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## Senate

The Senate met at 11:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of this Nation, we praise You for Your amazing grace. Your unlimited love casts out fear, Your unqualified forgiveness heals our memories, Your undeserved faithfulness gives us courage, Your un-failing guidance gives us clear direction, Your presence banishes our anxieties. You know our needs before we ask You and Your spirit gives us the boldness to ask for what You are ready to give. You give us discernment of the needs of others so we can be servant leaders. Your love for us frees us to love, forgive, uplift, and encourage the people around us. We commit this day to be one in which we are initiative communicators of Your grace. We open ourselves to the infilling of Your spirit. Lead on, Gracious God, we are ready for a great day filled with grace. In the name of the Mighty Mediator. Amen.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator DOLE, is recognized.

### SCHEDULE

Mr. DOLE. Mr. President, there will be a period for morning business until the hour of 2:30. Senator DASCHLE will be in control of the first 90 minutes, Senator COVERDELL, the last 90 minutes. At 2:30 we will resume consideration of S. 1664, the immigration bill. By a previous order, a cloture vote will occur at the hour of 5 p.m. today on the Simpson amendment to the immigration bill. If additional votes are ordered with respect to amendments to the immigration bill, it is possible

those votes would be stacked to occur during Tuesday's session but they could occur this evening.

I remind Senators we have until 4 o'clock to file second-degree amendments to the Simpson amendment.

Mr. President, is leaders' time reserved?

The PRESIDING OFFICER (Mr. BENNETT). Leaders' time is reserved.

### JAPAN TRADE POLICY

Mr. DOLE. Mr. President, first I would like to speak briefly on Japanese trade and the President's recent trip to Japan.

Mr. President, we must now declare President Clinton's trade policy with Japan a spectacular failure, a fiasco.

The capstone of this almost unbelievable 3-year fiasco occurred recently. The White House has an electronic home-page on the Internet, where Americans can go for the latest statement of administration policy on any issue. Recently, Americans reading the official White House electronic home-page on the Internet would have found documents describing the United States-Japan trade policy. But it was a description that no one would have recognized. The documents described in glowing detail how all disputes between the two countries had been resolved, how there was no longer any need for any of the agreements that had been reached between the United States and Japan, and how the United States should just drop its complaints against Japan.

Mr. President, a closer look revealed that these documents on the White House home-page had been written by the Japanese Foreign Ministry.

I understand the Japanese materials have now been deleted.

I guess that just about sums up the Clinton record on trade. This is the point we have reached—the most pow-

erful economic force in history, the United States of America—after 3½ years of stewardship by Bill Clinton and his advisers, and it is the Japanese who are writing the trade policy papers for the Clinton White House.

Mr. President, this is a sad, and dangerous, state of affairs. Yet it is merely the logical conclusion of a trade policy that has emphasized appearance over reality, talk over substance, and politics over national interest.

President Clinton returned a few days ago from a trip overseas that included a stop in Japan. Every American probably expected that this trip would shed at least a little additional light on the question of trade with Japan. After all, President Clinton and his advisers never tired of talking about their grand plan to deal with Japan. Last year, Clinton took this country to the brink of a trade war with Japan. Most people reasonably anticipated some progress, or at least discussion, of some of our massive trade problems with Japan.

But that is not what happened. It now appears that Clinton did virtually nothing to raise any of these serious problems. This trip might have been the best opportunity in years for the American Chief Executive to raise—at the highest level—issues that mean real jobs in towns and communities across America. Issues that mean economic growth and a higher standard of living for Americans. Clinton's trip might have been the best opportunity in years to fix a serious and destabilizing problem—the massive trade deficit with Japan—and President Clinton squandered it.

Most Americans probably would simply find this hard to believe. Most Americans are charitable, they want to believe the best about people, especially their President. They do not want to think that he would so profoundly misunderstand the opportunity

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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that presented itself to help America and working people at home.

Yet, this is the hallmark of the Clinton trade policy. Actual substantive achievement means nothing—only appearances matter. For example, how else was it possible for Clinton to declare victory in the auto dispute with Japan when all the evidence showed nothing less than a full retreat and surrender to the Japanese?

In the auto dispute, President Clinton went to the brink of a trade war with Japan, but came away with almost nothing to show for it. When the so-called agreement was reached last July, high-level Japanese officials immediately and publicly disavowed the import targets that President Clinton hailed as his great achievement. It turns out those numbers were simply not part of the agreement. The agreement was just another political publicity stunt, designed to convey the appearance of toughness. Unfortunately, creating this appearance for Clinton and his advisers cost the United States much credibility with Japan, not to mention with other countries looking for instruction on how to deal with American demands on future trade issues.

The consequence of this massive retreat by the Clinton administration was serious and damaging for American companies and American jobs. The Japanese quickly realized that they had been dealing with a paper tiger. Suddenly, on all other fronts, negotiations with Japan came to a halt. U.S. overtures even to begin a dialog on other issues were rebuffed. United States trade negotiators were told by their Japanese counterparts to find some other agency to address their complaints. This mocking of U.S. officials by a major trading partner is unprecedented—and prior to the Clinton years would have been inconceivable.

And so, Mr. President, it is easier to understand why serious trade disputes with Japan were ignored by Clinton during his summit with Mr. Hashimoto. Clinton brought back nothing on the dispute over Japanese discrimination against Kodak film. He brought back nothing on the dispute over access to Japan for American semiconductor, one of our most competitive industries. Clinton brought back nothing on the dispute over access to the Japanese market for American insurance companies, another industry where the United States has a strong competitive advantage.

Mr. President, how can people put all of this in perspective? There is one simple way to express the damage to America of Clinton's botched trade policy. I believe the American people would be astonished to know that today, the United States trade deficit with Japan is higher than it was when Clinton took office. That is right, it is higher. The merchandise trade deficit with Japan is now a staggering \$60 billion—this is \$10 billion higher than when Clinton became President.

Furthermore, figures were released last week showing that the trade deficit with Japan continues to climb, growing over \$100 million from January to February of this year.

Candidate Clinton talked a lot about trade deficits. He knew that trade deficits siphon our wealth and our jobs, to other countries. The giant trade deficit with Japan constitutes a massive transfer of wealth out of American communities into the hands of the Japanese. Under President Clinton, our trade deficit with Japan has gone up. Clinton has presided over the highest trade deficits with Japan in history. In fact, another shocking achievement of the short Clinton era is that the U.S. trade deficit with the world also hit a record high. He has ignored, or sought to divert attention from, these harmful acts. He has done nothing to reverse it, change it or improve it. Oh, yes, he has done plenty of talking, but he has done nothing to save the jobs that continue to be in danger.

I believe the American people deserve to know about President Clinton's failed trade policy. The American people need to know about his new policy of camouflaging the truth. I hope that he will abandon this new policy that only seeks to hide his failures. Too many important decisions lie ahead for President Clinton to continue to substitute appearances for reality.

#### TRIBUTE TO JERRY ROBERTSON

Mr. DOLE. Mr. President, I rise today to pay tribute to a Kansan who passed away recently. Jerry Robertson was the president of the Topeka YMCA and leader of the revitalization of downtown Topeka, KS.

Jerry Robertson was a 1965 graduate of my alma mater, Washburn University, and symbolized everything that the YMCA stands for, the Christian service to the community, respect for God and the commitment to serving everyone in Topeka and Shawnee County.

Prior to being president of the YMCA, Jerry headed the athletic department of Washburn University when Washburn won the N.A.I.A. national championship in basketball, and was a star baseball pitcher in the major leagues.

Jerry dedicated many years of his life to the YMCA and to the growth of the Topeka economy and although I did not know him personally, I am told that his sudden passing will leave a great void that will be difficult to fill.

Mr. President, I know all my colleagues join me in sending our most heartfelt sympathies to Jerry's wife, Carol, and their two sons, Jeff and Jason.

#### CLINTON JUDGES UPDATE

Mr. DOLE. Mr. President, as the American people know all too well, Federal judges can play an enormous role in our daily lives. Through their

rulings, Federal judges help determine whether criminals walk the streets or stay behind bars; whether racial quotas or merit govern in hiring decisions; whether businesses can function, prosper, and create jobs without being subject to baseless litigation; and whether parents can control the content of their children's education.

Today, Federal judges micromanage schools, hospitals, fire and police departments, even prisons. According to one estimate, a staggering three-fourths of all State prisons and one-third of the 500 largest jails are under some form of Federal court supervision.

One notorious example of judge-acting-as-legislator is Carl Muecke, appointed to the Federal bench by President Johnson. Judge Muecke has become the de facto administrator of the Arizona State Prison System.

In a textbook example of judicial activism run amok, Judge Muecke has declared that Arizona prison libraries must be open at least 50 hours each week, that the State of Arizona must grant each of its 22,000 prisoners the opportunity to make at least three 20-minute phone calls every week to an attorney; that Arizona must provide lengthy legal research classes to inmates; and that Arizona prison officials must give each indigent inmate 1 pen and 1 pencil, 10 sheets of typing paper, 1 legal pad, and 4 envelopes upon request.

Not surprisingly, Arizona's attorney general, Grant Woods, has challenged the judge's misguided rulings, appealing all the way up to the Supreme Court. Unbelievably, Attorney General Woods has found himself at odds with a powerful adversary: the Clinton administration. In a friend of the court brief filed with the Supreme Court, the Clinton administration's top lawyer—Solicitor General Drew Days—sided not with Attorney General Woods and the taxpayers of Arizona but with Judge Muecke and the State's litigious inmates.

Let's put this in perspective: while the Justice Department should be working overtime to save the taxpayers money by reducing the number of frivolous inmate lawsuits, the Clinton administration—through its lawyers—is actually contributing to the litigation explosion.

In other cases, the Solicitor General has shown that being tough on crime is apparently not part of his justice department portfolio. In the now-famous Knox case, the Solicitor General's office actually argued for a weakening of our Federal laws against child pornography. And in another case—United States versus Hamrick—the Solicitor General's office decided not to seek a rehearing of a fourth circuit ruling overturning the conviction of someone who mailed a defective letter bomb to a U.S. attorney. Since the letter bomb failed to detonate—although it scorched the packaging in which it had been mailed—a fourth circuit panel