

end of a remarkable stretch of public service that will leave an indelible mark on our society.

October 29, 1998, marks a triumphant day for our nation when Senator GLENN returns to space aboard the Space Shuttle Discovery. Nearly 37 years after his initial trip into space, he will again represent his country and our state as a member of Discovery Mission STS-95. As he prepares for his upcoming mission, the Members of the Ohio delegation wish salute to the Senator from Ohio. As he prepares for the upcoming mission, we salute the Senator and native of New Concord, Ohio. Godspeed, JOHN GLENN.

IN HONOR OF MICHAEL
MARCELLINO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor Michael Marcellino. Michael Marcellino served as a United States Army combat correspondent in the Vietnam War from 1967 to 1968. After his honorable discharge from the service, he worked for 13 years as a newspaper reporter in Northeast Ohio with the Painesville Telegraph and the Sun Newspapers.

While at Sun Newspapers, Marcellino received two national awards for excellence in reporting—the Suburban Newspapers of America Award for Investigative Journalism and the national Newspaper Association's Community Service Award. His reporting included Veterans' affairs, government and politics.

From 1983–1987, Marcellino served on the Cleveland staff of Congressman Louis Stokes. As Community Relations Specialist, his work included advocacy for community, veterans and human rights issues. He was appointed Press Secretary to Mayor-elect Michael R. White in 1989. During nearly nine years with the White Administration, Marcellino also served as Liaison for Veterans and Military Affairs to Mayor White and Manager of Marketing for the City of Cleveland's Department of Public Utilities.

Marcellino is presently a writer and public relations consultant. He is a founding board member of the Greater Cleveland Veterans Business Resource Council and a member of the Veterans of Foreign Wars and the American Legion.

He attended Cleveland and Parma Public Schools and Wake Forest University. Marcellino and his wife, Laurie, a restaurant owner, have three children, Sean, Rachael, and Ari.

FISHERIES STOCK ENHANCEMENT

HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. MILLER of Florida. Mr. Speaker, as a leader in the field of fisheries stock enhancement, Mote Marine Laboratories was highlighted recently in an article from Fly Fishing

in Saltwater magazine. Mote Marine is located in Sarasota, Florida which is in the 13th District of Florida and provides innumerable benefits to our environment and my constituents. I am pleased therefore to enter this article recognizing Mote Marine's importance into the CONGRESSIONAL RECORD.

[From Fly Fishing in Saltwater, Sept./Oct. 1998]

SNOOK FOR THE MASSES—MARINE FISHERIES STOCK ENHANCEMENT MAY BE IN OUR FUTURE
(By Don Phillips)

On January 10, 1998, Steve Serfling and Todd Hershfield went fishing for snook in Sarasota Bay, Florida. In two hours they caught and released four snook on the fly.

That was no surprise because they were fishing an area where the Mote Marine Laboratory had earlier released small snook as part of an experimental stock-enhancement program. Serfling is director of Mote's aquaculture program and Hershfield works in the laboratory and their January trip was one of four the two had made to find out how the stocked snook were integrating with the natural population. Nice work if you can get it!

As of February this year, the Mote Laboratory had stocked 12,000 juvenile snook in eight different areas of Sarasota Bay, the Braden River, and several areas of Tampa Bay. The results have been most encouraging. Of 18 snook caught during Todd and Hershfield's four trips, half were from Mote's Aquaculture facility (their origin was readily determined by a miniature red marker implanted in the snook shortly before their release).

The laboratory and its partner, Florida's Department of Environmental Protection, are delighted. The stocked fish seem to have integrated well into the natural population and their growth, appearance, health, and behavior mirrors that of their wild cousins.

Actually, that shouldn't be too surprising; the stocked snook were raised from eggs and milt removed from wild snook netted from and released back into the same areas.

When I heard about the stocking program I made arrangements to visit Mote's aquaculture facility on City Island in Sarasota to find out more. Previous experience with freshwater and anadromous fish stocking programs had not left me exactly impressed with this method of fisheries enhancement. "Put-and-take" fishing mentality, genetic deterioration, diseases, and pollution are just some of the problems associated with hatchery programs. So it was with a fair amount of skepticism that I planned my visit.

But after touring the facility with Serfling I was impressed with the technical sophistication of Mote's approach. The lab has paid close attention to every detail of the snook's early life in an effort to duplicate its natural environment.

"We start with wild eggs and milt," Serfling said. "The fertilized eggs hatch into larvae that develop over a two-day period on their own yoke sacs. During these two days they develop eyes, mouths, and a digestive system, so they can feed. Then the larvae are fed microalgae and zooplankton cultured in our own hatchery, duplicating their natural food at this stage in their life.

"Pellet feeding begins after about four weeks, at the point when the fingerlings require larger food sizes. Cannibalism is a major problem with carnivorous fish like snook, because they instinctively prefer to each fish from day 20 onward. But they cannot be size-graded and separated to reduce cannibalism until around day 40, because the larvae and fry stages are too delicate to handle.

"A few days before stocking the snook are also fed live minnows, to reinforce their nat-

ural instinct to chase and eat swimming prey. Their immediate predatory behavior suggests that this instinct is alive and well."

The heart of the aquaculture facility is a closed-cycle water system that controls water salinity, temperature, pH, oxygen content, and turbidity. Waste products are treated and recycled. Only a very small amount of fresh water or filtered seawater is added weekly to replenish losses and adjust salinity.

This closed-cycle approach insulates the system from undesirable environmental phenomena such as red tide or periods of exceedingly cold temperature, significantly increasing survival of the young snook.

The aquaculture facility also uses cylindrical shaped tanks to minimize collision trauma among the fish. When the fish are large enough, size grading is done periodically to minimize cannibalism.

"We have now progressed to the point where 10 percent of our larvae survive to the 5- or 6-inch size range in six months," Serfling said, "This is quite impressive when compared with an equivalent 0.0005 percent rate for wild fish under favorable environmental conditions." The survival percentage is expected to increase even more as the laboratory learns more about young snook.

Mote also is raising Gulf and short-nosed sturgeon and has plans to include pompano, flounder and snapper in its program. Funding is through the William R. Mote Scientific Foundation.

After touring the facility I met with Dr. Ken Leber, Mote's senior scientist and director of fisheries and aquaculture research, and Dr. John Miller, professor of fisheries and oceanography at North Carolina State University who is a visiting scientist at the Mote Laboratory. Both were enthusiastic about the stocking program, but both also were candid about the hurdles still to be overcome.

Leber said the laboratory is prepared to continue the program up to and including full-scale hatchery releases, if appropriate federal and state support is obtained. But he added that a lot of research is still needed to understand the many variables of stock enhancement and to determine its economic viability as a fishery management tool.

"What, when, and where to stock are questions needing definitive answers," he said. For example, economic considerations might suggest stocking lots of fingerlings, but high initial predation rates could make this approach penny-wise and pound-foolish.

Similarly, stocking excessive numbers of fish could upset the balance of local ecosystems by adding too many predators or displacing wild stocks.

Determining the best season for stocking also is important so new residents have the best chance for acclimatization and survival.

Yet another consideration is finding the best places for stocking. Those places must provide immediate sanctuary and food. Thermal refuges may be particularly important to minimize mortality due to high or low water temperatures.

Leber and his staff are studying these questions by assessing current populations, performing stocking experiments, then evaluating the new populations.

Similar efforts are going on elsewhere around the world, with researchers sharing the results. Recently, Mote joined forces with research activities in Hawaii, Mississippi, and Florida (the Florida Marine Fisheries Research Institute) to address stock enhancement on a large scale. This multi-million dollar effort, sponsored by the federal government, is likely to draw in other research activities, especially from the Gulf States.

"Since the 1950s, the focus of marine fisheries management has concentrated on

maintaining and restoring habitat and controlling harvest through regulation," Leber said. "Stock enhancement has thus far largely been ignored as a management tool for marine fisheries. We are now not too far from being able to supplement these two strategies (habitat maintenance and restoration) with selective stock enhancement, where such (measures) can be supported by the local ecosystem.

"The old approach of stocking without careful assessment of impact cannot be tolerated today, especially in areas like Florida, where population growth is significant and fishing pressure is ever increasing.

"I like to think of our direction today is toward more responsible marine fisheries management, where the focus is being shifted to maintain the health of our fish populations and their habitat and environment, rather than only raising and stocking the maximum number of fish per taxpayer dollar."

I left the Mote Marine Laboratory with kind of a warm feeling inside. It's nice to know there are programs and people trying to steer us in the right direction.

The Mote Marine Laboratory is an independent, nonprofit research organization dedicated to the marine and environmental science. Located on an 11-acre site on City Island in Sarasota, Florida, the laboratory has extensive research and administrative facilities plus the Mote Aquarium, which attracts about 250,000 visitors a year.

The laboratory is staffed by 50 scientists with master's or doctorate degrees, plus support personnel and more than 1,000 volunteers. Its \$3.5 million research program is supported by grants, contracts, aquarium income, and donations. Founder William R. Mote has thus far donated all funding for the laboratory's aquaculture program.

The laboratory's other research and education activities include threatened species (sharks, sea turtles, manatees, etc.); fish vision; red tide; commercial fishing bycatch; improvement of recreational fishing; mackerel migrations; the impact of thermal power plants on sea grasses; river, estuary and wetland management; and the environmental impacts of chemicals, pesticides, and other forms of pollution.

For more information on the laboratory and its programs, contact Virginia Haley, 1600 Ken Thompson Parkway, Sarasota FL 34236, telephone (941) 388-1441, fax (941) 388-4312, or e-mail katura@mote.org.

EXTENSION OF REMARKS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, even nations need a soul. Indeed great countries establish traditions, institutions, and civil codes to reflect the integrity of their people. Taken together, these attributes give insight to a nation's character, and as such, signal the dignity of her people.

The United States Navy is but one American institution charged with defending our borders and maintaining our dignity. Among the Navy's first officers is Joseph E. Schmitz who has devoted considerable thought to the heavy matters we weigh today in Congress.

I hereby submit for the RECORD, Mr. Schmitz's scholarly analysis of current conditions created by the Commander-in-Chief. I

furthermore commend the conclusions of Mr. Schmitz to my colleagues and beg they prove persuasive in resolving the great question before us.

WHEN THE COMMANDER-IN-CHIEF MISLEADS,
WHO FOLLOWS?

OR WHAT DO WE TELL THE TROOPS NOW,
COMMANDER?

(By Joseph E. Schmitz¹)

How can a commanding officer of a warship ask an 18-year-old sailor to risk his life in the line of duty if the commander is not willing to risk his own personal ambitions for honor? He can't. A military leader must be the example, first and foremost. Congress should not lose sight of this reality of military leadership as it deliberates over the recent report of the Independent Counsel.

While the Constitution empowers Congress "To make Rules for the Government and Regulation of the land and naval Forces," each commander is responsible for enforcing these rules within his or her own command. At the same time, the President as Commander-in-Chief is ultimately responsible for enforcing these rules throughout—as well as for the overall good order and discipline of—the United States Armed Forces.

Technical legal arguments that the Uniform Code of Military Justice may not apply to the Commander-in-Chief miss the point. At issue are some of the first principles upon which our colonial forefathers pledged their "sacred honor," among which is Equal Justice Under Law, requiring that even the President be accountable to the Rule of Law (as opposed to the rule of men). By definition, the Rule of Law cannot be influenced by public opinion, whether through public opinion polls or otherwise.

By virtue of an Act of Congress in 1956, recodifying the First Article of the 1775 "Rules for the Regulation of the Navy of the United Colonies of North-America" into what is still public—albeit not-well-publicized—law, "All commanding officers and others in authority in the naval service are required to show in themselves a good example of virtue, honor, patriotism, and subordination; . . . to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Navy, all persons who are guilty of them."² This longstanding moral edict by Congress exemplifies the central theme of the "Legislation of Morality" seminar this author conducts at Georgetown University Law Center: democratically-enacted legislation is the societal analog to an individual's conscience formation process. At the national level, Congress promulgates the national conscience through public laws, essentially announcing what is right and what is wrong for the nation. As with the relationship between individual conscience and behavior, this societal con-

science formation process is distinct from, albeit integrally related to, the enforcement process.

In his August 17, 1998, nationally-televised speech, the President purported to accept full responsibility for misleading the nation about his "inappropriate" relationship with a White House intern. This confession by the Commander-in-Chief to both dishonorable and immoral conduct in the Oval Office, and the subsequent release of the Independent Counsel's Report and video tape, among other things, have amplified the need for all military leaders to uphold the moral authority of the First Article of the 1775 Navy Regulations, sometimes referred to as the "First Principle of the American Military."

In the "Code of Conduct for Members of the United States Armed Force," like all other members of the Armed Forces, I was admonished to "never forget that I am an American, fighting for freedom, responsible for any actions, and dedicated to the principles which made my country free." Every first-year law student learns that two of those principles are accountability "according to law" and "no man is above the law." According to the text of the Constitution, even an impeached President, after he is convicted by the Senate and removed from office for "treason, bribery, or other high crimes and misdemeanors" (U.S. Const., art. II, sec. 4), "shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law." U.S. Const., art I, sec. 3.

A few years ago, as the Naval Academy was attempting to deal with the worst cheating scandal in its 150-year history, a committee hearing on Capitol Hill featured a telling colloquy between Senator Robert C. Byrd and Rear Admiral Thomas Lynch, then Superintendent of the Naval Academy. At the beginning of the colloquy, Senator Byrd asked Admiral Lynch whether he was familiar with the adage, "You rate what you skate." Of course the Admiral was. But neither the Senator nor the Admiral discussed the adage further.

This Naval Academy adage is tantamount to a rule that "while officers are responsible for personal choices, they need not be accountable for poor choices unless caught." Such a mixed moral message fundamentally undermines the formation of character traits such as honesty, reliability, moral courage, and good judgment, upon which rest not only the tax dollars of hard-working Americans, but the lives of many Americans as well.

A crisis of military discipline looms if any commander, by his words and actions, promotes and adage that "you rate what you get away with, and even if you're caught, it's OK to evade accountability if you can get away with that"; a constitutional crisis looms if our legal system does not hold all officers with full responsibility to a standard of full accountability. Responsibility without accountability "according to law" undermines the core foundation of the Constitution, the aforementioned basic principle known as the Rule of Law, without which our Constitution is no more than a piece of paper.

The Armed Forces now have a more fundamental challenge to leadership training than simply instilling character traits adverse to lying, cheating, and stealing; How do we instill in young leaders the moral courage to admit when they are wrong and to accept accountability for mistakes made? Personal example by senior leaders, up to and including the Commander-in-Chief, is an essential starting point—and risk to personal ambitions is no excuse for any officer of the United States Armed Forces.

After the Commander-in-Chief holds himself accountable to the Rule of Law, or is

¹Mr. Schmitz graduated with distinction from the U.S. Naval Academy and earned his Doctor of Jurisprudence from Stanford Law School. He is currently an attorney in Washington D.C. and an Adjunct Professor of Law at Georgetown University Law Center, where he teaches an advanced constitutional law seminar on "Legislation of Morality: Constitutional and Practical Considerations" (the syllabus for which is available by request to jschmitz@pattonboggs.com).

²10 U.S.C. §5947. The 1775 version reads: "ART. I. The Commanders of all ships and vessels belonging to the THIRTEEN UNITED COLONIES, are strictly required to shew in themselves a good example of honor and virtue to their officers and men, and to be vigilant in inspecting the behaviour of all such as are under them, and to discountenance and suppress all dissolute, immoral and disorderly practices; and also, such as are contrary to the rules of discipline and obedience, and to correct those who are guilty of the same according to the usage of the sea" (www.history.navy.mil).