

efforts to seek asylum that were thwarted due to technical defects or errors for which the alien was not responsible, or other extenuating circumstances.

Once again, if the time limit and its exceptions do not provide adequate protection to those with legitimate claims of asylum, I will remain committed to revisiting this issue in a later Congress.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEWINE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### ABUSE IN PRISONS OF THE RELIGIOUS FREEDOM RESTORATION ACT

Mr. REID. Mr. President, in this morning's Washington Post newspaper—and newspapers all over the United States have headlines that are comparable to the headline in the Washington Post—"Ring Used Religion as Cover To Sneak Drugs Into Lorton."

Lorton is a Federal penitentiary in this area. This was on the front page of the Washington Post.

Mr. President, I wish I were not here today to say, "I told you so," but I am here today saying, "I told you so." When the Religious Freedom Restoration Act came up for a vote, I offered an amendment to exclude religion in prisons from the confines of that act. It was a very close vote in this body. It was defeated. People said, "Don't worry about it. It won't cause any problems."

From the day the Religious Freedom Restoration Act passed, it caused problems in prison. This article says a number of interesting things. Among which:

A drug ring posing as a church group smuggled cocaine and prostitutes into the Lorton Correctional Complex and filmed a pornographic video in the prison chapel, with a law protecting religious freedom to avoid scrutiny by guards. . . .

Posing as members of the Moorish Science Temple—

Mr. President, I have nothing to say bad about this religion. It could have been any religion. They happen to be using this religion as a front for their criminal and basically immoral activities.

Posing as members of the Moorish Science Temple, a religion popular in jails, the group exploited what officials called a gaping loophole in Lorton's security.

Because of a 1993 federal law protecting religious freedom of prisoners, members were allowed to have private visits with inmates at virtually any hour and were subjected to only minimal searches, officials said. The members also routinely intimidated guards by threatening to sue them, they said.

"We had correctional officers who were afraid to do their jobs," said D.C. Corrections Director Margaret A. Moore. . . .

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"This case is not an indictment of the Moorish Science Temple". . . . "It is an indictment of individuals who exploited a religious exemption to smuggle drugs."

I was very happy that one of the leaders of this religion said, and is quoted in the paper, a man by the name of Harvin-Bey:

"We don't condone anything like that, and if they are members [of the Moorish Science Temple], then justice should take its course". . . . "It's sad that anyone would misuse any religious organization. That's not what our teachings promote."

#### Skipping on:

Federal prosecutors and prison officials said they had suspected for several years that illegal activities were occurring during some religious services. Outsiders seeking to attend religious services in the complex only had to fill out a card, and prison officials did not verify whether they were church members. . . .

In addition . . . such visitors received numerous exemptions from standard security procedures at the District's 6,000-inmate prison complex [located] in southern Fairfax County.

Mr. President, the sad part about it, this was not uncovered by some great work done by the prison itself. There was an inmate who participated in taking pictures of people having sex during the religious service, and he passed these on to the authorities. That is the only way. They had somebody who thought, for what was going on there, that that was a little much.

They would never have uncovered this. They would have continued to let these activities—cocaine.

Posing as a drug seller in the maximum-security unit, the inmate received drugs brought in by mostly female visitors, many in dresses of the type often worn by Islamic women.

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. . . Bell and Cook [these two individuals] allegedly brought in three women to a scheduled religious service in a conference room that was being used as a makeshift chapel. Prison officials earlier had intercepted a phone call between Bell and an inmate making plans to bring in the women. . . .

For about 10 minutes, an inmate using a smuggled video camera recorded sex acts between the women and the inmates. . . .

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Moore said prisons nationally are experiencing problems—

Moore is the prison official talking.

Moore said prisons nationally are experiencing problems with the 1993 Religious Freedom and Restoration Act, saying it limits the ability of prison officials to restrict religious activities among inmates.

I repeat, I did not want to come here and say, "I told you so," but I have to. I come here and say, I warned everyone. I warned the U.S. Senate that this would happen. This is a problem of inmates abusing the special protections provided under the Religious Freedom Restoration Act. The special protection should not be there. Prisons should be exempted.

During the consideration of this bill, I repeat, I offered an amendment to exempt prisoners from coverage of the act. It failed. I feared then, and I fear even more now, these special protections will be abused, would be abused, have been abused, and will continue to be abused by these inmates. I say regrettably that my amendment was defeated because it is now apparent that inmates are in fact abusing the special rights provided under this act.

I have worked with Senator HATCH, chairman of the Judiciary Committee, and I appreciate his efforts, his good will, in working to solve some of the problems that I see existing. He worked with me very hard earlier in this Congress to pass the Prisoner Litigation Reform Act. That is the one, you will recall, Mr. President, where prisoners were suing over whether they had to eat chunky or smooth peanut butter, or they were suing over how many times they could get their underwear changed or whether they were entitled to wear lady's underwear in a men's prison, some of these very weighty, substantive issues that they were wasting the court's time on. In Nevada, 40 percent of the Federal courts' time is wasted on this senseless litigation. So I appreciate Senator HATCH working with me on that legislation.

But I say that Senator HATCH told me that if there is a problem with this prison litigation, prison abuse with the Religious Freedom Restoration Act, he would work with me. We need some work done on this. We need to stop this foolishness. Why we would allow anything like this to take place—people whose civil rights have been taken from them basically who have committed so many crimes that they are in prison—and we are saying that they have the right to do anything they want regarding religion.

That is indicated in this newspaper article. We are not going to check who comes into the religious services. We are not going to check to see what they bring in. We are not going to check to see who they bring in or check to see what they do when they are having these so-called services. Mr. President, I think today's article in the Washington Post and the one that is appearing all over the country indicates why we need to do more.

I repeat again, to spread all over this RECORD, I appreciate very much what the chairman of the full committee has done to work with me on some of these problems I have. This is an important issue that we need to review as soon as we get back next year. I will pursue this problem. This is a problem the attorney generals all over the United States recognize as a problem—frivolous litigation—and now we have these problems that are raised by the Religious Freedom Restoration Act. We need to do more. I intend to do what I can with the U.S. Attorney General so that she appreciates the growing litigation they face in this area.

She has not been strong on this issue in the past, and I think that is not appropriate. I think she should be the leader in this issue to make the prisons prisons and not places to allow stuff like this to take place. Criminals do not enjoy the same rights and privileges as do law-abiding citizens. But, according to what we see in the papers today, they have more privileges, not less. The sooner we recognize that criminals do not enjoy the same rights and privileges as law-abiding citizens, the better off we will be.

I ask unanimous consent to have the Washington Post article printed in the RECORD.

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

[From the Washington Post]

RING USED RELIGION AS COVER TO SNEAK  
DRUGS INTO LORTON  
(By Charles W. Hall)

A drug ring posing as a church group smuggled cocaine and prostitutes into the Lorton Correctional Complex and filmed a pornographic video in the prison chapel, using a law protecting religious freedom to avoid scrutiny by guards, officials said yesterday as they announced more than 30 arrests.

Posing as members of the Moorish Science Temple, a religion populated in jails and prisons, the group exploited what officials called a gaping loophole in Lorton's security.

Because of a 1993 federal law protecting religious freedom of prisoners, members were allowed to have private visits with inmates at virtually any hour and were subjected to only minimal searches, officials said. The members also routinely intimidated guards by threatening to sue them, they said.

"We had correctional officers who were afraid to do their jobs," said D.C. Corrections Director Margaret A. Moore, who announced several measures to tighten control of prison visits at a news conference in Alexandria.

U.S. Attorney Helen F. Fahey said she hoped the arrests will warn visitors not to smuggle drugs into Lorton. She emphasized that the crackdown was not intended as an attack on any religious group.

"This case is not an indictment of the Moorish Science Temple," Fahey said. "It is an indictment of individuals who exploited a religious exemption to smuggle drugs."

A. Harvin-Bey, grand sheik of Moorish Science Temple No. 74 in the District, condemned those involved in the alleged crimes at Lorton.

"We don't condone anything like that, and if they are members [of the Moorish Science Temple], then justice should take its course," Harvin-Bey said. "It's sad that anyone would misuse any religious organization. That's not what our teachings promote."

Harvin-Bey said the religion has attracted millions of worshippers across the country. There are about 10 temples in the Washington area, he said. The religion, which is open to all races, focuses on the ancestry of American slaves, saying they descended from Moabites who formed the Morrish empire.

A grand jury issued 38 secret indictments Tuesday. About 6 a.m. yesterday, federal agents and local police officers began arresting suspects. By 6 p.m., seven remained at large, said William Megary, acting special agent in charge of the FBI's Washington field office.

Officials said 21 suspects were from the District, eight from Maryland, two from Virginia and seven had unknown addresses.

All of the defendants were charged with cocaine distribution offenses, and two—Nathaniel Pleasant Bell and Karima Cook, both of Baltimore—also were charged with transporting women across state lines for prostitution.

Federal prosecutors and prison officials said they had suspected for several years that illegal activities were occurring during some religious services. Outsiders seeking to attend religious services in the complex had only to fill out a card, and prison officials did not verify whether they were church members, Moore said.

In addition, according to papers filed yesterday in U.S. District Court in Alexandria, such visitors received numerous exemptions from standard security procedures at the District's 6,000 inmate prison complex in southern Fairfax County.

In January, officials said, a cooperative inmate gave investigators vital access to the drug ring.

Posing as a drug seller in the maximum-security unit, the inmate received drugs brought in by mostly female visitors, many in dresses of the type often worn by Islamic women. The drugs were supplied by an undercover officer posing as a drug seller outside the complex.

Because all of the cocaine ultimately was routed to the cooperating inmate, none actually reached the general inmate population, prosecutors said.

On Jan. 23, Bell and Cook allegedly brought in three women to a scheduled religious service in a conference room that was being used as a makeshift chapel. Prison officials earlier had intercepted a phone call between Bell and an inmate making plans to bring in the women, authorities said.

For about 10 minutes, an inmate using a smuggled video camera recorded sex acts between the women and the inmates, according to Timothy J. Shea, an assistant U.S. attorney who helped supervise the investigation. The informant later was able to obtain a copy of the video inside Lorton.

Moore said the prison temporarily will issue no new passes to visitors who say they represent religious groups and will subject all current volunteers to criminal background checks. In addition, she said, guards will be ordered to constantly monitor services through observation windows and periodically walk through rooms where services are taking place.

Moore said prisons nationally are experiencing problems with the 1993 Religious Freedom and Restoration Act, saying it limits the ability of prison officials to restrict religious activities among inmates.

Todd Craig, a U.S. Bureau of Prisons spokesman, said representatives of religions who visit federal prisons already go through criminal background checks and receive extensive training on rules.

Jonathan Smith, executive director of the D.C. Prisoners Legal Services Project, said that he would closely review any restrictions on religious worship but that he probably would not oppose reasonable security measures.

"Religious activities in prisons are one of the most valuable tools available for an inmate's rehabilitation," Smith said. "If they want to search visitors, I probably would not have a problem. If they say there will be no more religious visitors, we would very likely challenge that in court."

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent to rescind the call for the quorum.

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

Mr. DASCHLE. Mr. President, I wish to make a couple of statements this afternoon in regard to our departing colleagues. Let me begin by talking about a fellow South Dakotan.

#### SENATOR EXON'S RETIREMENT

Mr. DASCHLE. The Senate and the American people will greatly regret the absence of Senator EXON from this Chamber upon his retirement at the end of Congress. I cannot think of anyone in this body who reflects the concerns of America's heartland and the commonsense approach to problems so prevalent in that part of the country better than the senior Senator from Nebraska. I am very pleased to have been able to call him a friend now for a long, long time.

I have always felt a special bond with Senator EXON because he, too, was born and raised in South Dakota. His parents were active in the South Dakota Democratic Party. I do not know if that accounts for his outstanding career in the Senate, but I know it did not hurt.

Senator EXON has given a lifetime of public service. He served in the Army in World War II and afterward became a successful businessman and proud father of three. In the 1970's, he was elected twice as Governor of Nebraska, serving longer than any other person in the State's history. He was elected three times to the U.S. Senate, and through his hard work and dedication, he has earned the affection and the trust of the people of Nebraska who know him best.

Reflecting his rural upbringing, JIM EXON, without a doubt, is one of the most knowledgeable Members of this body on agricultural issues. As a Governor and certainly as a Senator, he has always had his hand on the pulse of rural America. I have turned to him on numerous occasions for advice and counsel, and will not hesitate to pick up the phone in the future on these same issues.

JIM EXON is also well-known for his command of budgetary issues. By the time he came to the Senate, Senator EXON had already established a proven record of fiscal responsibility. As Governor of Nebraska, he balanced that State's books time and again. Therefore, when he assumed his Senate duties and a seat on the Budget Committee, he did not enter the Nation's budget battles unprepared or unarmed.

After observing him closely in my time in the Senate, I can confidently say that Senator EXON stands second to none in his knowledge of the Federal budget and its impact on working Americans everywhere. As Senate Democratic leader, I have repeatedly drawn on his experience and wisdom for guidance in the many fiscal battles that have come to define this Congress.

As ranking member of the Budget Committee, Senator EXON has been my