

wanted to sort of set the record straight, after I heard my good friend's remarks.

I hope in the coming days, again, we will have ample opportunity to lay these issues out on the table, out in the public, let the sunshine shine among them, and let us, at that time, bring to the people what we consider important questions of today.

Mr. President, I see no Senator seeking recognition. Therefore, I yield the floor, Mr. President, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### BOSNIA, SERBIA, AND THE WAR CRIMES TRIBUNAL IN THE HAGUE

Mr. SPECTER. Mr. President, I have sought recognition to comment briefly on a trip which I made recently, earlier this month to The Hague, Serbia, and Bosnia for the purpose of taking a look at the situation with our military forces in Bosnia and taking a look at what is happening at The Hague with the War Crimes Tribunal. I would like to highlight a few of my observations because there are a few moments available on the Senate floor this afternoon.

In visiting Tuzla on April 4, which followed the visit to Serbia on April 3 and the visit to The Hague on April 2, before returning to Paris en route back to the United States, in Tuzla, I saw the presence of the U.S. Army of which people of the United States can be very, very proud.

The United States moved in as part of the NATO force, the IFOR force, short for the Implementation Force, with an overwhelming strength to stop the fighting and preserve the peace. It is a truly remarkable scene to see an army moved halfway around the world with the power and force of the United States, really the one remaining superpower in the world.

As I have had the opportunity to travel abroad, to see the great respect and admiration in which the United States is held, it is something that we ought to focus on in this country. A mark of our power is our military force. When we spend as much as we do on the defense budget, some \$243 billion this year, we see it in operations; we have gone in there with overwhelming force. All of the participants to the conflict have stopped fighting and are observing the rules and regulations set up by IFOR, the NATO forces and U.S. forces.

We had the opportunity to talk to many in the military there on a tour provided by General Cherrie. We visited a military installation on Mount Viz, 450 meters through solid mud, virtually straight up, traveling on a

tracked military vehicle in order to climb an incline 60 degrees on terrain which did not seem possible to move up. But the mechanism of the military force carried us to the top where we had a briefing on the military operation where we were briefed by military personnel and where I visited with quite a number of military personnel from Pennsylvania, my State, as well as from other States. They had very high morale and were glad to see a visitor from the United States. We had an excellent lunch prepared in the field.

I talked to a young lieutenant colonel who was in command of the operation. The lieutenant colonel told us about taking over the mount from a Serbian major who talked about the killing, the military casualty of his brother-in-law in the fighting which had occurred prior to the time the United States and NATO forces took over. As a matter of fact, in a professional way, with no animus, at least by all surface indications, the Bosnian Serb major said to the U.S. colonel, "Take care of my mountain. I intend to take it back." It was sort of foreboding as to what may occur after the United States and the NATO forces depart the premises.

But as of the moment, there is peace there. I had heard, and was glad to have repeated, that we have had only two casualties. Of course, two is two too many, but the casualties occurred, one from a motor vehicle accident and the other when someone was dismantling a landmine contrary to regulations.

When we arrived in Tuzla, we heard about the visit just the day before of Secretary of Commerce Ron Brown. General Cherrie, who met us on our arrival there, midmorning of April 4, told us that Secretary Brown had been there the day before, arriving at about 6:20 in the morning and departing shortly before 2 p.m. when the tragic accident occurred.

We had seen Secretary Brown the night before in Paris at a reception at the residence of Ambassador Pamela Harriman. We renewed our longstanding friendship, talked about possibly meeting in either Sarajevo or in Zagreb. Of course, that was not to be.

When I flew out of Paris on the morning of April 3 and went to Belgrade, we had planned to fly to Sarajevo. Because of the weather conditions, the very high winds, our plane was grounded. We did not undertake the flight. I think those may have been the same weather conditions which caused or related to the fatality involving Secretary BROWN, whose presence will be sorely missed, as will the presence of all those 34 people who were on board with him on that ill-fated flight.

We had an opportunity to talk to the people in Bosnia about the efforts to gather evidence, which is very important for the War Crimes Tribunal. They have drawn a fine line. That is, IFOR will protect the personnel of the War Crimes Tribunal, but they will not pro-

tect the evidence itself. But the War Crimes Tribunal personnel are engaged there and are taking a look at a lot of the grave sites, gathering evidence for prosecutions. So long as the personnel from the war crimes prosecution team are there gathering evidence, then military personnel will protect the prosecution team.

We discussed with the military personnel, General Cherrie, the issue about the potential of taking into custody the Bosnian Serb President Karadzic and General Mladic. The word was that individuals, such as those two people, under indictment would be taken into custody if the NATO and U.S. forces came upon them, but they would not be sought out or hunted.

While we were there at the headquarters at Tuzla, we saw posters, candidly not very good identifying pictures, but, as to the major people under indictment including Bosnian Serb President Karadzic and General Mladic.

We heard about an incident where IFOR forces had come upon General Mladic, but he was surrounded by many of his own military personnel, and to attempt on that occasion to take him into custody would have precipitated a battle. Since the IFOR forces were outnumbered, they did not seek to take him into custody at that time.

But I think it is very important that, ultimately, President Karadzic and General Mladic be taken into custody so they can be prosecuted at the War Crimes Tribunal. I believe prosecutions at the War Crimes Tribunal are a very, very important aspect of what the United States and NATO are doing there. That may be the event of the decade or perhaps the event of the century if international legal precedence can be established that genocide and the atrocities will not be tolerated and they will in fact be prosecuted by an international tribunal.

The establishment of the rule of law as an outgrowth of what has happened in Bosnia would be an enormous step forward in international law, and is something which has to be pursued.

I had traveled to the Hague on January 4th this year and talked to the prosecution team at that time. I found that there were a number of very serious problems and I undertook to write to the Secretary of State, the Attorney General, the Director of the FBI, the Director of the CIA, and the Secretary of Defense. Their letter replies are attached and I ask that they be printed at the conclusion of my remarks along with the full text of my statement.

A great deal has been done. The prosecution team was much more encouraged when I met with them on April 2; I was impressed with their approach back on January 4. I am pleased to say that CIA Director John Deutch has been very cooperative in working hard to make information available which is necessary to obtain the convictions of those under indictment at the War Crimes Tribunal.

Mr. President, a very fundamental issue is what will happen with Bosnia, when our forces are due to withdraw by December 1996. The Intelligence Committee, which I chair, heard from General Pat Hughes about the problems which exist there at the present time and the prognosis is that if there is not a significant improvement in the infrastructure, the economy and the local police forces in Bosnia, there is likely to be a problem of fighting erupting again. We heard about the implementation of the Dayton accord, that it is proceeding on schedule, as detailed in the statement that I will introduce into the RECORD. I was pleased to see in the press Sunday April 21, statements by the military commanders in Bosnia, Adm. Leighton Smith and Lt. Col. Ben Barry, about the compliance by the warring faction in withdrawing their military forces and complying with the Dayton accord. That is certainly good news. A great deal more has to be done in terms of fulfilling the commitments which have been made by the major Western democracies, by Japan and by other countries, to see to it that local police forces are established, that the infrastructure is built up, that the economy is supported, so that there is a realistic opportunity for peace to prevail there.

Mr. President, that is a brief summary of the highlights. I ask unanimous consent to have printed in the RECORD certain letters.

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

(See exhibit 1.)

Mr. SPECTER. Mr. President, I would like to take this opportunity to report on my recent visit to the War Crimes Tribunal in The Hague on April 2, Serbia on April 3, and Bosnia on April 4. The primary purpose of this trip was to assess the progress being made on implementation of the Dayton accords, particularly the prosecution of war criminals, and the degree of intelligence support to the War Crimes Tribunal and the Implementation Force [IFOR].

Our first stop was The Hague, where the International War Crimes Tribunal sits. There, we met with Judge Antonio Cassese, the President of the Tribunal prosecuting crimes against humanity committed in the former Yugoslavia. Judge Cassese stated that the first trial of indicted war criminals will commence on the 7th of May. At this time, there are five other trials planned against six indictees—two Moslems, one Bosnian-Croat, and three Bosnian-Serbs, all of whom are being held in custody.

The Tribunal is in the somewhat delicate position of needing to maintain judicial independence while relying heavily on the political support of the former Yugoslavian adversaries and the IFOR countries. One of the issues I discussed with Judge Cassese was the role of IFOR support of the tribunal. While some progress has been made in this effort, there is apparently still

some disagreement between the Court and U.S. force commanders on the degree of IFOR support. Of particular importance is the issue of United States support for the apprehension of indicted war criminals, especially Bosnia-Serb President Karadzic and General Mladic. Judge Cassese indicated that the Europeans believe that only the Americans have the capacity to arrest Karadzic and Mladic. Neither the French, British or Italians appear ready to arrest these individuals for various unspecified reasons.

President Cassese advised that he had initiated a meeting with the Russian Foreign Minister who urged the War Crimes Tribunal not to proceed against Mladic or Karadzic until after the September elections. The judge commented that he advised the Russian Minister that he would take his views into account but would not be influenced as to what action the Judicial Tribunal would take. As evidence of the conflicting pressures on the tribunal, at least one NATO country has reportedly urged that as many suspected war criminals as possible should be indicted before the elections in order to preclude their running in those elections, but that no additional suspects should be indicted after elections so that there is no risk of indicting newly elected officials.

We also met with the one American judge on the tribunal, Judge Gabrielle McDonald, formerly a U.S. District Court judge in Texas, who is currently the presiding judge on two trials. Judge McDonald highlighted the difficulties the tribunal faces in attempting to move promptly against indicted war criminals. For example, she pointed out that while the first trial is scheduled for May 7, 1996, against a Bosnian-Serb by the name of Tadic, there may be a delay if the tribunal does not receive some key equipment—simultaneous translation equipment with a 2 to 3 second broadcast time delay—by April 23 and if the U.N. fails to accept this equipment as a gift. The delayed transmission is required to ensure there is no inadvertent broadcast of names. Judge McDonald also expressed her view that there are not enough tribunal courtrooms to try all the cases and attempting to try multiple defendants won't work in this particular situation.

We also met with the prosecution team which is assisting Judge Goldstone in investigating and prosecuting the war crimes. Included in this group are representatives from the Department of Justice, Department of State, Defense Department, and the FBI. The 10 individuals with whom I met were very impressive and very dedicated to the task of trying to bring justice to this great tragedy in current history.

I had met with this team earlier this year, on January 4, 1996. After assessing their needs at that time, I wrote to the President, the Secretary of State, the Secretary of Defense, the Attorney

General, the Director of the CIA, the Director of the FBI and the Ambassador to the United Nations.

When I met with the prosecution team on January 4, they were concerned with cooperation by IFOR and the various agencies of the U.S. Government in supplying personnel and assistance in carrying out the efforts of the tribunal investigators. At the April 2 meeting, attended by many of the same people who were present on January 4, there was considerably more optimism because they had received assurances of support, including replacement personnel for the team, and assistance was being given to the gathering of evidence in Bosnia.

To date the United States has been the biggest supporter of the tribunal and its chief contributor. By the end of this fiscal year 1997, the U.S. will have contributed nearly \$35 million to the court. Included in this figure is \$3 million in services from more than 23 prosecutors, investigators and other experts from the departments and agencies of the U.S. Government.

It is clear, however, that this U.S. support alone is not sufficient. International pressure is needed on all parties to the Dayton accords to abide by that agreement to force them to turn over indicted personnel to the tribunal. The tribunal team reported that there is a prevailing view among potential witnesses that the tribunal will not be continually supported and this is affecting witness willingness to step forward.

The prosecution team highlighted one particular set of indictments in which greater Serbian cooperation is needed. A Serbian army colonel by the name of Veselin Sljidanacanin and two other Serbians have been indicted for ordering the mass killings of 260 Croats near Vukovar, Croatia after they forcibly removed these people from a hospital on March 20, 1991. Sljidanacanin is free in Serbia and there is no indication that the Serbian Government intends to extradite him to the tribunal.

I advised the prosecution team that I would raise this issue with Serbian officials. The next day, April 3, I raised the issue with Serbian Foreign Minister Milutinovic and Assistant Foreign Minister Jovanovic. I discussed the charges which had been filed against three men and gave the Foreign Minister a copy of the indictment and the transcript of the argument made by the prosecutor before the War Crimes Tribunal on this issue. I ask unanimous consent that the indictment and the transcript of the argument be inserted in the CONGRESSIONAL RECORD.

Foreign Minister Milutinovic said that Serbia could not extradite Colonel Sljivancanin because it was prohibited by the Serbian constitution. It appears that the other two men, Mrksic and Radic, are not in Serbia at the present time.

I responded to Foreign Minister Milutinovic that a legal analysis had

been made showing that the Serbian constitution only prohibited extradition to another nation but the constitution did not prohibit extradition to the War Crimes Tribunal. Foreign Minister Milutinovic showed little interest in having his government assist in bringing Colonel Slijivancanin to the trial.

I asked Foreign Minister Milutinovic if his government would cooperate in bringing Bosnian Serb President Karadzic and General Mladic to trial before the War Crimes Tribunal. While Foreign Minister Milutinovic said that Karadzic and Mladic should be ousted from power, he would not assist in taking those men into custody so they could be tried under pending indictments issued by the War Crimes Tribunal.

On April 4 we traveled to Tuzla, the headquarters of the American contingent of IFOR. Our military operation there was enormously impressive. The United States had moved an army of nearly 18,000 men and women with spectacular results. I noted that women comprised between 10 to 15 percent of the American force serving in a variety of jobs including military police and senior intelligence.

Our host was Brig. Gen. Stan Cherrie. Due to weather, we were unable to visit one of the mass grave sites that was being investigated by the War Crimes Tribunal. Instead, we visited one of the intelligence surveillance outposts at the top of Mount Vis. The purpose of our force on Mount Vis is to monitor the perimeter areas to be sure there are no violations of the accords. Getting there in knee-deep mud was accomplished riding in a track vehicle up the mountainside. This turned out to be an adventure in itself.

Foremost in my mind during this visit was what happens in December 1996 when U.S. forces, which make up approximately one-third of the Implementation Force, are scheduled to withdraw from the region. By coming in with overwhelming force, IFOR has been able to dominate the entire scene. The United States has suffered only two deaths; one was an individual who was dismantling a mine without following instructions and the other was a motor vehicle fatality. It is problematic what will happen when IFOR leaves.

Of particular concern is the prospect that while IFOR may have completed its mission to stabilize the area militarily and allow political, economic and law enforcement initiatives to generate peace to the region, the civil mission to rebuild the economy and infrastructure will not have made sufficient progress.

In testimony on March 27, 1996, before the Senate Select Committee on Intelligence, Gen. Pat Hughes, the Director of the Defense Intelligence Agency, stated that violence is likely to resume in Bosnia unless allied forces quickly help improve living conditions and provide the basis for a stable economy.

The message I heard in Bosnia was similar: there is a need for economic development to take hold. One senior military officer highlighted the danger of not providing sufficient incentive to maintain the peace, noting that the region is marked by the greatest level of hatred and distrust that he has ever seen. There is some evidence that the fighting forces on all sides are tired. There are other indications that fighting will resume once IFOR leaves. Many at the scene predict that stability can be maintained if the economy and infrastructure are developed and the local authorities are able to put their police forces into operation.

Some of our military personnel in Bosnia were more optimistic about Bosnia's future. One ranking officer noted that if the September elections result in moderates replacing the current corrupt regime, then the prospects for peace were good. He further advised that the schedule of confidence-building measures is proceeding according to the Dayton accords. On day 1, a one kilometer zone of separation was established. On days 30 to 45, both factions—Bosnians and Bosnians Serbs—gave the locations of their heavy weapons to the United States and to each other. On D+90, the Dayton accords called for the consolidation of air-defense weapons systems into approved sites. Seventy-five percent of those weapons were located and moved into those sites by the deadline. Now it's up to 90 percent. On D+120 days, which will be on April 20, all armed forces are to be in their containment and barrack areas. Inspection teams will visit those areas. Any deployments from containment areas will give IFOR a warning of intentions to initiate possible military action.

I raised with General Cherrie the role of IFOR in assisting the War Crimes Tribunal. He stated what he understood to be IFOR's mission: U.S. forces in IFOR would not seek out those indicated, such as General Mladic, for example, but would be prepared to arrest him if IFOR forces came upon him. All checkpoints have picture posters of those indicted. We saw one of those posters. Regrettably, the photographs on many of them are nearly impossible to make a clear identification.

I also asked General Cherrie for more details on IFOR's tasking in regard to support for the War Crimes Tribunal investigators examining the sites of atrocities. He answered that it was to protect the War Crimes Tribunal personnel but not the war crimes sites. When War Crimes Tribunal personnel leave a site, IFOR will leave. If the War Crimes Tribunal personnel were to remain overnight, then IFOR would remain to protect them.

At the top of Mount Vis we were treated to lunch with the military personnel. There we found their morale to be very high. They are doing an excellent job under an extraordinarily difficult situation. Wherever we turned, the mud was ankle deep. One quip which seemed particularly appropriate was that Bosnia was Latin for mud.

I also had a chance to meet several soldiers from Pennsylvania; including one young man from Philadelphia, S.Sgt. Michael J. Smith, another from Pittsburgh, Christopher Klauer, and a third from Allentown, M.Sgt. Douglas Sleeth.

We departed Tuzla by 2:15 p.m. and headed for Aviano Air base in Italy where we received an operational and intelligence brief on air support capabilities to the Bosnia area. Air support and air strikes may be one option in which military force can be brought to bear after the pullout of IFOR forces.

We had been scheduled to travel to Zagreb, where we were to meet with Croatian President Tudjman, but that part of the trip was canceled after the tragic crash of the plane carrying Secretary of Commerce Ron Brown and his delegation.

Instead, we held a series of meetings on April 5 with officials in our Embassy in Paris. These discussions also focused primarily on the situation in the former Yugoslavia, where France is a key player.

Ambassador Harriman noted that France is now probably the most important United States ally in Europe. She is concerned that a planned 40-percent cut in the U.S. embassy in Paris will severely hamper her ability to deal with the political and economic requirements of this increasingly important relationship. She noted that, in spite of press accounts to the contrary, there is excellent United States-French cooperation in the evolution of NATO, on the Former Yugoslavia, arms control issues, terrorism, and organized crime. The Ambassador further noted that the implementation of embassy cuts also will affect their ability to encourage free trade and to promote U.S. exports.

We also discussed with Ambassador Harriman the issue of economic espionage and the impact of the recent controversy when France accused the United States of using spies based at the Embassy to attempt to recruit French government officials to gather information on economic policies. We talked with the Embassy team about the history of French activities targeting United States economic information, including proprietary information of United States firms. I sought their views regarding legislation we are considering on the Intelligence Committee to criminalize theft of trade secrets, as well as a bill to prevent corrupt trade practices by foreign firms along the lines of the prohibitions currently in place for U.S. firms.

As amplified in a floor statement on April 17, we were very favorably impressed by the operation of the U.S. Embassy in Paris.

EXHIBIT 1

UNITED STATES SENATE,  
SELECT COMMITTEE ON INTELLIGENCE,  
Washington, DC, January 18, 1996.

The PRESIDENT,  
The White House,  
Washington, DC.

DEAR MR. PRESIDENT: When you called me on November 25, 1995 seeking support for

your Bosnian policy, we had an opportunity to talk briefly about the International Criminal Tribunal for the former Yugoslavia.

On January 4, I had an opportunity to meet with the prosecution team in The Hague and was enormously impressed with what they are doing.

In my view, these prosecutions are of historic importance. I strongly believe that the United States government should do everything in its power to assist in the prosecutions. Toward that end, I have written the various Department and Agency heads urging cooperation in a number of specific ways. I believe that support by the American people and by the Congress could be enhanced by successful prosecutions by the War Crimes Tribunal.

I am sending to your National Security Council head, Tony Lake, a copy of this letter and copies of my letters to the respective Department and Agency heads.

I look forward to an opportunity to discuss this issue with you further at your earliest convenience.

My best.

Sincerely,

ARLEN SPECTER

THE WHITE HOUSE,  
Washington, DC, February 21, 1996.

Hon. ARLEN SPECTER,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR SPECTER: Thank you for your recent letter expressing your support for the International Criminal Tribunal for the former Yugoslavia. I agree with you that its work is of historic importance. The United States government will continue to assist the Tribunal in its work.

The United States already has contributed more to the Tribunal than any other nation—upwards of \$14 million. This includes the services of more than 22 prosecutors, investigators and other experts. Assistant Secretary of State for Democracy, Human Rights and Labor John Shattuck has traveled to the former Yugoslavia eight times since July 1995—most recently in January 1996—to investigate and communicate news of the serious violations of human rights that occurred around Srebrenica and Zepa last summer.

The IFOR Commander, Admiral Leighton Smith, and Justice Goldstone met on January 22 and agreed on how they can coordinate their respective missions under the Dayton Accords. Admiral Smith expressed his satisfaction that IFOR will be able to provide appropriate assistance to ensure security for Tribunal teams carrying out investigations at mass grave sites. Justice Goldstone expressed his satisfaction with the level of support offered by Admiral Smith recently when he met with my National Security Advisor, Anthony Lake.

Your continuing support and ideas are greatly appreciated, as always. I look forward to discussing with you the implementation of human rights in the former Yugoslavia as we work together to restore peace to the Balkans.

Sincerely,

BILL CLINTON.

U.S. DEPARTMENT OF STATE,  
Washington, DC, March 26, 1996.

Hon. ARLEN SPECTER,  
Chairman, Select Committee on Intelligence,  
U.S. Senate.

DEAR MR. CHAIRMAN: We regret the delayed response to your letters of January 18, 1996 to Secretary Christopher and Ambassador Albright, in which you underline the importance of pursuing defendants indicted by the International Tribunal for the former Yugoslavia.

Demanding an accounting for injustices perpetrated in the former Yugoslavia is a fundamental tenet of our policy there. In the long term, peace can be secured only through justice.

The Parties to the Dayton Agreement obliged themselves to cooperate fully in the investigation and prosecution of war crimes and other violations of international humanitarian law in Article IX of the General Framework Agreement. This obligation has been reaffirmed several times since, most recently in a meeting held among the Parties in Rome on February 18 when the Parties agree to provide unrestricted access to places, including mass grave sites, relevant to such crimes and to persons with relevant information. At this meeting, IFOR repeated its readiness to work to provide a secure environment for the completion of these tasks.

The Parties also acknowledged in Rome that persons other than those already indicted by the Tribunal, would be arrested and detained for serious violations of international humanitarian law only pursuant to a previously issued order, warrant or indictment that has been reviewed and deemed consistent with international legal standards by the International Tribunal. Although IFOR will not pursue persons indicted by the Tribunal, it will detain any persons indicted by the International War Crimes Tribunal who come into contact with IFOR in its execution of assigned tasks and will transfer these persons to the Tribunal.

You mentioned that the Tribunal's prosecution staff expressed concerns about adequate financing and the need for the help of more U.S. Government detailees. The United States is the leading supporter of the Tribunal, having contributed since 1994 over 12 million dollars (of a total 19 million) and 22 U.S. government detailees to the Tribunal. We are arranging to send in the near future an additional investigative team of nine (seven investigators and two translator) to aid the prosecution staff of the Tribunal for Rwanda. We understand that the Department of Justice is also detailing two prosecutors to the Tribunal.

The Yugoslav Tribunal is preparing its 1996-97 budget. We understand that the preliminary two-year estimate is in excess of 85 million dollars for operations related to the former Yugoslavia. The UN has adopted a funding formula that covers half of the Tribunal's cost through unencumbered UN peacekeeping balances and half through the normal UN scale of assessments—a rate of 25 percent for the U.S. Of course, actual expenses will depend in large part on the demands placed on the Tribunal—especially trials—in the next two years. Our ability to pay our UN assessment in full in 1996 and 1997 is dependent on Congressional approval of funds for U.S. contributions to international organizations.

We appreciate your strong and ongoing commitment to the work of the Tribunal and hope this information is responsive to your concerns. Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

BARBARA LARKIN,  
Acting Assistant Secretary,  
Legislative Affairs.

THE SECRETARY OF DEFENSE,  
Washington, DC, March 9, 1996.

Hon. ARLEN SPECTER,  
Chairman, Select Committee on Intelligence,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to your letter of January 18, the Department of Defense (DoD) is participating with others in the Intelligence Community (IC) to provide U.S. intelligence support to the International Criminal Tribunal for the Former

Yugoslavia (ICTFY). IC participation is guided by the State Department Bureau of Intelligence and Research (INR), which acts as the point of contact for the IC with the Office of the Prosecutor.

The Defense Intelligence Agency (DIA) is the focal point for DoD support to the ICTFY. The initial search of DoD data bases was designed to locate all intelligence information which might be of evidentiary value to the Office of the Prosecutor. As a result of that search, and others in response to specific requests from the Office of the Prosecutor, DIA initially identified over 3,000 documents, the majority of which were Information Intelligence Reports (IIRs). Approximately 1,000 documents were determined to be of no value to the ICTFY. Of the remainder, 444 IIRs were forwarded to State INR and have been delivered to the Office of the Prosecutor. The remaining 1,550 IIRs are undergoing review, and those with information responsive to the ICTFY requests will be delivered to the State Department by 15 March.

The Office of the Prosecutor, through State INR, has given assurance that our responses to their various requests have been concurrent with their needs. Adequate resources are assigned to the job. You may be assured we are monitoring requests from the Office of the Prosecutor, through the State Department, on a daily basis and are prepared to increase our efforts if necessary. We are committed to continuing both intelligence and Judge Advocate support to the Office of the Prosecutor within the scope of available resources.

Sincerely,

WILLIAM J. PERRY.

U.S. DEPARTMENT OF JUSTICE,  
OFFICE OF LEGISLATIVE AFFAIRS,  
Washington, DC, February 29, 1996.

Hon. ARLEN SPECTER,  
Chairman, Select Committee on Intelligence,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter to the Attorney General regarding the International Criminal Tribunal for the former Yugoslavia.

At the outset, I would like to convey the Department's deep appreciation for the critical role you have played in this area. We are grateful for your efforts in passing legislation that gives the United States full authority to obtain evidence for, and to extradite offenders to, the Tribunal.

The Department of Justice remains firmly committed to supporting the important work of the Tribunal. We share your pride in the work done by the Department's prosecutors currently detailed to the Tribunal, and it is our goal to carry that work forward.

In addition, as Director Freeh states in his separate letter on this topic, the Department remains committed to continuing to provide Federal Bureau of Investigation agents to the Tribunal. The United States also has already provided, and will continue to provide, information to the Tribunal.

Finally, we have on occasion been contacted by the Tribunal on witness protection issues. As you know, however, the federal Witness Security Program is designed to protect persons who are expected to testify in proceedings in the United States. While there has been one relocation of a witness in connection with Tribunal proceedings, that was a most unusual case. Yet, the Department remains willing to work with Tribunal authorities on alternative solutions to this problem.

Thank you again for your efforts and your support. Please do not hesitate to contact

this office if we can be of further assistance with regard to this or any other matter.

Sincerely,

ANDREW FOIS,  
Assistant Attorney General.

U.S. DEPARTMENT OF JUSTICE,  
FEDERAL BUREAU OF INVESTIGATION,  
Washington, DC, February 27, 1996.

Hon. ARLEN SPECTER,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR SPECTER: Thank you for your letter of January 18, 1996. I appreciate the interest and support that you expressed in the FBI's involvement in the United Nation's International War Crimes Tribunal at the Hague. As background, in June 1994, three FBI Special Agents were assigned to the Tribunal for a one-year assignment. The Department of State requested our investigative expertise to help in "jump starting" the investigative arm of the Tribunal. In June 1995, the Department of State petitioned Deputy Attorney General Jamie S. Gorelick for a one-year extension of these resources. I remain committed to continue this level of support in the work of the Tribunal.

As you are aware, the efforts of the Tribunal have yielded indictments against war criminals. I share your opinion that the work of the Tribunal must continue and they must bring the individuals responsible for these atrocities to justice.

As you are aware, the Witness Security Program is administered by the U.S. Marshals Service under the aegis of the Department of Justice. I have been informed by the U.S. Marshals Service that there is no statutory or budgetary authority to use this program for witnesses of the Tribunal. I am aware, however, that they have relocated one witness from Bosnia with the assistance of the Department of Justice and the Marshals Service. I have been advised that this relocation involved extraordinary circumstances. The FBI Special Agents assigned to the Tribunal have been advised by FBIHQ that any requests for witness assistance should be brought to the direct attention of the Criminal Division.

You may be aware that the Department of State has put forth a plan to establish an international, unarmed law enforcement contingent to develop civilian law enforcement programs in Bosnia. The protection of witnesses developed by the Tribunal may be addressed as a function of this proposed police force.

If I can be of any further assistance to you, please do not hesitate to call upon me.

Sincerely yours,

LOUIS J. FREEH,  
Director.

Mr. SPECTER. Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### MEASURE PLACED ON CALENDAR—SENATE JOINT RESOLUTION 21

Mr. DOLE. Mr. President, I ask unanimous consent that Senate Joint Resolution 21 be placed back on the calendar.

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

#### MORNING BUSINESS

Mr. DOLE. 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.

#### CLINTON JUDGES

Mr. DOLE. Last week, Vice President GORE stated that Republican criticism of Clinton-appointed judges was misguided—A "smoke screen," as he put it, "to hide our own poor record on crime."

While the Vice President is off-base with his smoke screen comments, he is absolutely right to suggest that it is important to look at the record.

The record is that the number of prosecutions initiated by the Clinton Justice Department for crimes involving guns and drugs has dropped significantly since the Bush administration.

The record is that the Clinton Justice Department has virtually ignored the enforcement of the Federal death penalty, established by the 1994 crime bill.

The record is that the Clinton administration's top lawyer has actually argued in favor of narrowly interpreting and weakening the Federal child pornography laws.

The record is that President Clinton has vetoed legislation that would help stop the thousands of frivolous lawsuits filed every year by convicted criminals that serve only to clog the courts and waste millions of taxpayer dollars.

Of course, there is the Clinton record on drugs. Drug enforcement is down. Drug interdiction is down. And the antidrug bully pulpit has been all but abandoned. Just say no has become just say nothing. Not surprisingly, teenage drug use has nearly doubled since President Clinton first took office.

Yes, Vice President GORE is right: It is important to look at the record.

Then there's the issue of Federal judges. With all due respect to the Vice President, I suggest that he take a close look at the decisions of Judge Martha Craig Daughtrey, a former member of the Tennessee Supreme Court and a Clinton appointee to the Sixth Circuit Court of Appeals.

In an important search and seizure case, Judge Daughtrey ruled that the police acted improperly when they searched the trunk of a car that they had pulled over early one morning after the car made a left turn without signaling. At the time of the stop, the police suspected that the driver might have been driving under the influence of alcohol. During the search, the police frisked the car's passenger for weapons and found a cellular phone, a pocket beeper, and \$2,100 in cash. The

police then asked the car's driver and passenger whether they could search the trunk. The driver and the passenger consented—consented—and the police found a shopping bag containing a baggie with a large amount of crack cocaine.

Yet, Judge Daughtrey ruled that the police acted unreasonably and she voted to suppress the crack cocaine evidence. Judge Ryan, a Reagan appointee, dissented on the grounds that the police acted appropriately.

In another fourth amendment case, Judge Daughtrey dissented from a decision upholding a police search that led to the discovery of a large stash of vicious child pornography. The two Republican-appointed judges upheld the constitutionality of the search, saying that it was fully consistent with fourth amendment precedent.

Unfortunately, Judge Daughtrey is not an aberration. Last year, in an important case before the D.C. Court of Appeals, two Clinton-appointed judges dissented from the court's majority opinion upholding the FCC's regulations prohibiting the transmission of indecency on television and radio during certain hours of the day. The purpose of these regulations is, obviously, to protect our children from images that would be harmful to their moral and psychological development. Yet, the two Clinton judges on the court joined with the two Carter appointees in arguing that these regulations somehow violate the first amendment.

So while President Clinton touts the V-chip and holds high-profile White House conferences with television executives, his judges are attempting to strip the very protections that he supposedly supports. President Clinton may talk a moderate game, but his appointees to the Federal bench are attempting to stamp their own brand of stealth liberalism on America.

And that is my point: Selecting who sits on the Federal bench is one of the most critical responsibilities of any President. Long after a President has left office, the judges he appoints will leave their mark on American society. While the Vice President may say that the Clinton administration appoints judges on the basis of excellence, not ideology, the facts—regrettably—tell a much different story.

#### PLEASE, MR. PRESIDENT, NO UNITED STATES FORCES IN LIBERIA

Mr. HELMS. Mr. President, 2½ years ago, 18 American soldiers were gunned down in the streets of Mogadishu, Somalia. What happened October 3, 1993, in Somalia was another one of those tragic mistakes. U.S. servicemen should not be asked to risk their lives in so-called peacekeeping missions where there is really no peace, and where no U.S. national interests are at stake.

As the last of United States forces pull out of Haiti, the American people