

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 Nations' 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

are learning that Operation Uphold Democracy was not the resounding success President Clinton led us to believe. The bottom line, it seems to me, is that America's military cannot achieve what the people and leaders of Somalia and Haiti refuse to do. This so-called nation building is fanciful rhetoric for fleecing the American taxpayers.

I had hoped and prayed that President Clinton had learned his lesson from Somalia, and Haiti, but President Clinton has already landed several hundred Marines, from Camp Lejeune, NC, inside Liberia. More than 1,600 Marines and 1,900 sailors on warships are awaiting further orders.

But, Liberia is in, quite literally, a state of anarchy, and I fear there is little the United States can do about it. Consider, Mr. President, that since 1990, American taxpayers have given Liberia—a country of 3 million people—at least \$429 million of foreign aid, according to A.I.D.—and President Clinton proposes to forgive Liberian debt to the American taxpayers. And what has all this assistance accomplished? Since the outbreak of the civil war in 1989, intensive fighting has been the cause of the United States having to evacuate Americans and others from the country on three separate occasions. Tens of thousands of Liberians are dead and thousands more fled.

Tragically, the lives saved by \$429 million in U.S. foreign aid are today being gunned-down at the hands of heavily armed drunken teenagers, looting the capital city of Monrovia, raping and killing for sport. The so-called leaders in Liberia, as in Somalia, are bloodthirsty warlords who are more vicious criminals than national leaders. In fact, one warlord, Charles Taylor, escaped from Plymouth County Jail in Massachusetts in 1985.

Mr. President, on April 15, the Foreign Relations Committee was assured that if United States Marines went into Liberia, they would only be protecting the United States Embassy and assisting with evacuations, although all Americans who have asked to leave are already evacuated. The Sunday Washington Times, however, reported that several hundred Marines landed in Liberia over the weekend, and that they "would be able to provide humanitarian assistance." This makes me very concerned about mission creep.

Congress does not want United States Marines hunting down Liberian warlords, as in Somalia, or picking up trash on the streets of Monrovia, as in Port-au-Prince. Mr. President, there are no United States interests in Liberia worth the life of even one United States service man or woman.

I have written President Clinton to raise a number of questions about his policy. Congress and the American people deserve answers. Of course, I pray the President does not get the United States into another Somalia or Haiti.

Mr. President, I ask unanimous consent that my letter to the President be

printed in the RECORD at the conclusion of my remarks.

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

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
Washington, DC, April 22, 1996.

The PRESIDENT,  
The White House,  
Washington, DC.

DEAR MR. PRESIDENT: In response to the most recent outbreak of violence in Liberia and the mass evacuation that followed, I note that the Administration has undertaken a comprehensive review of its policy toward Liberia. Congress is also fully aware of the likelihood of further humanitarian tragedy in Liberia.

With the unnecessary deaths of eighteen U.S. servicemen in Somalia (October 3, 1993) lingering on our minds, the landing of several hundred U.S. Marines in Liberia over the weekend has Congress to be all the more concerned about developments in Liberia—and, frankly, the Administration's response to that crisis.

Administration officials briefed Congressional staff this past week about the situation in Liberia, but a number of important questions went unanswered. The Foreign Relations Committee will appreciate prompt answers to the following questions:

(1) What is the exit strategy for the U.S. troops currently in Liberia?

(2) Under what rules of engagement are U.S. servicemen in Liberia operating?

(3) As humanitarian concerns are necessarily incidental—as important as they may be—what the U.S. national interests in Liberia, besides protecting U.S. citizens?

(4) What interests in Liberia are worth risking the life of one American citizen?

(5) Inasmuch as Liberia is in anarchy, why should any U.S. Embassy personnel remain?

(6) To whom is the U.S. Embassy accredited?

(7) If U.S. Embassy personnel remain, what kind of security will they have?

(8) Has the U.S. Government received any assistance with evacuations or security from France, Britain or any other country?

(9) What countries have overseas bases in African countries in proximity to Liberia?

(10) How many people, and from which countries, have been evacuated from Liberia by U.S. forces?

(11) How many private Americans and U.S. citizens working at the Embassy remain in Liberia?

(12) Do any United Nations Development Program personnel remain in Liberia?

(13) Are personnel from any United Nations agency on the ground in Liberia?

(14) To date, what is the total cost of the evacuation effort?

(15) How many U.S. Navy vessels have arrived off Liberia, and how many Marines and sailors does this represent?

(16) Under what circumstances would these Marines go into Liberia?

(17) Is an expanded role for U.S. military forces being contemplated? If so, please explain.

(18) If a contingent of U.S. forces goes into Liberia, from where will they be supported?

(19) What would such an operation cost?

(20) Given the state of anarchy in Liberia, and the individuals with whom diplomats are forced to deal, how does the Administration expect to influence events?

(21) To date, how much U.S. funding has ECOMOG received, including equipment, and how effective has it been?

(22) To date, how much U.S. funding have the countries of ECOWAS received, including equipment, and how effective has it been?

(23) As Nigeria has been decertified on account of noncooperation in the fight against illegal narcotics, how does the Administration intend to provide funding to Nigerian troops, which make up a majority of ECOMOG in Liberia—will the Administration seek a waiver in order to provide funding or equipment to Nigerian forces?

(24) How much money and equipment does the Administration propose giving ECOMOG and ECOWAS, and from where will the funds come?

(25) Since the outbreak of the civil war in 1989, how much U.S. Government assistance has gone to Liberia?

(26) Since the outbreak of the civil war in 1989, what is the total amount of international assistance that has gone to Liberia, including from United Nations agencies and all international financial institutions?

(27) Have any of the Liberian warlords ever been wanted, or are currently wanted, in the United States for any violation of law? If so, please explain.

Many thanks.

Sincerely,

JESSE HELMS.

### MEDICARE

Mr. DOLE. Mr. President, 2 years ago, the Medicare trustees—three of whom are members of the President's Cabinet—reported to President Clinton and Congress that Medicare would be bankrupt by the year 2002.

From the day the Medicare trustees issued their report, Republicans have worked to preserve and strengthen Medicare. We proposed to do this not by cutting Medicare—but by slowing its rate of growth. Under the Republican plan adopted by Congress, annual spending per Medicare beneficiary would increase from \$4,800 this year to more than \$7,200 in 2002.

If you believed what President Clinton and some of my friends on the other side of the aisle had to say, however, you would have thought that instead of increasing Medicare spending from \$4,800 per beneficiary to \$7,200 per beneficiary, Republicans were trying to throw America's seniors out on the streets. And to the President's credit as a public speaker, a lot of Americans believed what he was saying.

There is, however, a very big difference between leading and misleading. Republicans chose to lead—and we suffered in the polls because of it. President Clinton chose to mislead—and he gained in the polls because of it.

But as a story in this morning's New York Times makes very clear, the President's gain came at the expense of the millions and millions of Americans who depend on Medicare.

The story reveals the fact that Medicare's hospital insurance trust fund, which pays hospital bills for the elderly and disabled, lost \$4.2 billion—that is billion with a "B"—in the first half of the current fiscal year. Those losses are more than 100 times larger than the \$35.7 million loss the trust fund experienced all last year.

The \$4.2 billion loss is also in stark contrast to the rosy scenario coming out of the White House last year. As part of their attempt to lead the public