

in the arena of criminal justice, the legacy of the Earl Warren Supreme Court of the 1960's and 1970's has been devastating. Violent criminals who have committed heinous, shocking crimes are routinely freed on bogus technicalities first invented during the Earl Warren period. We are still paying that price. These violent individuals go back out on the streets and commit even more crimes and victimizing more people.

Until the President came on to the scene, I thought that we had turned a corner on that sort of Warren Court thinking. I had thought there was a broad consensus that law enforcement should not have their hands tied by highly technical rules. I had thought that there was a broad consensus that serving time in prison for committing crimes should be punishment and not a blissful vacation at taxpayers' expense.

But, Mr. President, I was wrong. President Clinton has sent up a number of law professors and liberal activists to sit on the Federal bench and impose their preconceived, unrealistic ideas on the rest of America. Now, a simple fact of American Government: Bad judges are worse than even bad Presidents, because we can vote bad Presidents out of office, but we are stuck with bad judges for life. We cannot send them back to their coffee houses and street corners. To be honest, the Republican-controlled Senate has been somewhat to blame, as we trusted the President to do the right thing. But now with this record, Mr. President, I think it is time that we start giving judicial nominees the scrutiny that they obviously deserve.

We have been lax, in deference to the President. But that needs to end given his poor performance of nominating judges intent upon protecting criminals over victims' rights. Of course, we in the Senate have a right under the Constitution to comment on the direction the country is taking and how the courts have played a role in this. So the concept of the separation of powers remains untouched and intact and alive and well.

Take a good, hard look at some of the President's more notable judges. In the first circuit Judge Sandra Lynch overturned a life sentence imposed for a brutal murder. This is a pattern that we see over and over again—liberal, soft-on-crime, Clinton judges lending convicted felons a hand.

In the Second Circuit Court of Appeals, Judge Guido Calabresi dissented from an opinion which denied a prisoner the right to receive pornography in his jail cell. This is another theme with Clinton judges, making sure that prisoners have all the amenities that they want. The logic must be that prison should not be too uncomfortable or too difficult.

In the Third Circuit Court of Appeals, Judge H. Lee Sarokin has issued a few zingers. This judge has ruled that prisoners have a constitutional right to prevent prison officials from opening

and inspecting mail. This judge has voted to overturn the death sentences of two murderers who brutally ended the lives of two elderly couples.

In the fourth circuit, Judge Blane Michael argued in a dissenting opinion that a criminal who had tried to murder a Federal prosecutor could not be found guilty under Federal statute prohibiting the mailing of a bomb to Federal officials because the bomb was poorly made and unlikely to actually explode. Mr. President, how could this judge have done any more to help that criminal?

In the Fifth Circuit Court of Appeals, District Judge Robert Parker ruled that it was unconstitutional for the police to search for hidden marijuana plants by using an infrared device. Mr. President, what more could drug dealers ask for to help them?

In the Eleventh Circuit Court of Appeals, Judge Rosemary Barkett wrote an opinion granting a hearing for a man who had been convicted of setting his former girlfriend's house on fire and killing her two children.

Lest anyone think that the President has seen the errors of his ways and will start putting more mainstream judges on the Federal bench, let us look at a nonconfirmed nominee to the eleventh circuit. At his recent judiciary confirmation hearing, Mr. Stack was asked what he thought of the applicable law of search and seizure law relative to the now infamous New York case in which Judge Baer initially suppressed evidence of millions of dollars worth of illegal drugs.

Mr. Stack was unable to cite even the most fundamental criminal law precedents. In fact, his only comment that he made was that he would "applaud the use of all evidence * * * legally obtained in the courtroom" but would not want to "throw * * * away the constitutional guarantees that each of us in America is afforded." I do not believe this is a response worthy of a Federal circuit court nominee. This is unacceptable from a circuit court nominee who is supposed to have the necessary credentials and qualifications for appointment to the Federal bench.

Next to the Supreme Court, the Federal court of appeals is the most important court in the country. It appears as though Mr. Stack's qualifications for the eleventh circuit post has been based solely on raising \$11 million for President Clinton's 1992 Presidential campaign and another \$3.4 million for the National Democratic Committee, and not on Mr. Stack's legal capacity, his competence, or his temperament. If this does not at least give the appearance of buying a Federal court seat, I do not know what does.

In fact, Mr. Stack has little, if no experience, in criminal law or practice before the Federal courts. He has no substantive legal writings to speak of.

Further, Mr. Stack was surprisingly ignorant about recent developments in the law. Mr. Stack was comfortable

telling the Senators at his confirmation hearing that he would seek guidance from other judges and the Federal Judicial Center if he was not knowledgeable about a particular area of law. So I look to him asking Judge Barkett, that what she can teach him and mold him about Mr. Stack's views of criminal law as a fierce defender of criminals—I think it is clear that the American people find this extremely disturbing.

In conclusion, with Clinton-appointed judges, I think a pattern has emerged. In those rare circumstances when Clinton judges believe that criminals should go to prison, they certainly want to make sure that prison is not too inconvenient. While Clinton judges write on and on about the rights of prisoners, they are silent about the rights of crime victims. That is why it is so important for the Senate to speak out to be the champions of the victims and not of the predators.

Mr. COVERDELL. Mr. President, I thank the Senator from Iowa for his thoughtful remarks. They were very eloquently presented.

I yield up to 10 minutes to the distinguished Senator from Texas.

CRIME IN AMERICA

Mrs. HUTCHISON. Thank you, Mr. President. I thank my colleague from Georgia.

Mr. President, today all Americans will stop and remember the terrible tragedy that occurred 1 year ago today in Oklahoma City. We extend, all of us in the U.S. Congress and all over America, our prayers and our thoughts to those who lost family and friends in that senseless tragedy.

Last week, Congress passed laws to make it harder for criminals to inflict the kind of terror we saw in Oklahoma City and at the New York World Trade Center before that. This antiterrorist law is just one small step toward taking back our cities, our towns, and our communities. Taking them back from dangerous and predator criminals who have made us afraid to walk the streets at night, who have forced us to put bars on our windows, and who have caused us to place metal detectors in our Federal buildings and in some public schools in our country.

Mr. President, one thing the law we just passed does is make it harder for prison inmates to file years and years of appeals that tie up our courts for years, dulling the sword of justice. Often, to many Americans, it seems as if our court system cares more about criminals' rights than the rights of law-abiding citizens. But there is more the American people expect of us. They have had enough of liberal judges who think it is their responsibility to turn dangerous criminals out to society, when society would like to keep them behind bars. They are tired of a revolving-door justice system.

According to a recent study by the Bureau of Justice statistics, an incredible 94 percent of State prisoners are violent criminals or repeat offenders.

I introduced legislation this year that is on its way to the President. It will permit the States to take back control of their prison systems away from Federal judges who are out of touch with the everyday concerns of working, law-abiding families. In my own State, one Federal judge has taken it upon himself to say that prison cells in the State prisons are too small and there is not enough recreation space. What is his remedy? His remedy is to release prisoners early. As a result, in Texas, violent criminals serve 6 months of every year of their sentences.

Mr. President, what we need is judges who understand it is not cruel and unusual punishment for a criminal who has a victim to endure a hot, uncomfortable jail cell without color TV, without his or her favorite foods, without indoor and outdoor recreational facilities.

Mr. President, Americans are ready for a prison system that does not more for prisoners, but less for prisoners and more for law-abiding citizens. No prisoner should be eligible for early release or parole who is not drug free, able to read, and trained in a skill that will enable that person to get a job outside. If you cannot function in society outside, you should remain inside the prison if you have not served your time.

We should say very clearly to those who commit crimes and end up behind bars, we want you to learn to cooperate with society. We want to give you a chance. You are locked up because you did not cooperate with society and you have a victim.

The Speaker of the House said, "We ought to require prisoners to work 48 hours a week and study 12 hours a week. If we kept them busy 60 hours a week doing something positive, I think they would be different people when they go out into the world. Recidivism would fall and victims would be spared."

Mr. President, what is the first and foremost responsibility of Government? The first and foremost responsibility is to provide law-abiding citizens the conditions to live freely. But for too long, the Federal Government and Federal judges have interfered with the responsibility of States to meet their first responsibility to their citizens. Texans and Americans all over this country have had enough. They are tired of politicians and judges that blame society for crime. They blame criminals for crime. They would like for Government to do the same thing.

There were 10 million violent crimes in America in 1993. Those were the ones that were reported. Mr. President, 100,000 criminals were sent to prison to serve time for violent crimes. What has happened to a criminal justice system that imprisons 1 person in 100 for every violent crime committed in this country?

Mr. President, we can put barricades in front of the White House, but too many Americans do not have that luxury. Ordinary citizens are faced each day with the threat of violent crime. They have had enough. They want their streets back. They want their communities back.

Mr. President, I want to end with a recollection that I had 1 year ago today. It was from a victim of the Oklahoma tragedy. I will never forget watching television, as so many of us in this country did, and I saw this man, bandaged, his eyes swollen shut, you could not see anything else on his face, and a news reporter put a camera and a microphone in front of this victim. He was a man who had gotten up and gone to work that day. His life had blown up in front of him in just a few short minutes. The reporter said, "How do you feel?" This man, through his bandages and his swollen eyes, said, "I feel like I live in the greatest country on Earth, and I'm going to have to work harder to make it better."

Mr. President, that victim's spirit will do more to return this country to its bearing than any laws that Congress could pass.

Our Nation's leaders must strive to do what is legally possible to give our citizens a society in which they can go to work and raise their families freely.

But, Mr. President, even more important, our leaders should never forget the victims' spirit from Oklahoma City and all the people who came to help after that tragedy in the great spirit of this country. We must remember that spirit is what will rebuild this country, that is the spirit on which this country's future is based.

We will provide the laws. We have done that. We have done that this week and we must do more. But we must also come back to our bearings. What made this country great was people who love this country no matter what victimization they have had. They are going to work harder to make it better.

Thank you, Mr. President. I yield the floor.

Mr. COVERDELL. Mr. President, I appreciate the remarks of the Senator from Texas. As always, she is an eloquent voice on this subject, and I am most pleased that she could be here this morning.

Mr. President, I yield up to 10 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for up to 10 minutes.

GUNS AND CRIMINALS

Mr. DEWINE. I thank my friend and colleague from Georgia for putting this time together this morning.

Mr. President, I want to talk this morning about the question of guns and criminals who use guns. We have debates—and often they are very contentious debates—about a lot of issues concerning crime. We talk on this floor about contentious issues, such as the

Brady bill and assault weapons. And these are important issues. They are important. I happen to favor these bills. But I think we need to recognize what really is important, and we need to step back a little bit and talk about what really makes a difference when we talk about what we do to deal with the crime problem.

These two issues—the Brady bill and assault weapons—are highly contentious. Second, frankly, they, at best, only have a marginal impact on the problem. Third, they tend to attract somewhat overblown rhetoric, frankly, on both sides of the issue. I think both sides of the Brady bill debate and both sides of the assault weapon debate overemphasize what the importance of this debate is.

I am, frankly, puzzled that we cannot seem to move forward on more effective proposals that everyone ought to favor—proposals that will really make a difference. These proposals that I am talking about may not be very exciting, but they are real, they work, they make a difference, they make a difference out on the street.

Mr. President, we all agree that we, as a society, ought to do more to protect our citizens from armed career criminals. There are predators out there—predators, Mr. President—who are repeat violent criminals who use a gun while committing a crime. We, as a society, have to make a strong, effective response to this threat.

Mr. President, in this area, as in all areas of national concern, we really need to be asking the following questions: One, what works? What really makes a difference? Two, what level of Government should do this particular job?

In the area of gun crimes, we have a pretty good answer. We have an answer that is based on experience and based on history. Now, we all know that there is some controversy over whether general restrictions on gun ownership would help to reduce crime. But there is no controversy over whether taking guns away from felons would reduce crime. Democrat, Republican, liberal, conservative—I think everyone gets that, everyone understands it, and there should not be any controversy about it. If you take guns out of the hands of felons, you are going to reduce crime.

When it comes to felons, Mr. President, unilateral disarmament of the thugs is simply the best policy. Let us disarm the people who hurt people. Although we can quibble about statistics, the facts are that the vast majority of crimes in this country today, the vast majority of violent crimes, the vast majority of crimes that hurt people are committed by a small number of the criminals. One estimate is that 70 percent of all violent crime in this country is committed by less than 6 percent of the criminals, which is a relatively small number of people.