDuff's execution in 1998.

While no study has precisely quantified the risk from mistakenly failing to execute justly convicted murderers, it is undisputed that we extend extraordinarily generosity to murderers. According to the National Center for Policy Analysis, the average sentence for murder and non-negligent manslaughter is less than six years. The Bureau of Justice Statistics has found that of 52,000 inmates serving time for homicide, more than 800 had previously been convicted of murder. That sounds like a system collapsing under the weight of its own mistakes—and innocent people dying as a result.

TRIBUTE TO JEAN STRAUSS, WOMAN OF THE YEAR

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to an outstanding member of my staff and citizen of the Southwest Chicagoland community. This year, Jean Strauss was selected as Woman of the Year by St. Jane de Chantal Parish Ladies Guild in Garfield Ridge. On June 10th, 2000, Jean was honored at the Archdiocese Council of Catholic Women (CCW) Vicariate V Women of the Year Luncheon, held at the Lexington House in Hickory Hills, Illinois. It gives me great pleasure to inform my colleagues of the great work that Jean performed to deserve this honor. I think that all will agree that she represents the vol-

unteer spirit that has not only helped to make Southwest Chicagoland an exceptional place to live, but our entire nation as well.

Jean Strauss has served St. Jane de Chantal Parish for several years. Besides regularly attending mass, she has held numerous offices and served on various committees. Those who know Jean best say that she volunteers for "almost everything." Specific examples of her philanthropy include volunteering for the American Cancer Society and Kiwanis.

As I mentioned previously, Jean is a valued member of my staff. For four years, she has worked at the 23rd Ward Office in Chicago for Alderman Mike Zalewski, Illinois State Senator Bob Molaro, and myself. In this capacity, she performs numerous important tasks for the 23rd Ward. For example, as a fluent speaker of Polish, Jean helps those in the 23rd Ward who are learning the English language. In addition, she greatly assists disabled senior citizens by picking up and returning their paid utility bills. Thanks to Jean, her co-workers in the 23rd Ward office are almost always likely to have snacks at their disposal and their desks decorated for the holidays.

Perhaps most importantly, Jean Strauss is a devoted wife to her husband Jack. Together, they are the proud parents of Jake and John Strauss. Just recently, she celebrated the birth of her first grandchild—Eric Dawson Strauss. When Jean is not volunteering, one is likely to find her at a local dining establishment, or perhaps pushing her luck at a "gaming" enterprise.

Again, I am pleased to congratulate Jean Strauss before my colleagues today. Mr. Speaker, I sincerely hope that Jean will enjoy many more years of service to the Southwest Chicagoland community, and I thank her for many contributions.

THE POLITICAL AND ECONOMIC FUTURE OF AFRICAN NATIONS

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. HILLIARD. Mr. Speaker, I rise today in response to the tragic events in African countries such as Sierra Leone and the Democratic Republic of Congo. I rise, however, Mr. Speaker to highlight a different image of Africa—an image I have witnessed firsthand.

All too often, the only impression of Africa made upon the American public is that of carnage, corruption, and catastrophe, as reported by our country's television and print media. While I recognize that these problems are real and continue to present serious challenges to the social, political, and economic development of African countries, I wanted to highlight some of the success stories from the Continent.

There is a new generation of leaders who hope to make Africa a continent of flourishing democracies. While the Trade and Development Act of 2000, originally the African Growth and Opportunity Act, is a necessary first step in committing ourselves to African success; it by no means signals the end of our walk with

Africa. It is my hope that the Act will serve as an institutional framework for private investors and businesses to develop a meaningful presence within Africa. Ultimately, a private-public partnership is what is needed to provide the political and economic support African nations require to meet the development challenges of the 21st century.

I want to thank you and the rest of my colleagues in the House for your support and partnership with Africa. Mr. Speaker, I submit the following article, published in the May 26, 2000, issue of the Baltimore Sun, for insertion into the RECORD.

AMERICAN COMPANIES CAN DO MORE TO HELP AFRICA

(By James Clyburn, Earl Hillard and Bennie Thompson)

During a recent congressional recess, six congressional delegations went on fact-finding missions to Africa. The number of delegations visiting the continent was no coincidence.

Nor was it inconsequential when the United States used its chairmanship of the U.N. Security Council to make January "Africa Month" for the council. President Clinton's recently announced trip to Nigeria in June, the second to Africa in his administration, is a welcome bid to efforts aimed at putting the map of Africa onto the U.S. policy agenda.

The president's efforts are now being supported by members whose views on domestic policy span our political spectrum but who share a commitment to seeing an end to Africa's self-destructive wars and the establishment of an era of peace and prosperity on the continent.

Often, the only images of Africa the American public has the opportunity to see are those of carnage, corruption and catastrophe.

As reports of civil war in Sierra Leone, Eritrea and the Democratic Republic of the Congo continue to grab headlines in America's newspapers, we journeyed to Africa with the hope of highlighting a different image of the continent. Our delegation spent three days in one of the continent's smallest countries, Gambia—made famous by author Alex Haley in his epic saga, "Roots," as the true-life homeland of the novel's hero, Kunta Kinte.

Smaller than any of our individual congressional districts, Gambia is a country of only 1 million people on the west coast of Africa.

The country makes up for its few natural resources with a modern deep-water port and one of Africa's most advanced telecommunications systems. Like many African countries, Gambia is struggling to define itself as a service economy, worthy of Western investment.

During our stay, we were bounced along seemingly impassible roads to isolated villages by our government hosts and saw that the much-vaunted "services" did not extend outside the capital city of Banjul. What we were shown was not a whitewash, however, but a stark example of an African country struggling to provide a better future for its people.

Between episodic power outages and seasonal floods, there exists in Gambia a hope and motivation to overcome and succeed. From what we were shown, Gambia can, and may already be, an African success story.

With the construction of many new hospitals and dozens of new schools, including the country's first university, the govern-

ment of President Yahya Jammeh is succeeding where 30 years of autocratic rule had failed.

However, the technical, financial and educational resources of such countries are quickly exhausted—leaving too many projects incomplete and ideas unrealized.

As the international assistance and debt relief to these countries has stalled in our Congress, or dried up completely, private, non-governmental groups have stepped in to fill the void in implementing essential development programs.

U.S.-based Catholic Relief Services has in place across Gambia, and the rest of Africa, programs that promote the role of women in society, provide HIV education and fund micro-enterprise projects—all programs that formerly were undertaken by the U.S. Agency for International Development. However, these non-governmental organizations are themselves subject to competing congressional finding interests and so, too, remain sorely underdeveloped.

As in our cities, where corporate America has helped fund a rebirth of our inner cities, so, too, can it assist the nations of Africa in their own rebirth.

This notion of "trade not aid" is the cornerstone of the African Growth and Opportunity Act that President Clinton signed into law this month and should define the future of U.S. relations with Africa.

Those companies already at work in Africa and with Africans, are now ideally placed to provide the kind of business environment that ultimately creates a peaceful society.

A healthy and educated workforce is not only for good business but for stable and peaceful lives, free of war and poverty, sickness and migration.

As members of Congress, it is our hope and intention to help facilitate these partnerships wherever possible. We have seen the hope of a proud and welcoming people and will implore our friends and colleagues to help Africa keep hope alive.

The three writers are members of the Congressional Black Caucus from South Carolina, Alabama and Mississippi, respectively. Mr. Clyburn is caucus chairman.

ANNUAL CONGRESSIONAL ARTS COMPETITION PARTICIPANTS HONORED

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. FRELINGHUYSEN. Mr. Speaker, once again, I come to the floor to recognize the great success of strong local school systems working with dedicated parents and teachers. I rise today to congratulate and honor 47 outstanding high school artists from the 11th Congressional District of New Jersey. Each of these talented students participated in the Annual Congressional Arts Competition, "An Artistic Discovery," sponsored by Schering-Plough Corporation. They were recently honored at a reception and exhibit. Their works are exceptional.

Mr. Speaker, I would like to list each of the students, their high schools, and their contest entries, for the official record.

Sarah Louise Podron, Bayley Ellard High School, The Open Window.

Alexis Perry, Bayley Ellard High School, Window of My Soul.

Ed Steiner, Boonton High School, Great Grandfather.

Eileen Mondino, Boonton High School, Tony.

Samanatha Fuess, Boonton High School, The Duck Shot.

Jenny Blankenship, Boonton High School, Untitled.

Allyson Wood, Dover High School, Metamorphosis.

Mike Cicchetti, Dover High School, Still Life. Jeff Albeck, Dover High School, Charles in Charge.

Jee Hae Choe, Dover High School, Untitled. Andrew Racz, Hanover Park High School, Self Portrait.

Jean Guzzi, Hanover Park High School, Lost.

Amy Chang, Hanover Park High School, Self Portrait—Amy.

Stephanie Fertinel, Hanover Park High School, Reflections.

Jessica Posio, Livingston High School, Dreamer.

Tricia Lin, Livingston High School, Untitled. Alexandra Weeks, Madison High School, City.

Lynette Murphy, Madison High School, Vice Versa.

Michael Sutherland, Madison High School, Weather.

Juyoun Lee, Madison High School, Season. Christopher Butler, Matheny School and Hospital, Untitled.

Faith Stolz, Matheny School and Hospital, Untitled.

Diana Viulante, Montville High School, Flying.

Jimin Oh, Montville High School, Self Portrait.

Elizabeth Mayer, Montville High School, Wishing for Winter.

Matal Usefi, Montville High School, Primal Instincts.

Matthew Schwartz, Morris Hills High School, Self Portrait.

Brooke Purpura, Morris Knolls High School, Self Portrait.

John Fisher, Morris Knolls High School, Self Portrait.

Marion Bezars, Jr., Morris Knolls High School, Pondering.

Kristen Reilly, Mt. Olive High School, Stamped in Stone.

Jonathan Rehm, Mt. Olive High School, Blind Faith.

Rachel Regina, Mt. Olive High School, Phil. Tanya Maddaloni, Mt. Olive High School, Creation.

Steven Ehrenkrantz, Randolph High School, Untitled.

Alton Wilky, Randolph High School, Whai. Francesca Oliveria, Randolph High School, Immanis.

Ashleyh Waddington, Randolph High School, Untitled.

Shirley Lewlowicz, West Essex High School, Untitled.

Rachel Glaser, West Essex Senior High School, Untitled.

Joseph Morelli, West Essex Senior High School, Untitled.

Kate O'Donnell, West Essex Senior High School, Irish Heritage.

Austyn Stevens, West Morris High School, Diva.