

ADL uses its information "to suppress free speech and discussion and to influence public thought and sentiment of an unsuspecting citizenry."

Lo and behold what do we now have? Legislation that will suppress freedom of speech and discussion.

In 1983 the Department of Justice (DOJ) paid the ADL \$20,000 in taxpayers' money to produce a report on so-called "hate groups". The DOJ refused to publish the report because it was so sensationalized that the DOJ could not consider it credible. The ADL went ahead with its own copyright and published the report anyway, feeding it to the press. The DOJ forced the ADL to relinquish the copyright. Now the ADL is once again feeding the press lies, rumor and gossip which the press accepts as gospel.

The press then takes this mis-information, rumor and gossip, sensationalizes it to spin a tale until it grows and grows so out of proportion that the press starts scrambling to create a better story than the other guy. Law enforcement, military and government officials then pick up on it believing in a literal "feeding-frenzy" of the press. This has become a story that had lost control and those who do not investigate it for themselves are totally irresponsible, especially law makers.

As we are now witnessing, Americans are questioning the press. This is evidenced by the phenomenal growth of the patriot/militia movement.

As this patriotic awareness expands, millions of Americans will expect a new view from a more responsive government. A new re-birth of responsibility from a government that has strayed from its "job-description" as mandated by the Constitution. A government created by the people and for the people. Not the limited few.

May God be with all America as he watches over the shoulders of you who write her laws. A nation can survive its fools and even the ambitious. But it cannot survive treason from within.

America has nothing to fear from patriots maintaining "vigilance." She should, however, fear those that would "outlaw" vigilance.

WACO AND RUBY RIDGE INQUIRIES

Mr. SPECTER. Mr. President, I had been looking for some time to talk on my own inquiries into the events at Waco and Ruby Ridge, but since the leader has scheduled the terrorism bill to come up and has limited the opening statements in morning business to 5 minutes, it is my intention to try to be the lead speaker tomorrow. That will fit into some of my opening comments on terrorism. I will present the findings of my preliminary inquiry at that time.

I thank the Chair and yield the floor.

CONCLUSION OF MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPREHENSIVE TERRORISM PREVENTION ACT

The PRESIDING OFFICER. The clerk will report S. 735 by title.

The legislative clerk read as follows:
A bill (S. 735) to prevent and punish acts of terrorism, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1199

Mr. HATCH. Mr. President, I send an amendment in the nature of a substitute to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mr. DOLE, for himself, Mr. HATCH, Mr. NICKLES, Mr. INHOFE, Mr. GRAMM, and Mr. BROWN, proposes an amendment numbered 1199.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HATCH. Mr. President, today the Senate begins consideration of the Dole-Hatch Comprehensive Terrorism Prevention Act of 1995. This amendment has within it one of the most important pieces of criminal law in this country's history, and that is the Dole-Specter-Hatch habeas corpus reform bill. That is only one part of it, but that is the one part that will make a difference with regard to the Oklahoma City bombing.

This legislation represents a landmark bipartisan effort to address the issue of grave national importance; that is, the prevention and punishment of acts of domestic and international terrorism.

This legislation adds important tools to the Government's fight against terrorism and does so in a temperate manner that is protective of civil liberties. In short, I believe that this bill is the most comprehensive antiterrorism bill ever considered in the Senate.

This legislation increases the penalties for acts of foreign and domestic terrorism, including the use of weapons of mass destruction, attacks on officials and employees of the United States, and conspiracy to commit terrorist acts.

It gives the President enhanced tools to use his foreign policy powers to combat terrorism overseas, and it gives those of our citizens harmed by terrorist acts of outlaw states the right to sue their attackers in our own courts of law.

Our bill provides a constitutional mechanism to the Government to deport aliens suspected of engaging in terrorist activity without divulging our national security secrets.

It also includes a provision that constitutionally limits the ability of foreign terrorist organizations to raise funds within the United States.

Our bill also provides measured enhancements to the authority of Federal

law enforcement to investigate terrorist threats and acts. In addition to giving law enforcement the legal tools they need to do the job, our bill also authorizes increased resources for law enforcement to carry out its mission. The bill provides for \$1.8 billion over 5 years for an enhanced antiterrorism effort at both the Federal and the State level.

The bill also implements the convention on the marking of plastic explosives. It requires that the makers of plastic explosives make the explosives detectable.

Finally, the bill appropriately reforms habeas corpus, as I mentioned before.

The Specter-Hatch habeas corpus bill will correct some of the deficiencies in criminal law that exist today. It will stop the frivolous appeals that have been driving people nuts throughout this country and subjecting victims and families of victims to unnecessary pain for year after year after year.

Habeas corpus allows those convicted of brutal crimes, including terrorism, to delay the just imposition of punishment for years. And this will correct that while still preserving and protecting the constitutional rights of those who are accused.

Several points, however, should be addressed. I have long opposed the unchecked expansion of Federal authority and will continue to do so. Still, the Federal Government does have a legitimate role to play in our national life and in law enforcement. In particular, the Federal Government has an obligation to protect all of our citizens from serious criminal threats emanating from abroad or those that involve the national interest. Over 140 years ago, Abraham Lincoln had this to say about the role of Government.

The legitimate object of Government is—

... to do for the people what needs to be done, but which they cannot, by individual effort, do at all, or do so well, for themselves. If some men will kill, it is a common object with peaceful and just men to prevent it.

Similarly, it is the responsibility of the Federal Government to assist the States in meeting those threats that none alone can adequately meet. The terrorist threat, whether posed by foreign entities or domestic interests, meets this test.

We must, nevertheless, remember that our response to terrorism carries with it the grave risk of impinging on the rights of free speech, assembly, petition for the redress of grievances, and the right to keep and bear arms. We cannot allow this to happen. It would be cruel irony if, in response to the acts of evil and misguided men hostile to our Government, we stifled true debate on the proper role of Government.

Nor shall we exchange our precious Constitution which has protected us for over 200 years for false promises of "increased security." For as Ben Franklin said:

Those who would give up essential liberty to purchase temporary safety deserve neither liberty nor safety.

Mr. President, the legislation the Senate begins consideration of today enhances our safety without sacrificing the liberty of American citizens. Each of the provisions in the bill strikes a careful balance between necessary vigilance against a terrorist threat and the preservation of our cherished freedom. Several of the provisions deserve special mention.

First, I would like to briefly discuss the Alien Terrorist Removal Act. I firmly believe it is time to give our law enforcement and courts the tools they need to quickly remove alien terrorists from within our midst without jeopardizing, for example, national security or the lives of law enforcement personnel.

This provision in this bill provides the Justice Department with a mechanism to do this. It allows for a special deportation hearing and in camera, ex parte review by a special panel of Federal judges when the disclosure in open court of Government evidence would pose a threat to national security.

It is entirely within the power of Congress to establish special adjudicatory proceedings and to specify the procedural rights of aliens involved in terrorist acts. As the Supreme Court noted over 10 years ago, "control over matters of immigration is a sovereign prerogative, largely within the control of the Executive and the Legislature." [*Landon v. Plasencia*, 459 U.S. 21, 34-35 (1982).] So long as the procedures established by Congress are essentially fair, they satisfy the requirement of Due Process.

Moreover, we have the power as well to distinguish between classes of aliens and accord separate procedures to different classes. Congress has plenary power over immigration and naturalization. The legitimate distinction between aliens and citizens justifies and permits both separate procedures for aliens and the congressional determination that not all aliens should be treated alike. [*Mathews v. Diaz*, 426 U.S. 67 (1976).]

Mr. President, sound policy dictates that we take steps to ensure that we deport alien terrorists without disclosing to them and their partners our national security secrets. The success of our counter-terrorism efforts depends on the effective use of classified information used to infiltrate foreign terrorist groups. We cannot afford to turn over these secrets in open court, jeopardizing both the future success of these programs and the lives of those who carry them out.

Some raise heart-felt concerns about the precedence of this provision. I believe their opposition is sincere, and I respect their views. Yet, these special proceedings are not criminal proceedings for which the alien will be incarcerated. Rather, the result will simply be the removal of these aliens from U.S. soil—that is all.

Americans are a fair people. Our Nation has always emphasized that its

procedures be just and fair. And the procedures in this bill are in keeping with that tradition. The special court would have to determine that:

First, the alien in question was an alien terrorist;

Second, that an ordinary deportation hearing would pose a security risk; and

Third, that the threat by the alien's physical presence is grave and immediate.

The alien would be provided with counsel, given all information which would not pose a risk if disclosed, would be provided with a summary of the evidence, and would have the right of appeal. Still, in our effort to be fair, we must not provide to terrorists and to their supporters abroad the informational means to wreak more havoc on our society. This provision is an appropriate means to ensure that we do not.

Second, this bill includes provisions making it a crime to knowingly provide material support to the terrorist functions of foreign groups designated by a presidential finding to be engaged in terrorist activities.

I am sensitive to the concerns of some that this provision impinges on freedoms protected by the first amendment. I have worked hard to ensure that this provision will not violate the Constitution or place inappropriate restrictions on cherished first amendment freedoms. In fact, we have made significant changes to the original version of this measure proposed by the Clinton administration. For example, we have subjected the executive branch's designation of a group as an international terrorist group to judicial review. In addition, we have removed troubling licensing requirements that were in the original bill submitted by the administration.

Nothing in the Dole-Hatch version of this provision prohibits the free exercise of religion or speech, or impinges on the freedom of association. Moreover, nothing in the Constitution provides the right to engage in violence against fellow citizens. Aiding and financing terrorist bombings is not constitutionally protected activity. Additionally, I have to believe that honest donors to any organization would want to know if their contributions were being used for such scurrilous purposes.

And finally, Mr. President, I would like to address an issue which has inappropriately overshadowed all of the other fine provisions of this legislation—the inclusion of the Specter-Hatch habeas corpus reform in this bill. Some have stated that the inclusion of habeas reform in this bill is political opportunism. Mr. President, nothing could be further from the truth. The plain truth is, habeas corpus reform is entirely germane to this legislation. The President has asked for this reform. And the American people are demanding it.

Let me just read this letter that is shown here on this particular chart. It is dated May 10, 1995. It is to the Honorable Bill Clinton, the President of

the United States. Let me just read one paragraph.

I ask unanimous consent that the full text of the letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 10, 1995.

Hon. BILL CLINTON,
The President of the United States,
The White House,
Washington, DC.

DEAR PRESIDENT CLINTON: As a bi-partisan group of Attorneys General from our respective states, we would like to express our support for your efforts to bring the American people together in a common expression of support for those who have suffered from the tragic events in Oklahoma City. We also appreciate your clear expression of support for the rule of law, at a time when these acts of lawlessness have brought about such human tragedy.

In this regard, your comments on CBS' 60 Minutes program regarding the need for the reform of federal habeas corpus procedures is most appropriate. In our own states, we continue to experience endless appeals and continuous delay. We believe that such abuse of the criminal justice system produces a disrespect for the law, and serves to undermine deterrence.

This is particularly true with respect to the enforcement of the death penalty. As the Powell Committee Report noted:

"The relatively small number of executions as well as the delay in cases where an execution has occurred makes clear that the present system of collateral review operates to frustrate the law of the 37 states."

This accurately describes the current status of capital punishment in the states and unfortunately portends a similar fortune for the recently enacted death penalty provisions of Title VI of the Violent Crime Control and Law Enforcement Act of 1994. Motions under current Title 28 U.S.C. §2255 will produce the same morass of endless delay and procedural manipulation that the states have encountered under Title 28 U.S.C. §2254. Thus, if we are to have an effective death penalty on the state and federal levels, legislative action is necessary.

In this regard, expedited consideration of such legislation in the context of the anti-terrorism bill is entirely appropriate. Unless habeas corpus reform is enacted, capital sentences for such acts of senseless violence will face endless legal obstacles. This will undermine the credibility of the sanctions, and the expression of our level of opprobrium as a nation for acts of terrorism.

It is our belief that S. 623, the Habeas Corpus Reform Act of 1995, is the appropriate vehicle to bring about an effective and enforceable death penalty with respect to both state and federal levels of jurisdiction. The enactment of these provisions is essential to our states, and critical to Federal anti-terrorism legislation, if the maximum sanctions our society has to offer will have real meaning.

We again, offer our support for your efforts to lead the nation out of the abyss of a terrible tragedy. We also offer our commitment to help deliver legislation to the American people that will provide an enforceable death penalty for the most heinous crimes against our citizens. Thank you again for your consideration.

Sincerely,
W.A. DREW EDMONDSON, Attorney General of Oklahoma; DANIEL E. LUNGREN, Attorney General of California; JEFF SESSIONS, Attorney General of Alabama; ERNEST D. PREATE, JR., Attorney General of Pennsylvania; DAN MORALES, Attorney General of Texas;

GALE A. NORTON, Attorney General of Colorado; JOSEPH P. MAZUREK; Attorney General of Montana; DON STENBERG, Attorney General of Nebraska; RICHARD P. IEYOUNG, Attorney General of Louisiana; GRANT WOODS, Attorney General of Arizona; ALAN G. LANCE, Attorney General of Idaho; MIKE MOORE, Attorney General of Mississippi.

Mr. HATCH. Let me emphasize this one paragraph right here.

This is from, I might add, a bipartisan group of attorneys general from respective States, both Democrats and Republicans. This is what they say in this paragraph:

It is our belief that S. 623, the Habeas Corpus Reform Act of 1995, is the appropriate vehicle to bring about an effective and enforceable death penalty with respect to both State and Federal levels of jurisdiction. The enactment of these provisions is essential to our states, and critical to Federal anti-terrorism legislation, if the maximum sanction our society has to offer will have real meaning.

This is signed by W.A. Drew Edmondson, Democrat Attorney General of Oklahoma; Daniel E. Lungren, Republican Attorney General of California; Jeff Sessions, Attorney General of Alabama; Ernest D. Preate, Jr., Attorney General of Pennsylvania; Dan Morales, Attorney General of Texas, who also is a Democrat; Gale A. Norton, Attorney General of Colorado; Joseph P. Mazurek, Attorney General of Montana; Don Stenberg, Attorney General of Nebraska; Richard P. Ieyoub, Attorney General of Louisiana; Grant Woods, Attorney General of Arizona; Alan G. Lance, Attorney General of Idaho; and Mike Moore, Attorney General of Mississippi, who is also a Democrat.

So this is a bipartisan group of attorneys general. And I believe most attorneys general are in agreement that habeas corpus reform is absolutely essential if we are going to solve some of the problems that exists in the terrorist area.

President Clinton, on "60 Minutes" right after the Oklahoma bombing, or shortly after, had this to say:

I do believe the habeas corpus provision of the Federal law which permit these appeals sometimes to be delayed seven, eight, nine years should be changed. I have advocated that. . . .

I hope the Congress will pass—a reform of the Habeas Corpus provisions because it should not take eight or nine years and three trips to the Supreme Court to finalize whether a person in fact was properly convicted or not.

The President's instincts were right at that time and they are right today.

Now, let me just say one other thing, so people understand the rule of law is being mocked in our society.

This chart shows the number of inmates on death row versus the actual executions. These are people who have been convicted of heinous crimes, have been proven to be guilty of the murders involved. There were 2,976 as of January 1995. Since 1977, almost 20 years ago, 18 years ago, there are only 281

who have had to suffer the punishment. In 20 years, only 281 have had to face the punishment that they were assessed by their respective juries and the States. And in almost every one of those cases there have been habeas appeals one right after the other.

For those who think habeas corpus reform is not appropriate, let them listen to those victims of the Oklahoma bombing who called me yesterday, who lost their wives, their children, members of their family, and who said, "Please pass your habeas corpus reform," Senator SPECTER's and your habeas corpus reform.

I spoke with several family members of victims of the Oklahoma City bombing. They held a press conference yesterday and said this is the only thing we could do to prevent even further suffering by these people.

I have to say, under our habeas corpus reform provisions, under those provisions, people's rights will be protected. There will be a full right of appeal all the way up the State courts, from the lowest court to the Supreme Court of the State. There will be a full right of appeal all the way up the Federal courts, from Federal court to district court to the Supreme Court of the United States, and their rights will be protected. But that is all they are going to have, unless they can show newly discovered evidence of innocence or unless the Supreme Court applies retroactively future cases to these problems.

So, rather than exploiting the devastation of Oklahoma City, I believe that by including this provision in the antiterrorism legislation, we are protecting the families of victims.

Mr. President, I ask unanimous consent that a series of letters from the victims in this matter be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF OKLAHOMA,
May 24, 1995.

Hon. ORRIN G. HATCH,
*Chairman, Committee on the Judiciary, Dirksen
Senate Office Building, Washington, DC.*

DEAR CHAIRMAN HATCH: On April 19, 1995, each of us lost a dear member of our family in the devastating bombing that occurred in downtown Oklahoma City. Our families and many other families will never recover from this tragedy.

When the blast occurred, Oklahoma City was helped by experienced and skilled professionals. Our state placed the care of our victims and family members in their hands and they responded with all of the expertise that we expected. Their jobs were performed efficiently and with tremendous ability.

Now, we find that we must place our faith in the abilities of prosecutors and lawmakers and hope they can repair the appeals process so that it takes not a moment longer than is required by the Constitution. As ordinary citizens we are unable to fully understand all of the legal implications that are found within the Dole-Hatch-Specter habeas corpus provision in Senate Bill 735. We believe that Oklahoma Attorney General Drew Edmondson is acting in our behalf by trying to change the laws so that criminals may be

brought to justice quickly. This measure must not be weakened.

President Clinton made a promise to the victim's families during his visit at the Oklahoma City Memorial Service. Please help him keep his promise to use and see that this bill is passed.

Dan McKinney Diane Leonard; Glenn A. Seidl; Carolyn Tamplé; Connie Williams; Nicole N. Williams; Wanda L. Fincher; Alice Maroney-Denison; Cliff Davis.

STATE OF OKLAHOMA,
May 24, 1995.

My sister Kathy Seidl and myself both work downtown at the Alfred P. Murrah building. She worked for Secret Service, I work for GSA. On April 19th my sisters life along with many others was taken away. I'll never be able to forget the sound or the terrible feeling of death that was in the air that day. My first thought was to try to find my sister. When I reached the 9th floor I knew there was no way she would have survived the explosion, my only hope was that she stayed home that day. But unfortunately she didn't. Now the only way I can focus my anger, loneliness and the piece of my heart that is now empty, is to try to get the Hatch/Spector bill passed. Mr. Clinton promised swift justice to the persons responsible for this crime. We need to have change. We need your support and help to bring change.

Sincerely,

CLIFFORD DAVIS.

STATE OF OKLAHOMA,
May 24, 1995.

DEAR SENATOR: My name is Diane Leonard. My husband, Secret Service Agent Donald R. Leonard, was murdered along with 167 innocent people in the bombing of the Alfred P. Murrah Federal Building on April 19, 1995. The employees in this building were abiding by and upholding the laws of this country. We now need your support, not only for the families of this tragedy, but for all American families who have lost loved ones at the hands of murderers. Please lend all your support to seeing that the habeas reform contained in the Hatch-Spector bill is passed as expeditiously as possible.

We have been promised justice, but we feel justice will not be accomplished until the verdict of a jury is carried out.

Please help us in this effort.

Sincerely,

DIANE LEONARD.

STATE OF OKLAHOMA,
May 24, 1995.

MEDIA ADVISORY FROM DREW EDMONDSON,
ATTORNEY GENERAL OF OKLAHOMA

Victims of the Murrah Building bombing who have family members scheduled to be represented at this news conference are Kathy Lynn Seidl, 39, investigative assistant, Secret Service; Scott Williams, 24, who had made a delivery to the day care center April 19; Mickey Maroney, 50, special agent, Secret Service; Don Leonard, 50, special agent, Secret Service; Linda McKinney, office manager, Secret Service; Shelly Turner Bland, 25, Drug Enforcement Administration; and Sonja Sanders, Federal Employees Credit Union.

STATE OF OKLAHOMA,
May 24, 1995.

To JUDGE MIKVA: My name is Dan McKinney, my wife (Linda McKinney) office manager for the secret service was murdered on April 19, 1995. Please accept my heartfelt gratitude for you and your staffs effort in

trying to pass the Dole, Hatch, Spector, Habeas Reform Bill. Criminals have been allowed too much time in appealing their sentences. Lets give them fair opportunity but not ten to twenty years to live and waste taxpayers dollars. Attorney General Drew Edmondson and his staff are working and speaking for us here in Oklahoma. They are doing a wonderful job and we stand behind them 100%. Please let everyone involved in this bill know that it is past time to quit catering to the criminal faction. We want America to know Oklahoma is tired of this attitude. Thank you for your help in this matter.

Respectfully,

DAN MCKINNEY.

STATE OF OKLAHOMA,

May 24, 1995.

DEAR SENATOR: My name is Glenn Seidl, my wife Kathy Seidl was murdered along with 167 innocent people in the bombing of the Alfred P. Murrah building April 19th, 1995. The habeas corpus reform bill presented by Hatch-Spector as I understand will shorten the appeals process. We need change, my family wants justice. Here in Oklahoma we have a man on death row. This man committed several brutal murders. Roger Dale Stafford has been on death row for 17 years. This is not right. When the remains of the Murrah building was imploded May 23rd there was some relief. When the people responsible for this terrible act are found guilty and executed, our families can begin a very important step of the healing process.

Thank you,

GLENN SEIDL.

STATE OF OKLAHOMA,

May 24, 1995.

DEAR SENATOR: My name is Alice Maroney-Denison. My father, Mickey B. Maroney, was murdered in the Oklahoma City bombing on April 19th. On that day my life fell apart. You see my father was my life and in one second he was gone. I didn't get to say goodbye or I love you. I did get to see a war zone in downtown Oklahoma City and a federal building that was blown apart. You might have seen it on T.V. but you didn't feel the glass on your feet or the pain in your heart like I did.

I'm telling you this because I need your help. I need your support in passing Habeas reform. The murderers who committed this crime should be executed as soon as possible, not in 15-20 years. My father will not get to live another 15-20 years so why should the convicted?

I cannot put all of my feelings about my father on paper, but I can tell you one thing, I loved him with all of my heart. Please help me by supporting this reform. Thank you.

God Bless,

ALICE MARONEY-DENISON.

STATE OF OKLAHOMA,

May 24, 1995.

My name is Nicole Williams. My wonderful husband Scott Williams was murdered along with 167 other individuals in the bombing of the Alfred P. Murrah Building on April 19, 1995.

We as family and friends of the ones who died ask that you would please pass Senate Bill 623 presented by Hatch and Spector. We don't want to see the individuals who committed this horrible crime to sit in prison for 15-20 years, I am 8 months pregnant and my husband Scott did not have a chance to even see his child!

Just as the President said, we want this to be swift and quick so that we can start the healing process.

We will be eternally grateful.

Thank you,

NICOLE WILLIAMS.

STATE OF OKLAHOMA,

May 24, 1995.

SENATOR: My 24 year old son, Scott Williams, was murdered along with 166 other innocent victims in the Oklahoma City Murrah Building bombing. On behalf of my son, and the others who lost their voices on April 19, 1995, because of this senseless tragedy, I urge you to help enact much needed reform of habeas corpus.

Those who are brought to trial and convicted must be punished to the full extent of the law. It is certainly my hope that the death penalty will be carried out as soon as possible in this case. My son and the other victims surely deserve no less.

Sincerely,

CONNIE WILLIAMS.

STATE OF OKLAHOMA,

May 24, 1995.

SENATOR: I am the mother-in-law of Scott Williams, one of the victims in the Oklahoma City bombing. We would ask you to please pass Senate Bill 623 the Hatch and Spector bill. We feel that if you are sentenced to die, it should be as swift as our President said. Our loved ones did not have ten to twenty years to prepare for their deaths. So please see to it that the people who commit these crimes are given swift justice.

Thank you for your help,

CAROLYN TEMPLIN.

STATE OF OKLAHOMA,

May 24, 1995.

SENATOR: My sister, Kathy Seidl, was murdered on April 19, 1995 at the federal building in Oklahoma City.

Our family is afraid that the people responsible for this act will be allowed to sit in federal prison for many long years before execution takes place.

Kathy wasn't allowed to say goodbye to her family or to share any more of her wonderful presence with us. If the murderers are sitting in federal prison for 10-20 years they will be given the right to visit with their families and to say their goodbyes. How does this give justice to us?

We would like to see that habeas corpus reform presented by Hatch-Spector is adopted. We thank you and are eternally grateful for your support of habeas corpus reform.

Sincerely,

WANDA FINCHER.

STATE OF OKLAHOMA,

May 24, 1995.

DEAR SENATOR FEINSTEIN: My name is Dan McKinney. I lost my wife (Linda McKinney), my niece (Shelly (Turner) Bland) in the bombing of the Alfred P. Murrah building on April 19, 1995. My wife was the office manager for the Secret Service here in Oklahoma City. She and my niece have never hurt anyone. I am very angry at the perpetrators of this heinous crime. I'm sorry that it has taken such a tragedy to bring forth the effort to try to get a change in our appeals system. But I want my voice to have a vote in the strongest bill we can possibly pass to keep these animal from reaching old age before they have to account for their total disregard for our judicial system, but most of all human life. We, the survivor's of the victims of the bombing want the nation to know, we are fed up. We want justice to be fair, but we want it to be swift for all parties that are found guilty. Please support the strongest habeas reform bill presented by Spector-Hatch that we can get. No more living off the taxpayers for ten to twenty years.

Thank you for your support,

DAN MCKINNEY.

STATE OF OKLAHOMA,

May 24, 1995.

My sister Kathy Seidl and myself both work downtown at the Alfred P. Murrah building. She worked for Secret Service, I work for GSA. On April 19th my sisters life along with many others was taken away. I'll never be able to forget the sound or the terrible feeling of death that was in the air that day. My first thought was to try to find my sister. When I reached the 9th floor I knew there was no way she would have survived the explosion, my only hope was that she stayed home that day. But unfortunately she didn't. Now the only way I can focus my anger, loneliness and the piece of my heart that is now empty, is to try to get the Hatch/Spector bill passed. Mr. Clinton promised swift justice to the persons responsible for this crime. We need to have change. We need your support and help to bring change.

Sincerely,

CLIFFORD DAVIS.

STATE OF OKLAHOMA,

May 24, 1995.

DEAR SENATOR: My name is Diane Leonard. My husband, Secret Service Agent Donald R. Leonard, was murdered along with 167 innocent people in the bombing of the Alfred P. Murrah Federal Building on April 19, 1995. The employees in this building were abiding by and upholding the laws of this country. We now need your support, not only for the families of this tragedy, but for all American families who have lost loved ones at the hands of murderers. Please lend all your support to seeing that the habeas reform contained in the Hatch-Spector bill is passed as expeditiously as possible.

We have been promised justice, but we feel justice will not be accomplished until the verdict of a jury is carried out.

Please help us in this effort.

Sincerely,

DIANE LEONARD.

Mr. HATCH. Let me just read one of them to the folks who are listening. This is dated May 24, yesterday:

DEAR CHAIRMAN HATCH: On April 19, 1995, each of us lost a dear member of our family in the devastating bombing that occurred in downtown Oklahoma City. Our families and many other families will never recover from this tragedy.

When the blast occurred, Oklahoma City was helped by experienced and skilled professionals. Our state placed the care of our victims and family members in their hands and they responded with all of the expertise that we expected. Their jobs were performed efficiently and with tremendous ability.

Now, we find that we must place our faith in the abilities of prosecutors and lawmakers and hope they can repair the appeals process so that it takes not a moment longer than is required by the Constitution. As ordinary citizens we are unable to fully understand all of the legal implications that are found within the Dole-Hatch-Spector habeas corpus provision in Senate Bill 735. We believe that Oklahoma Attorney General Drew Edmondson is acting in our behalf by trying to change the laws so that criminals may be brought to justice quickly. This measure must not be weakened.

President Clinton made a promise to the victims' families during his visit at the Oklahoma City Memorial Service. Please help him keep his promise to us and see that this bill is passed.

Again, we will put all these letters into the RECORD. I wish I had time to read them all.

By including this provision in the anti-terrorism legislation we are protecting the families of the victims. Comprehensive habeas corpus reform is the only legislation Congress can pass as part of the terrorism bill that will have a direct effect on the Oklahoma City bombing case. It is the one thing Congress can pass now to ensure that President Clinton's promise of "swift" justice is kept.

President Clinton recognized this fact during his April 23, 1995, appearance on the television program 60 Minutes, when, in response to a question about whether those responsible would actually be executed without the adoption of habeas corpus reform, he said:

I do believe the habeas corpus provisions of the federal law which permit these appeals sometimes to be delayed seven, eight, nine years should be changed. I have advocated that. * * * I hope the Congress will pass a * * * reform of the habeas corpus provisions because it should not take eight or nine years and three trips to the Supreme Court to finalize whether a person in fact was properly convicted or not.

In one case in Utah, a heinous crime, where the murderers murdered people but before they did, tortured them, rammed pencils through their eardrums, poured Drano down their throats. One person survived who will never be the same. They were sentenced to death. In one of those cases it took 18 years, 28 appeals, all the way up through the State courts, all the way up through the Federal courts, before the sentence could be carried out. And in every one of those appeals the victims had to be there and had to go through the complete process one more time. It is time to get some reason into this system.

The claim that habeas corpus reform is tangential or unrelated to fighting terrorism is ludicrous. We can be confident that those responsible for the bombing in Oklahoma will be brought to justice. The American people do not want to witness the spectacle of these terrorists abusing our judicial system, and delaying the imposition of a just sentence, by filing appeal after meritless appeal; frivolous appeal after frivolous appeal. A system which permits such a result does not provide justice to the victims of terrorism, and must be changed.

Although most capital cases are State cases, and the State of Oklahoma could still prosecute this case, the habeas reform proposal in this bill would apply to federal death penalty cases as well. It would directly affect the Government's prosecution of the Oklahoma bombing case.

First, it would place a one year limit for the filing of a habeas petition on all death row inmates—state and federal inmates.

Second, it would limit condemned killers convicted in state and Federal court to one habeas corpus petition. In

contrast, under current law, there is currently no limit to the number of petitions he or she may file.

Third, it requires the Federal courts, once a petition is filed, to complete judicial action within a specified time period.

Therefore, if the Federal Government prosecutes this case and the death penalty is sought and imposed, the execution of sentence could take as little as one year if our proposal passes. This stands in stark contrast to the 8 to 10 years of delay we are so used to under the current system.

Last week, 13 state attorneys general, including Oklahoma Democrat Drew Edmondson, sent a bipartisan letter to President Clinton that I read into the RECORD, supporting the incorporation of comprehensive habeas corpus reform in the anti-terrorism bill.

President Clinton vowed that justice in the wake of the Oklahoma tragedy would be "swift, certain, and severe." We must help President Clinton keep this promise to the families of those who were murdered in Oklahoma City by passing comprehensive habeas corpus reform.

As I have stated, the Comprehensive Terrorism Prevention Act of 1995 provides for numerous other needed improvements in the law to fight the scourge of terrorism, including the authorization of additional appropriations—nearly \$1.6 billion—to law enforcement to beef up counter-terrorism efforts and increasing the maximum rewards permitted for information concerning international terrorism.

I would note that many of the provisions in this bill enjoy broad, bipartisan support and, in several cases, have passed the Senate on previous occasions.

In that regard I would like to pay special tribute to our former chairman and the current ranking minority member on the committee, Senator BIDEN. He has done an excellent job in working on these bipartisan provisions. And I want to pay tribute to the White House, to the Justice Department, and the General Counsel's office in the White House for working with us throughout this process. Working together, we have come to a broad, bipartisan consensus.

Indeed, we have worked closely with the administration during the development of this legislation, and many of the provisions in this bill have the administration's strong support. And the administration deserves a great deal of credit for having helped with that. In fact, we have taken a lot of provisions right out of the administration's bill and have tried to help them in every way, tried to cooperate with them in every way. And I believe we have done so and have strengthened this bill in many respects.

I would like to compliment the President and his Administration, particularly Attorney General Reno and FBI Director Freeh, and Deputy Attorney General Jamie Gorelick on their han-

dling of the investigation of the Oklahoma City bombing and their work with us on this bill.

The people of the United States and around the world must know that terrorism is an issue that transcends politics and political parties. Our resolve in this matter must be clear: Our response to the terrorist threat, and to acts of terrorism, will be certain, swift, and unified.

Mr. President, ours is a free society. Our liberties, the openness of our institutions, and our freedom of movement are what make America a Nation we are willing to defend. These freedoms are cherished by virtually every American.

But this freedom is not without its costs. Since our society is so open, we are vulnerable to those who would take advantage of our liberty to inflict terror on us. The horrific events of last month in Oklahoma City tragically demonstrate the price we pay for our liberty. Indeed, anyone who would do such an act, and call it a defense of liberty, mocks that word.

We must now redouble our efforts to combat terrorism and to protect our citizens. A worthy first step is the enactment of these sound provisions to provide law enforcement with the tools to fight terrorism.

In closing, what is shocking to so many of us is the apparent fact that those responsible for the Oklahoma atrocity are U.S. citizens. To think that Americans could do this to one another. Yet, these killers are not true Americans—not in my book. Americans are the men, women and children who died under a sea of concrete and steel. Americans are the rescue workers, the volunteers, the law enforcement officials and investigators who are cleaning up the chaos in Oklahoma City.

The genuine Americans are the overwhelming majority who will forever reel at the senselessness and the horror of April 19, 1995. It falls on all Americans in heart and spirit to condemn that sort of political extremism and to take responsible steps to limit the prospect for its recurrence.

Can the Congress pass legislation which will guarantee an end to domestic and international terrorism? We cannot. Nevertheless, the Congress has a responsibility to minimize the prospect that something like this could ever happen again.

We must resolve that anarchistic radicalism, be it from the left or from the right, will not prevail in our freedom-loving democracy. The rule of law and popular government will prevail.

For these reasons I urge my colleagues to support the passage of this important legislation.

Mr. BIDEN. Mr. President, for the benefit of my colleagues who are still here and those who are still left standing after 20-some votes today, I will be mercifully short. I will take about 15 to 20 minutes to make this opening statement on the bill.

Today, to state the obvious, the Senate turns to consideration of the counterterrorism legislation. Earlier this year, I, along with Senator KOHL and Senator SPECTER, introduced the President's original counterterrorism bill which responded to our experience with the World Trade Tower Center bombings 2 years ago.

Since that time, our attention to the threat of terrorism has been heightened by the tragedy in Oklahoma City, which teaches that the threat of home-grown terrorism must be taken every bit as seriously as the threat of terrorism from abroad.

Before the two tragedies occurred—that is, Oklahoma City and the World Trade Tower—many in America had thought ourselves immune from the bombs and other mass killing devices that were employed elsewhere, in other parts of the world.

Americans enjoy freedoms unlike those of any other people in any other country on the planet. For decades, we have enjoyed those freedoms innocently and without fear here at home.

We have always understood that freedom brings certain risks. The challenge before the Senate now, as we consider this legislation, is to improve our responsiveness to the risk, to the threat of terrorism, without losing the very freedoms we hold dear, without allowing the terrorists to succeed by forcing us, in order to deal with them, to give up the very freedoms they do not cherish but we do.

Responding to this risk means standing against those who seek to destroy our democratic form of government, whether they come from the left or the right, from home or abroad. Incidents like Oklahoma City's bombing have no place in our free and democratic society, which allows full expression of all types of political views through legitimate means.

There is simply no excuse, ever, in this country for turning to violence in a society where all the airwaves are open, uncensored newspapers exist, regular and free elections of the people's representatives take place, and we have a first amendment that guarantees the right of the people to be ignorant as well as informed; to be stupid as well as bright; to say outrageous things as well as informed things. So there is no excuse to turn to anything but the airwaves to deal with that issue.

Mr. President, the Oklahoma City bombing and earlier bombing of the World Trade Center demonstrate clearly that the United States must respond seriously to those, whether foreign or domestic, who kill and seek to make their point through killings and mass killings of Americans.

These events demand that we examine our current laws and practices to ensure that we are doing everything that is necessary and appropriate to guard against the threat.

Mr. President, let me suggest that the overall point I wish to make at this

juncture is that it is arguable by some that in other societies where there is no expression or outlet for one's frustration, anger, or cynicism, that they resort to physical force. If there is any country in the world where there is no justification to resort to physical force, it is this country. As I said, all you have to do is listen to some of the talk radio shows and some of the people that call in, and some of us on the floor—myself included—and you will know we even protect the right to be stupid and say crazy things. So there is certainly no need for anybody to suggest that they have to react to their frustration by the use of force.

But the events in New York City and, most recently, in Oklahoma City, demand that we examine our current laws and practices to ensure that we are doing everything that is necessary to appropriately guard against threat. We have to take strong action to counteract terrorism, both foreign and domestic.

There are steps we can take and should take, and the President has proposed a number of them in his bill. Of course, at the same time, we should not, in the heat of the moment, pass legislation that we and the American public will later regret. Our freedoms and our Constitution are simply too valuable to be put at risk in a hurried rush to respond to a terrible tragedy.

Those of us working on the President's proposal over the last month have done so with an eye to ensuring that all of our constitutional protections remain fully intact.

The President's original bill, introduced in February, laid out a core set of terrorist proposals. The Republican substitute bill, as the chairman of the committee has indicated, is built largely around these proposals.

I might add, humorously, it continues to be built. We just got the final copy of a bill that is 160 pages long. So I am assuming what I am about to say is accurate. It was accurate as of a few hours ago. But I am told there are additional changes made in the Republican bill. The Republican bill is comprised primarily of, as I understood it 2 hours ago, measures from the terrorism bill that Senator KOHL and SPECTER and myself introduced on behalf of the President in February. There are a few new proposals by the President, in the wake of the Oklahoma City bombing, and several proposals were added by Senator DOLE, plus habeas corpus provisions added by Senator HATCH and Senator DOLE.

We tried to reach agreement with Senator HATCH on many of the provisions of this bill, and I continue to believe that most all of us here can agree on the core terrorism provisions.

Unfortunately, in my view, the Republican substitute does not include several provisions sought by the President of the United States after the Oklahoma City bombing, which focused on domestic terrorism. While I agree that a few of the provisions in the

President's bill need further work, several of those rejected by the Republican bill are reasonable and limited expansions of the law, which would greatly enhance our ability to fight terrorism without damaging our civil liberties. But for reasons that will be explained, I am certain, they were not included by the Republicans in their bill.

I expect that these needed provisions, which I will outline in a moment, will be offered as amendments to the Republican substitute, and I hope that all my colleagues will support their addition to the bill.

But, first, let me outline the key terrorism proposals from the President's bill that are contained in the Republican substitute. These provisions include the following: A new offense to assure Federal jurisdiction over all violent acts, violent acts which are motivated by international terrorism. This provision will cover gaps in current Federal law. For example, a terrorist who commits mass murder on a private or State-owned property may now be subject only to State court jurisdiction, not to Federal jurisdiction, not to the FBI, but the local police.

This new provision that the President had in his proposal, and the Republicans included, carries a new death penalty, complementing the terrorism death penalty in last year's crime bill. Parenthetically, I might note that the person or persons who get convicted of the World Trade Center bombing for having killed people cannot get the death penalty under Federal law. But the person or persons convicted in the Oklahoma City bombing will get the death penalty or can get the death penalty because of the crime bill we passed last year. Had we defeated the crime bill, there would be no death penalty for whomever is convicted in Oklahoma City.

The Republican bill will also implement an international treaty to require a detection agent to be added to plastic explosives. That was in the President's bill. It will enhance the Government's ability to obtain consumer credit report and hotel and motel vehicle records in foreign intelligence investigations. It does not change the law governing such information as it relates to domestic investigations.

It also gives the Government greater ability to exclude from entering into the United States those aliens who are involved in terrorist activity—a power the President does not now presently possess.

But, unfortunately, the Republicans dropped some very important provisions from the President's terrorism legislation. Among those provisions sought by the President that were dropped by the Republican substitute, and which will be subject to amendments to this bill, are two limited changes in wiretap authority. I believe that the two changes make sense.

As my friend from Utah and others would acknowledge, I suspect, I have not been one who has been very ready to limit civil liberties. I have jealously guarded the civil liberties of folks, and I have interfered with efforts to change—such as the exclusionary rule—change rules which may, in my view, limit the civil liberties and constitutional rights of Americans.

But I believe, notwithstanding my 23-year record here in the Senate on those issues, that we can change the wiretap law, giving the police more authority, without violating the civil liberties of Americans. The changes do not affect the basic requirement built into our present law to protect legitimate privacy interests or—put another way—the basic protections, including a requirement that the Government must show there is probable cause. And by must show I mean they have to go to a judge and say, “We want to do this, and we have probable cause to believe that a crime is being committed, or a crime has been committed, and we want you to give us authority to do a wiretap.”

So the basic protections include a requirement that the Government must show there is probable cause to believe that a criminal violation occurred, and a current requirement that the Government must minimize the intrusion of the civil wiretap by turning the wire off whenever a conversation has nothing to do with the commission of a crime.

I want to make it clear. The extension of wiretap authority that I and Senator LIEBERMAN are going to seek, that the President wants, starts off with two basic requirements that are now in the Federal law: A, there has to be probable cause; and, B—most of my colleagues understandably do not realize this—under Federal law now, if a Federal court gives an FBI agent and the FBI authority, a warrant, to tap someone’s phone, they must engage in minimization procedures.

So if they are to tap the phone because they think someone is engaged in racketeering, prostitution, or whatever—murder, anything—and the person picks up that phone and calls his daughter at school and starts talking about her latest lacrosse game, they must turn off the wiretap. They are not allowed to keep the wiretap on 24 hours a day. We do not change that. So the protections built in stay built in.

One of the changes, though, sought by the President but not included by my friend from Utah in his bill, is to allow emergency wiretaps which are now available in organized crime cases to be obtained for domestic terrorism offenses. Quite simply, if we can use this tool of emergency wiretaps against the Mafia, I do not understand why we ought not be able to use it against domestic terrorists. But for some reason, my friends on the Republican side have not included that in this bill. I hope it is an oversight, but I do not think it is. We will have an attempt to correct that.

The Republican substitute also does not include a provision on what is called a multipoint, or roving, wiretap. Let me take a moment to explain what these multipoint wiretaps are.

Right now, most wiretap orders identify both the person whom we want to listen in on, and a telephone number from which we expect that person to call. That is the line that they are allowed to go tap. Current law permits the Government to get a multipoint wiretap, allowing the Government to tap any line it sees the subject using when the Government can prove that the subject under surveillance is changing phones with the intent to thwart surveillance.

So the way it goes now is, let us say the FBI gets a wiretap on John Doe’s home, and John Doe decides that phone may be tapped. So he does not use that phone. He always goes to the same phone booth on the corner. And he often makes calls from his mother’s home. Well, if they can show a judge that John Doe is using those, and perhaps other phones with the intent to evade possible detection of what he says on his phone, they can get a multipoint tap. They can tap all three of those phones. But in order to do so, they have to prove that he is doing that with an intent to avoid, to thwart the surveillance.

Because of the proliferation of mobile telephones, the President wants to eliminate the intent requirement to allow the Government to obtain multipoint wiretaps where the subject may not know he is under surveillance but is, nonetheless, changing phones rapidly with the effect, if not the intent, of thwarting the surveillance. For some reason, my Republican friends do not include that in this bill. The President wants it. The FBI wants it. I think it makes sense. We are going to try to put it back in.

I have long shared the concern that wiretaps are an intrusive law enforcement tool. When Congress first gave the FBI authority to use wiretaps in criminal investigations, we placed special protections directly in the statute precisely to protect legitimate privacy interests. I will detail how these protections work in practice when we get to the amendment on this subject.

In my view, the changes sought by the President are limited and reasonable, and we should add those provisions back to the bill, the provisions deleted by the Republican proposal.

A second area the President has asked the Congress to address is that of adding so-called taggants to explosives. What are taggants? Taggants are microscopic particles that are added to the explosive during the manufacturing process. Those particles survive the explosion when that explosive is detonated, and can later be used, if necessary, to trace where and when the explosive materials were purchased.

That just seems to me to be a pretty logical thing to do. It does not affect the ability of the explosive to function.

But, if it does function, some of these are like little pieces of microscopic plastic. The investigators can go in with, in effect, a magnet, pick up these particles from the dust of the explosion, identify through those particles where that explosive was purchased, when it was purchased, and when it was made. That gives them an investigative tool then to go trace, just like they trace a bullet in a gun. They shoot a gun; the bullet is in the wall. The investigator takes the bullet out of the wall and tries to trace the manufacturer of the gun, to trace the purchaser, to trace the owner, and so forth. This is the same principle. But for some reason, folks do not like that idea. The President seeks a study to identify the most effective and cost-efficient ways to tag explosives during the manufacturing process.

Then it gives the Secretary of the Treasury the authority to promulgate regulations requiring chemical manufacturers and other manufacturers to use taggants and to make the violation of that regulation, when they are promulgated, a violation of the law, a crime. The President’s proposal also requires a study of whether fertilizers and other readily available materials can be used to build bombs that can be rendered inert.

I was at a conference with General Rose, a British general, who is in charge of the U.N. military force in Sarajevo, in Bosnia. We were meeting on the issue of Bosnia when the god-awful news came about Oklahoma City.

We immediately cut off our meeting, and we repaired to the television. As General Rose and I and others sat there watching the horror on the screen, General Rose, a British general, turned to me and said something that startled me. Just looking at the building, he said, “That’s a fertilizer bomb.” And I said, “I beg your pardon?” He said, “That bomb, that building was blown up by fertilizer.”

And I thought, how in the Lord’s name could he know that? And about 3 hours later on the television, investigators came on and said that it was a fertilizer bomb that caused this damage. So I asked him how did he know that? He said he could tell by the jagged way in which the building was ripped apart from his experience in Northern Ireland. And he said, you know what we did in England with this because the IRA was using these kinds of bombs? We reduced the amount of nitrogen in fertilizer and we added a requirement to fertilizer that an inert material—that is, something that will not affect the effectiveness of the fertilizer—an inert material can be added to fertilizer to make it impossible, or diminish the possibility that it can be used to blow up something.

Now, it seems to me that makes sense. Unless someone can prove to me that by adding this inert subject to the production of fertilizer, you are going to render the fertilizer useless for its

purpose on the field, it seems to me we should do that.

The Republican substitute includes a study of taggants and whether or not fertilizer can be made inert, but it does not grant authority for regulations requiring taggants, and this is an issue that has already been the subject of significant study.

The Republicans rejected the President's request to move from the theoretical to the real and authorize the Secretary of the Treasury to require the inclusion of taggants in explosives. My question is why? Why? Why will they not include that?

Well, Senator FEINSTEIN and I will have an amendment to reinstate the President's language in his terrorism bill. In my view, it is time to act and require the ATF, the agency with expertise and jurisdiction over explosives, to gather the best information and promulgate the necessary regulations.

Finally, the Republican substitute does not include a proposal to allow the use of the military to assist in investigations of biological and chemical weapons. The President proposed a narrow exception to what is called the Posse Comitatus Act, a narrow exemption to permit law enforcement to use the unique expertise of the Defense Department in combating biological and chemical weapons in terrorism similar to what the law now permits with regard to nuclear material.

Right now, we can use the military in a domestic situation where nuclear material is involved, an exception to the Posse Comitatus Act. The Posse Comitatus Act, for people listening, is a fancy name, but it merely says we do not want the military having arrest power in the United States of America. The military is to fight enemies foreign, not domestic. And that is a good thing. We all agree with that. We are one of the countries in the world that does not have the military dictating the day-to-day operations of the country. I do not want to change that. But the military has the expertise on nuclear weapons, the military has the expertise on biological weapons and the expertise on chemical weapons, and it seems to me we should provide a similar exception for them to be able to be involved in domestic investigation where it affects biological agents and where it affects chemical agents, just as we do now allow them to be involved where it involves nuclear material.

Negotiations among interested parties on the Armed Services and the Judiciary Committees have occurred over the last few days, and we are nearing a bipartisan agreement on this, I hope. If, however, an agreement is not reached, the distinguished Senator from Georgia, Mr. NUNN, and I plan to offer a proposal to permit the use of the military in these limited circumstances of biological weapons and chemical weapons. We must be in a position to respond immediately should we ever, God forbid, have an event like that which occurred in the Tokyo subway. And to be ready to respond, we

should avoid wasted duplication of setting up a new bureaucracy to be able to handle chemical and biological weapons, and we certainly should avoid any more delay. So we will have an amendment, if an agreement is not reached, to provide an additional exception to the Posse Comitatus Act as it relates to chemical agents and biological agents.

Now, habeas corpus. The distinguished Senator from Utah and I have been debating habeas corpus for as long as we have been here, and in his opening statement—I may be mistaken, but I would estimate 40 percent of his statement related to habeas corpus, or a large portion that I heard. And so he includes habeas corpus in this proposal.

Now, the President asked that this be kept, to use the parlance of the Senate, a clean bill; that we deal with terrorism.

Well, that is not going to happen. And although habeas corpus as explained by Senator HATCH has little to do with fighting terrorism, we are going to have to debate it anyway.

Now, the Republican provision to reform habeas corpus procedures would require Federal courts to defer to State court decisions even when the State court has made an incorrect decision on habeas corpus. This provision is what everyone around here knows as the full and fair rule. The need for habeas corpus reform is clear. All of us want to end the delay and abuse in habeas corpus and all of us have supported provisions in the past that would limit a prisoner's right to appeal, would allow a very narrow window in which a habeas corpus petition could be filed, and would place strict limits on when that petition had to be filed.

However, the Republican proposal goes much further. The standard proposed in the Republican substitute would direct a Federal court to defer to a State court decision as long as it is not unreasonable. In other words, if reasonable minds could disagree, the State court decision would stand in Federal court even if it is incorrect.

Now, this is a dressed up version of what is known around here as the full and fair rule. Reasonableness is a highly deferential standard, one never before used in habeas corpus. And current law permits Federal courts to make a merit-based decision and to correct harmful State court errors.

I believe we must reform habeas corpus, and I believe we can reform habeas corpus to adopt limits on the number of petitions and the time limits on the petitions such as those contained in the Republican substitute, but without stopping Federal courts from correcting serious State court errors in interpreting the United States Constitution.

In addition, the Republican substitute changes current law which mandates appointment of a lawyer in Federal habeas corpus cases to make such appointments discretionary, not mandatory. I support limiting a prisoner's right to petition. I support lim-

iting prisoners to one habeas corpus petition and giving them a very short period within which it must be filed, but I cannot fathom why we would deny that same petitioner a lawyer at the same time. Such a step serves neither efficiency nor justice.

Now, I noted that the habeas corpus provision in the Republican bill is not directly related to terrorism in that it applies primarily to prisoners who are prosecuted in State courts.

It is particularly inappropriate, in my view, to work such a devastating change in the law on a bill which is designed for a very narrow purpose, for which the Senate is working to move quickly.

Now, when we get to the debate on habeas corpus, we will have what has become known around here as "dueling charts." I will show that the Biden habeas corpus provision would not allow those outrageous examples that the Senator uses where a petitioner sat on death row 2, 5, 10, 12, 18 years after having committed a heinous crime and avoiding the death penalty for that period as a consequence of filing petitions. We want to allow only one bite out of the apple.

But I want to make a point. My friend from Utah made an impassioned statement tonight about how it would be horrible if we find and convict the murderer, the man or woman, or men or women, who murdered those people in Oklahoma and that person was able to avoid execution by filing repetitive petitions.

Well, his proposal has nothing to do with that. So I will have an amendment that says: Limit their habeas corpus changes to Federal court matters.

For example, all the horror stories the Senator pointed out tonight, none of them have to do with somebody who has been tried in Federal court. If you have been tried in a Federal court—which this bill says, by the way, the terrorism bill says, the only purpose of it is to say you do these bad things, you go to a Federal court, you go to a Federal judge, you have the Federal FBI investigate you, you go to a Federal prison, you have a Federal executioner. That is the only reason for the bill. That is why we are doing it.

So if the Senator is as concerned as he appears to be about these exorbitant delays, let us apply it to Federal court.

Now, the reason I am going to offer that amendment is not that I think his idea as to how he wants to limit it in Federal court makes much sense, but just to prove that this is a sham. This has nothing to do with it.

I will have a chart tomorrow, or whenever we get to this, showing all the prisoners in Federal court sitting on death row who are filing Federal habeas petitions. What he is talking about is a need to remedy the State court problem. And I am willing to do that; I have been trying to do it for 10 years, but not on this bill.

Why are we getting into this debate on this bill? But I will leave that for another moment, another day, another hour to debate it, because we have debated it before.

Finally, the Republican substitute contains two very controversial provisions from the administration's proposal that I believe are troubling. The first is that it includes a provision that I must acknowledge the President's included, a provision to create new deportation procedures for aliens in the United States who are alleged to be terrorists.

In the administration's bill, the Government could, in some circumstances, use secret information, not disclosed to the defendant, not disclosed to the defendant's lawyers, in order to make a case.

We have never had such a procedure in history, to the best of my knowledge, in America, where someone can bring a charge against an individual, go into a Federal court, have the prosecutor meet alone with the judge and say:

"Judge, these are all the horrible things that the defendant did. We're not going to tell the defendant what evidence there is that he did these horrible things. We're not going to let the defendant know what that evidence is. We're not going to let the defendant's lawyer know what it is. We're not going to let the defendant's lawyer answer these questions. You and me judge"—me, the prosecutor; you, the judge—"let's deport him in a secret hearing, using secret evidence. Let's walk out of this courtroom, out of your chambers, walk out and say, 'OK, Smedlap, you're deported. We find you're a terrorist. You're out of here.'"

And Smedlap looks and says, "Hey, tell me who said I was a terrorist. How do you know that?" We say, "Oh, no, we can't tell you. We know you did it, and we can't tell you how we know."

Now I think that is about as un-American as it gets.

Now what we will hear is—and I think the President is dead wrong on this—but what we will hear is, "Well, look, these folks are not American citizens. They are not entitled to the same privileges as American citizens in a courtroom."

Well, that is technically true. But, my lord, I do not want to be part of anything that establishes that kind of Star Chamber proceeding. Technically, they may be right; philosophically, it is dead wrong.

But it is interesting, my Republican friends do not include taggants. They do not include additional wiretaps. But they include this. I mean, who, as my little daughter used to say, "Go fish." How can you figure that one out? I cannot, anyway.

Our judicial system generally requires that a defendant be given evidence that is to be used against him so that he can prepare a defense. Unseen, unheard evidence simply cannot be defended against and it creates the possibility of erroneous decisions.

The Republican substitute, unlike the prior version of the Republican bill, moves back toward allowing what the President wrongheadedly put in his bill, in my view.

The bill also includes a radically revised version of an administration proposal to bar fundraising within the United States for organizations which the Secretary of State designates as terrorists. The President's proposal guarded against first amendment concerns by allowing persons to send funds to designated organizations if it could be shown that the funds were going to a legitimate purpose, for humanitarian effort or for political advocacy only.

For example, the substitute bill revises this proposal. First, it changes the Presidential determination to one made by the Secretary of State and then subjects the determination to searching judicial review. While this addresses some of the first amendment concerns in the administration's proposal, it is also problematic because Presidential designations of this sort are not usually litigated in Federal court.

Second, the substitute eliminates any opportunity for persons to make donations for proper purposes, in my view increasing the first amendment concerns on that aspect of the bill.

In conclusion, Mr. President, let me say that I would have preferred to have come to this floor on a bill that was wholly bipartisan without controversial and irrelevant provisions, but the majority has not chosen to proceed that way. I would also, frankly, have preferred to have seen the bill we are considering in advance of the day we are considering the bill on the floor. But, in fairness to my Republican friends, they have been working hard to put it together to try to meet the deadline to get it in before the recess. But, nonetheless, it puts us in a difficult position.

Having received a final version of the bill at only about 6:30 tonight, I have not been able to review it carefully to see whether any of my concerns have already been addressed in the bill—maybe some of the things I have said now have been addressed by this new version—or whether or not additional concerns have been raised by the new bill.

It is my hope and belief that, with certain changes, the substitute offered today by my Republican friends can become a true pro-law-enforcement, pro-civil-liberties, counter-terrorism, bipartisan bill. It is my hope and belief that all Senators will listen to the director of the FBI, the Attorney General of the United States, the Secretary of the Treasury, and the President, and not to groups who believe violence, not voting, is the means to change the system—not that anyone is listening to anyone who is advocating violence, but those who do not think we should expand the ability of law enforcement to look more closely at those groups who believe violence and

not voting is the means to change the system.

All Federal law enforcement is part of a team of brave men and women who protect the lives of all Americans from terrorist attacks. Let us stand with law enforcement as we consider this bill, and give them the tools that they badly need. Even as we protect our constitutional freedoms, we can make this legislation a truly effective tool in fighting terrorism, the threat that comes from distant shores as well as those that come from the American heartland. We have a duty to protect law-abiding Americans and that is what this bill must do.

In conclusion, I believe we can enter into a time agreement on most of the amendments that we will have and hopefully we can move quickly, after the recess, to finish and to complete this bill. Because, as I understand the majority leader, he is looking for a couple of amendments to be brought up tomorrow—whether that means one, two or five, I do not know—but several amendments tomorrow, which we are ready to do. We will give time agreements on those amendments and then we will move back to the bill when we come back.

Again, I thank my Republican colleague, the chairman of the committee, for the areas in which we have cooperated. I look forward to vigorous and substantive debate on those areas where we do not agree. But ultimately we will produce a bill.

I thank the Chair and thank my colleagues. I yield the floor.

THE PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague, the ranking member on the committee. I have enjoyed his remarks this evening. Literally some of his concerns we have addressed in the bill, in the substitute that has been filed. We cannot address all of his concerns in the way he would like them to be addressed because of differences. But some have been, and I think he will be pleased with those.

We will continue to work with him to try to perfect this bill in the interests of everybody, including the administration.

As I understand it, Senator THURMOND would like to make a short statement, and also Senator DEWINE. I do not know if there is anybody else who does, but as soon as the last few statements are made, we will shut the Senate down.

THE PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise today in strong support of the substitute amendment to S. 735, offered by the able chairman of the Judiciary Committee of the Senate, Senator HATCH, and others who joined on this matter. As an original cosponsor of this legislation and the substitute amendment, I believe it builds upon a solid foundation to assist law enforcement in their fight against terrorism.

We must send a clear message that the people of America will not tolerate cowardly acts of terrorism, in any fashion—whether their source is international or domestic. It is important that the Congress work closely with Federal law enforcement to provide the necessary tools and authority to prevent terrorism. I am ever mindful that an appropriate balance between individual rights guaranteed in the Constitution and the needs of law enforcement must be achieved as we meet our responsibility. The American people appropriately look to their Government to maintain a peaceable society but do not want law enforcement to stray into the private lives of law-abiding citizens. The balance is to provide reasonable authority to law enforcement to investigate and prevent terrorism while respecting the rights of the American people to form groups, gather, and engage in dialog even when that dialog involves harsh antigovernment rhetoric. The recent bombing in Oklahoma City compels us to address this issue.

Mr. President, it is my belief that this legislation will enhance law enforcement capabilities to combat terrorism while respecting our cherished rights under the Constitution. This bill contains provisions to increase penalties for conspiracies involving explosives and the unauthorized use of explosives. Additionally, our legislation will assist law enforcement in fighting international terrorism, including language to prohibit U.S. aid to countries that provide military equipment to terrorist nations. The United States must send a strong signal to our allies and adversaries that America's policy is one of zero tolerance for aiding terrorists.

Also, I am pleased that this legislation contains the much needed language on alien terrorist removal. These provisions create a new "terrorism court" made up of sitting district court judges appointed by the Chief Justice of the Supreme Court. This specialty court would have the authority to hear deportation cases involving alien terrorists and would ensure, through the use of a limited ex parte procedure, that the United States can expeditiously deport alien terrorists without disclosing national security secrets to them and their criminal associates.

There are other provisions to provide anti-terrorism assistance to Federal law enforcement agencies. Further, one of the most important sections of this legislation, which I will now address, is designed to curb the abuse of habeas corpus appeals.

Mr. President, for years, as both chairman and ranking member of the Senate Judiciary Committee, I have called for reform of habeas corpus appeals. The habeas appellate process has become little more than a stalling tactic used by death row inmates to avoid punishment for their crimes. I have authored and joined as an original cosponsor of legislation designed to curb

the abuse of habeas corpus and to limit the intrusion of Federal courts in State court convictions.

Unfortunately, the present system of habeas corpus review has become a game of endless litigation where the question is no longer whether the defendant is innocent or guilty of murder, but whether a prisoner can persuade a Federal court to find some kind of technical error to unduly delay justice. As it stands, the habeas process provides the death row inmate with almost inexhaustible opportunities to avoid justice. This is simply wrong.

In my home State of South Carolina, there are over 60 prisoners on death row. I am informed that one has been on death row for 18 years. Two others were sentenced to death in 1980 for a murder they committed in 1977. These two men, half brothers went into a service station in Red Bank, S.C. and murdered Ralph Studemeyer as his son helplessly watched. One man stabbed Mr. Studemeyer and the other shot him. It was a brutal murder and although convicted and sentenced to death, these two murderers have been on death row for 15 years and continue to sit awaiting execution.

Mr. President, without adequate habeas reform, the murdering coward who exploded the bomb in Oklahoma City could avoid justice for many years as many are now doing who have been sentenced to death. President Clinton has called for habeas reform, and I urge my colleagues on the other side of the aisle to join us to ensure that justice becomes a certainty and not a mere probability.

The habeas reform provisions in this legislation will significantly reduce the delays in carrying out executions without unduly limiting the right of access to the Federal courts. This language will effectively reduce the filing of repetitive habeas corpus petitions which delays justice and undermines the deterrent value of the death penalty. Under our proposal, if adopted, death sentences will be carried out in most cases within 2 years of final State court action. This is in stark contrast to death sentences carried out in 1993 which, on average, were carried out over 9 years after the most recent sentencing date.

Mr. President, the current habeas system has robbed the State criminal justice system of any sense of finality and prolongs the pain and agony faced by the families of murder victims. Or habeas reform proposal is badly needed to restore public confidence and ensure accountability to America's criminal justice system.

Mr. President, while there is nothing we can do to alter the tragic bombing in Oklahoma City, the Congress should now adopt legislation to bolster our efforts to prevent heinous and cowardly acts of terrorism. The preamble to the U.S. Constitution clearly spells out the highest ideals of our system of government—one of which is to ensure domestic tranquility. The American people

have a right to be safe in their homes and communities.

I urge my colleagues to support this legislation to provide valuable assistance to our Nation's law enforcement in their dedicated efforts to uphold law and order. I yield the floor.

Mr. DEWINE. Mr. President, I rise this evening in very strong support of the bill that we are considering tonight, the Comprehensive Terrorism Prevention Act of 1995.

This is a bill that truly will help the United States fight terrorism, while at the same time preserving basic constitutional rights and civil liberties.

Let me begin tonight by congratulating Senator DOLE, the majority leader, Senator HATCH, Senator THURMOND, who have worked so very, very hard on this bill. They have crafted a bill that will truly make a difference. They have crafted a bill that will help the United States as a country fight back, against terrorism.

This bill being brought to the floor tonight is in immediate response to the horror of Oklahoma City. But it is also this response to the realization that we all have, about what a very, very dangerous world we live in today. Some thought that with the ending of the cold war we would be living in a safer world. But we all know today that is simply not true. Whether the terrorism comes from our own shores or is international terrorism, it is still horrible and we still must fight back.

I would like to talk briefly tonight about one particular aspect of this bill. That has to do with the provisions in this bill that give local law enforcement the resources and the tools that they need to fight back. I am specifically talking about the provisions in the bill that give local law enforcement the resources to provide for 21st century technology.

I have talked, Mr. President, on this floor during the last several weeks on 6 or 7 different occasions about how very, very important it is, that local law enforcement throughout the country, where 95 percent of all criminal prosecution occurs, where 95 percent of all arrests occur, where 95 percent of all investigations occur, that the resources be driven down to those local communities and those local law enforcement officers so that they have the technology, the DNA, the automated fingerprints, the ballistics, the criminal record, so that they have those tools so they can fight back.

This bill takes a major provision of my crime bill—the crime bill, by the way, that is cosponsored by Senator HATCH as well as Senator THURMOND, Senator ASHCROFT—this bill takes a major provision of that bill and inserts it in this bill and provides \$500 million that will go directly to local law enforcement to help them develop the data bases that they need, and that the FBI knows they need.

This will, Mr. President, make a difference. It will help the government solve crime. It will help to save lives.

It will make a difference in fighting terrorism, and it will make a difference in fighting all kinds of crime.

Last year's crime bill, Mr. President, had a major provision that provided that very significant amount of money to the FBI to develop the national central data base—DNA, fingerprints, identification of individuals, ballistics.

When I traveled Ohio the last few months and talked to local law enforcement officers, one of things that they told me was that is all well and good, but if we cannot access that information, if we cannot get it, if we do not have the tools to bring it to law enforcement, it will not do any good.

Several months ago, I visited the FBI and spent a day with them and spent a day with their experts in all of these different high technical fields. That, I found, is what local law enforcement had told me the FBI confirmed. That is, their fear is that local law enforcement will not have the resources so that we all can develop this national data base.

This is a unique role for the Federal Government. When we talk, Mr. President, about anticrime bills, anti-terrorism bills, we always should first focus on what can only the Federal Government do.

I submit, Mr. President, that the evidence is abundantly clear that it is only the Federal Government that can establish this national base throughout the country. Now, why is that? Let us pretend that we are the sheriffs in Lawrence county, Ohio, or the chief of police in Ironton.

Our ability to use these tools, to use these data bases, depends on three things.

Number one, we have to have the ability or the resources there, and we have to put the information in. We have to do a good job.

Number two, the FBI, of course, has to build up a national base, so we can access from a national point of view.

But the third thing that we sometimes miss is that my ability—if I am the chief of police or a police officer in Ironton—to get information is dependent not only on the local community, local police, local sheriff and local FBI, but also on tens of thousands of jurisdictions across the country, because we live in a very, very mobile society. People move around; criminals move around.

So what the Federal Government does and what we are doing in this bill—and again, I congratulate my colleague from Utah and Senator DOLE the majority leader, for having the wisdom to listen to local law enforcement, to listen to the FBI when they say this is what we need, and to set aside a provision of this bill and to take that \$500 million and say it will go down to local law enforcement so that we can, as a country, develop this national data base. It will, in fact, Mr. President, make a very substantial difference.

What are we talking about? What practical applicability does all of this

have? You know, I have said many times, Mr. President, that we debate in this Congress—in the Senate and in the House—on the national news media a lot of things regarding crime that really do not make a lot of difference. But giving local police officers the tools that they need makes a difference. It matters. It is important. This is what the provisions of this bill truly do.

What is the practical application? We have seen it on TV a lot in the last few in regard to DNA. One of the things that is sometimes missed is the fact that DNA can be used, and is used, every single day in this country to help clear from investigations innocent people, so that someone does not stay the focus of a criminal investigation. DNA can be used for that.

But the situation we have in this country today is that law enforcement officers throughout the country do not, as a rule, really have access to good DNA technology. The laboratories are not there. If the laboratories are there and they have access, there is waiting time. They have to pick only their top cases, only the highest priority cases.

This bill will help solve that problem by establishing the resources so we can have DNA laboratories and experts who can come into court and testify, no matter where that crime is committed.

How else does it help? Think how important it is if you are a police officer or a sheriff's deputy, and at 3 o'clock in the morning you are following a car and, for some reason, you make the determination you need to pull that car over, and you need to pull that car over on a dark road, away from civilization, away from people, and you do that. Is it not important that you know that when you run that license plate, that the information you get back on the ownership of that car is accurate? Is that not important? Is it not important, or would it not be important if you are a police officer and you had just arrested someone and you wanted to determine really who that person was, and you did not believe them when they told you who they were, if you could take that person back to your police cruiser and take his or her hand and put it up against a screen and have those prints electronically transmitted to a central data base, and within a matter of seconds know who that person really is? We have that technology today. It is not widespread because of the cost. But we have the ability to do that.

Would it not be important for our children, for possible victims of sexual abuse, to be able to start as a country what some States are just now beginning to do—that is, to develop a national data base, DNA data base of sex offenders? The sad truth is, Mr. President, that sex offenders have just about the highest repeat offender rate of any group of criminals. I think check forgers and those who pass bad checks probably have about the same number of recidivism. But it is a little different when we are dealing with a sex offender.

I think it is important that every sex offender who goes into prison gets their blood taken. It is constitutional. We can do it. We just have not put the resources behind it. We can take their blood and develop a national DNA data base of sex offenders. So when that person comes out—as most of them do—and if that person commits another offense—as many do, tragically—then we have that data base, and we have the ability to take any bodily fluid from the crime scene, anything, and match that up and make that DNA comparison. We will solve crimes, save lives, and we will convict sex offenders.

Mr. President, I could go on and on with example after example. This money is important. We talk a lot about what matters in crime and what does not matter. The money provided in this bill, the provision that Senator HATCH and Senator DOLE have put in, when they have listened to local law enforcement and to the FBI—these provisions are an integral part of this bill, a very important part of the bill. I congratulate them and thank them for putting it in the bill because it will truly make a difference.

Mr. President, I yield the floor.

Mr. HATCH. Mr. President, I compliment the distinguished Senator from Ohio for an excellent statement and also the distinguished Senator from South Carolina. As usual, Senator THURMOND really covers these matters as well as they can be covered.

MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HAPPY BIRTHDAY TO KITTY WILKA

Mr. DASCHLE. Mr. President, today I want to take a moment to wish Kathleen "Kitty" Wilka of Sioux Falls, South Dakota, a happy sixty-fifth birthday.

Mrs. Wilka was born Kathleen Kelly on May 25, 1930, in Larchwood, Iowa. On August 16, 1948, she married Bill Wilka, and, together, they have built a strong family of 12 children and, so far, 28 grandchildren. Their son Jeff has worked in my Sioux Falls office for many years.

On behalf of the entire Wilka family, as well as my wife, Linda, and my staff, I want to wish Kitty Wilka the happiest of birthdays.

RETIREMENT OF JAMES O. KING

Mr. FORD. Mr. President, throughout my career in public service, I have had