and humanitarianism. He was also an active member of the Episcopal Church of the Advent, and once served as scoutmaster of the church's Boy Scout troop.

If it sounds unusual for one of the Nation's top textile executives to have this active an extracurricular schedule, it is. Walter Montgomery was an extraordinary man. He had a sincere love for the textile industry, and he passed on his enthusiasm to all the workers and executives he knew. He believed in education, and contributed time and money to the establishment and maintenance of educational institutions. Among his beneficiaries were Wofford College, Converse College, the University of South Carolina-Spartanburg and what is now the Spartanburg Methodist College, which his father had been instrumental in forming.

I will miss his vigor, drive, and wise advice. He was an example to me of how one can balance work and charity. Peatsy joins me in sending our condolences to his family along with our gratitude for the many lives he touched in South Carolina.●

THE TERRORISM PREVENTION ACT

● Mr. ABRAHAM. Mr. President, I rise to make a few remarks concerning the recently-passed Terrorism Prevention Act. I was actively involved in working out the version of the bill that passed the Senate last year. However, I was not a conferee in the negotiations between the House and the Senate that produced the final version that was enacted into law last week. Recognizing how difficult it can be to reach agreement among a majority of one hundred Senators, I appreciate the daunting task of attaining agreement between not only the two congressional bodies, but also between Congress and the President, especially on such an important piece of legislation as the Terrorism Prevention Act.

Nevertheless, I do want to note that in my view, while the final version contains provisions that make the bill one of this Congress's proudest accomplishments, it also contains other provisions included at the insistence of the Administration that have rightly raised serious concerns among serious people from all across the political spectrum.

Violent acts against American citizens, whether for political reasons or otherwise, cannot be tolerated. But for too long, our criminal justice system has been excessively solicitous of the rights of violent criminals whose guilt is not in doubt.

This must stop. The Terrorism Prevention Act's habeas corpus reforms will play an important role in stopping it by preventing prisoners on death row from gaming our legal system with countless appeals. So, too, will its provisions limiting the ability of non-citizens who have committed serious crimes in this country to avoid deportation by filing countless meritless court challenges to deportation orders.

At the same time, it is also important that we do not let the pendulum swing too far in the other direction and trample on the civil rights of those who have committed no crime. Other provisions in the Terrorism Prevention Act that were included at the insistence of President Clinton will restrict fundraising for organizations suspected but not proven to be terrorist on the basis of secret evidence. These, I believe, present a serious risk of jeopardizing the freedoms of all Americans. I would like to discuss both types of provisions.

I was delighted, though admittedly confused when, in the wake of the Oklahoma City bombing, President Clinton stated that the perpetrators of that bombing would be brought to swift and certain justice. As the victims of any type of crime in this country know, and apparently know better than the President himself, our criminal justice system in its present form makes ''swift and certain'' justice for criminals all but impossible.

Instead, convicted criminals—murderers, child molesters, and thieves—have been able to game the system for far too long. The parents of children who have been molested and murdered and the families of other murder victims many of whom were tortured or raped before they were killed have had to wait year after year as their child's murderer appeals a capital sentence time and time again—not on grounds of innocence but because their trials were not perfect. And sometimes the attackers have been released by courts more concerned about the technical rights of criminals than the need to see that the law is carried out and justice served.

Swift and certain justice has not been possible in this country, not for common criminals and not for the perpetrators of terrorist acts, because of the endless appeals permitted by the habeas corpus procedures enacted by Congress. As Senator HATCH has recently noted, there were about 2,976 inmates on death row in 1995. Yet, the States have executed only 263 of these convicted killers since 1973. Habeas appeals alone make up 40 percent of the total delay from sentence to execution.

The notorious case of Robert Alton Harris demonstrates rather vividly where the vices in our present criminal justice system lead. Harris killed his first victim in 1975. In a savage attack that included hours of torture, Harris beat his next-door neighbor to death. He was convicted of manslaughter and sentenced to prison. Even in prison, his uncontrollable violence was said to make him a danger to the other inmates.

Six months after he was paroled, Harris abducted two high school sophomores as they sat eating hamburgers in a car. He drove them to a wooded area and shot them to death, chasing one of the boys through the woods and gunning him down as he crouched in the bushes screaming for his life. Harris then returned to the first victim and shot him again. Over that boy's dead body, Harris sat down and finished the boys' half-eaten hamburgers.

Harris did not deny his guilt, but in fact admitted the murders in open court. He explained he had murdered the boys because he needed their car to commit a bank robbery—the crime for which he had originally been arrested. He was given the death penalty by a jury on March 6, 1979. Thirteen years passed before the jury's verdict was carried out and Harris was finally executed.

During those 13 years—the years when his teenage victims could have been completing college, starting jobs, getting married, and having children—Harris filed 10 habeas corpus petitions with the State courts and 6 habeas corpus petitions with the Federal courts. The boys' parents were notified of five execution dates, four of which were canceled by the courts. But for Harris' habeas petitions, he could have been executed as early as October 1981, after review by the California Supreme Court and further review by the U.S. Supreme Court.

Reform of our habeas corpus system has been needed, and needed badly, for several decades now.

The Oklahoma City bombing finally provided the clarion call that made it possible for the Republican majority, with President Clinton's reluctant acquiescence, and over stiff resistance by a majority of the Democrats, to enact reforms to this legal quagmire. These reforms are long, long overdue.

At last, because of the Terrorism Prevention Act, the limitless opportunities for the Federal judiciary to overturn criminal convictions will come to an end. And at last, State courts will be allowed to enforce capital sentences against convicted murderers without the Federal courts granting repetitive hearings that have allowed death row prisoners to languish in prison for a decade or more.

The habeas corpus reforms may well be the single most important legislation that this Congress has passed. If the Terrorism Prevention Act had no other provisions to recommend it, I would have voted for the act for its habeas corpus reforms.

Also praiseworthy are the provisions that address the serious problem this country has with deporting criminal aliens. Though officially designated ''criminal aliens'' rather than ''terrorists,'' as far as I am concerned, noncitizens who commit violent, felonious acts against American citizens are resident terrorists, irrespective of their official designation. Indeed, according to the FBI, alien terrorists have been responsible for exactly two terrorist incidents in the United States in the last 11 years: the World Trade Center bombing and a trespassing incident at the Iranian Mission to the United Nations.

Meanwhile, more than 50,000 crimes have been committed by aliens in this

country recently enough that the perpetrators are still incarcerated in State and Federal prisons right now.

Noncitizens in this country who are convicted of committing serious crimes are deportable and should be deported. These are not ''suspected'' criminals or members of secretly designated terrorist groups: These are convicted felons. And there are about half a million of them currently residing on U.S. soil.

The reason these criminal aliens are here, despite their deportability under U.S. law, is that they are able to manipulate our immigration laws by requesting endless review of their orders of deportation. Exactly as in the habeas corpus context, these are convicted criminals obstructing the operation of law by abusing unduly generous provisions of judicial and administrative review. As long, as a petition for review is pending, they cannot be deported. Thus, at present, aliens who are convicted felons are deported at a rate of about 4 percent a year.

The case of Lyonel Dor is typical. Lyonel Dor, a citizen of Haiti, entered the United States illegally in 1972. This alone made him deportable as an illegal alien. Six years later he participated in the murder of his aunt. For this, he was convicted of first degree manslaughter and served 6½ years in prison. This made him doubly deportable, since aliens who commit crimes of violence in the United States are deportable even if they were here legally in the first place.

Accordingly, Dor was ordered deported in March 1985 following a full administrative hearing on whether such an order should be entered. At that hearing, Dor conceded deportability. He took no direct administrative appeal from the March 1985 order, although he would have been entitled to do so.

Nevertheless, as of late 1989, Dor had not been deported.

Instead, he remained in this country, requesting and receiving unending additional collateral administrative review and judicial review of his order of deportation, tying up the courts and the INS for more than 5 years after completing his criminal sentence. As of today, April 29, 1996, I do not know whether Lyonel Dor has ever deported, or whether he is still in this country requesting more review.

According to court documents described in the 1989 case, since arriving in this country illegally, Dor received the attention of a total of 14 administrative processes and 6 judicial processes, including the criminal proceedings on his participation in the murder of his aunt. The deportation effort alone for this illegal immigrant and convicted murderer entailed 13 administrative proceedings and 4 judicial proceedings. In two of the four judicial proceedings, Federal courts directed that Dor not be deported until the order of deportation could be further subject to yet more review.

In this Act, as well as in the illegal immigration bill, I have strongly promoted legal reforms that will put an end to such absurdities. The Terrorism Prevention Act contains some of these provisions, including important reforms that will place some constraints on the almost limitless opportunities for criminal aliens to delay their deportations.

In particular, without touching in any way any direct appeal an alien may have in connection with his underlying criminal conviction, it denies judicial review of orders of deportation entered against criminal aliens, eliminates certain grounds for administrative review of the orders of deportation entered against criminal aliens, and requires the Attorney General to deport criminal aliens with 30 days of the final order of deportation. I should add that during the Judiciary Committee markup of the pending illegal immigration bill, S. 1664, I proposed amendments to that legislation that will make additional reforms, and I am pleased to say that they were adopted and form a part of the bill now before Congress.

On the other hand, there are other provisions in this act that I believe could be construed as being insufficiently attentive to civil liberties. I say this as one who is aware that cries of civil liberties violations can easily deteriorate into crying wolf when no wolf is anywhere in the neighborhood, and that it is therefore doubly important to be sure such concerns are legitimate so as not to dull the American people's vigilance against governmental excess. Nevertheless, I believe in this instance there are legitimate grounds for concern.

The provisions that most concern me regard not convicted criminals, but, at least theoretically, the wholly innocent. These are the provisions of the act that will criminalize certain fundraising activities.

The fundraising provisions have a long history to which the Conference Report provided an unsatisfactory conclusion. The fundraising proposals in the bill originally sent to Congress by the President had been quite controversial. Indeed, Senators and citizens of all political persuasions—Democrats and Republicans, liberals and conservatives—were concerned that in seeking to punish the guilty these provisions went too far in endangering the rights of the innocent. Obviously, this will always be a difficult balance to strike.

But these proposals would have given a President unilateral authority, on the basis of secret evidence and without judicial review, to make it a crime to contribute money to any organization—domestic or foreign, charitable or political—designated by the President as belonging on a ''terrorist'' list.

It is not difficult to imagine how such a provision would invite abuse.

People with a grievance against any organization could claim that some charitable or religious organization they didn't like was a terrorist organization. The accused organization could then be designated a ''terrorist'' organization without being provided any information about the basis on which it was being so charged or afforded an opportunity to contest the designation.

History teaches us that star chamber proceedings of this type present grave risks of error and injustice.

At the hearings on the bill, concerns about these provisions and their constitutional implications were raised by a number of Senators, including Senator SPECTER and myself, as well as the American Civil Liberties Union and the American Jewish Committee.

After a great deal of discussion and negotiation, the Senate bill made a number of revisions. These included additions to the fundraising provisions that would make the designation of an organization subject to the traditional legal safeguards: review by a neutral court, and maximum disclosure to the accused organization of the information against it—consistent with national security interests and the safety of those providing the information.

The provisions in the Senate bill may not have been perfect. Indeed, both the New York Times and USA Today subsequently editorialized that many of these provisions still posed risks to civil liberties, even as toned down in the Senate bill. There was, no doubt, room for improvement. But instead of providing more protections for the secretly accused organizations, the Conference Report seems to provide fewer.

For example, whereas the Senate bill provided for full judicial review of the designation of an organization as ''terrorist'', the act that emerged from conference provides only for limited review on the administrative record. That means that the findings of fact of the administrative officer will receive some degree of deference by the reviewing court. More seriously still, it permits an organization to be designated as ''terrorist'' in the administrative proceeding entirely on the basis of classified information. Under the terms of the bill, that material can remain secret from the designated organization or any of its representatives throughout both the administrative and judicial process.

Despite the serious consequences that flow from such a designation, the Conference Report nowhere expressly provides for any disclosure of summaries or partial disclosure of the secret information to the accused organization, even though the necessity for such a total blackout may often be wanting. While the courts may well find such Congressional silence insufficient to infer an intent to bar the maximum disclosure possible, in light of our country's historical distrust of secret proceedings, I believe Congress should have made express provision for such disclosure.

To a lesser degree I believe the procedures established by this legislation for removing aliens suspected of being terrorists on the basis of classified information are open to similar criticism.

Although these provisions at least require some form of summary, in my view they strike the balance between the alien and the Government less carefully and less fairly than the Senate version of the bill.

The fight against terrorism and all criminal acts against Americans must be conducted vigorously, relentlessly, and in a manner that respects basic civil liberties. I believe the fundraising and alien terrorist removal provisions are one area in which the Terrorism Prevention Act could have been improved by not leaving civil liberties protections to the Executive and Judicial branches. I would have preferred for the act to have to have expressly provided for disclosure of the secret information to the maximum extent possible.

It is my hope that despite the administration's insensitivity to these concerns and its insistence on including these provisions in their current objectionable form, during the legislative process, the executive branch will be sensitive to the questionable constitutionality of these provisions when it turns to enforcing them and will take great care in their use. Should it fail to do so, I would expect the courts to step in. In any event, and especially should the executive branch restraint prove insufficient, and the abuses I fear prove not only hypothetical but real, I will seek the opportunity to revisit these provisions at the first opportunity.

Despite these weaknesses, Mr. President, I believe the Terrorism Prevention Act is an extremely important measure, and I am pleased to have had a chance to participate in its enactment into law.●

SALUTE TO CARL GARNER

● Mr. PRYOR. Mr. President, on Friday, May 3d, Mr. Carl Garner of Tumbling Shoals, AR, will retire from Federal Service after 58 years as an employee of the U.S. Army Corps of Engineers. He is one of the longest consecutive serving Federal employees in the history of this Nation, and today I want to take a brief moment to reflect on his career and service to our country.

Carl Garner began his career with the Army Corps of Engineers on June 16, 1938, following his graduation from Arkansas College—now Lyon College. His early career placed him at Bull Shoals Lake in northern Arkansas. On March 15, 1959, he was assigned to the new project at Greers Ferry Lake as a supervisor for Construction Management Engineering.

Greers Ferry Lake would become Carl Garner's life's work, and today you cannot mention one without mentioning the other. On October 14, 1962, Carl was named Resident Engineer for Greers Ferry Lake, and has held that title for 34 years. On October 3, 1963, President John F. Kennedy dedicated the last public works project of his life and short Presidency on a hillside overlooking the dam at Greers Ferry Lake. Carl Garner stood on the podium with the President on that occasion.

Carl Garner had a vision. He was an environmentalist long before the word became common in our vernacular. Carl's vision was that Greers Ferry Lake should be pollution free and should reflect the natural beauty and landscape of the region. Greers Ferry Lake should be a model for the Nation, and today, it is the pearl in our Nation's inventory of multiple purpose man-made lakes.

The vision that Carl Garner has preached for the last 30 years involves responsibility. Today, because of the tenacity and foresight of this one man, we have a public law, Public Law 99–402, which requires all Federal agencies that manage land and water to conduct a Federal lands clean-up. Carl has taught us to be responsible with our environment through the Greers Ferry Lake clean-up, which occurs on the first Saturday following Labor Day each year. Over the years, literally hundreds of thousands of volunteers have learned how to be environmentally responsible because of Carl's legacy, and Greers Ferry Lake is the result.

Mr. President, I am proud to say that Carl Garner is my friend. His impact on my world is profound. Today I salute him and wish him the very best in his future endeavors as he enjoys a well earned retirement from Federal service.●

● Mr. HATFIELD. Mr. President, it gives me great pleasure to share with the Senate the accomplishments of an outstanding researcher from Oregon Health Sciences University [OHSU], Dr. David A. McCarron. His research was recently validated by a team of researchers from McMaster University in Hamilton, Ontario. The findings of the research was published in the prestigious Journal of the American Medical Association, on April 10, 1996, accompanied by an editorial from Dr. McCarron.

The research done at McMaster University has bolstered the findings of Dr. McCarron and his team of researchers in dealing with the relationship between calcium deficiency in pregnant women, and the amount of maternal and fetal morbidity. What the team found was that if the amount of calcium taken by pregnant women is increased, the amount of maternal and fetal morbidity was significantly reduced. In fact, high blood pressure was reduced by 70 percent among women who consumed the equivalent of four servings of dairy products a day, or 1,500 milligrams of calcium.

What does this mean to all Americans? The 1992 direct health care costs related to hypertensive disorders of pregnancy have been estimated at $18 to $22 billion. But more importantly, the savings would be felt by millions of children who would have a healthier head start in life. This is another fine example of the cost savings results of biomedical research.

Let me again point out for my colleagues that an important portion of the funding for this program came from the legislative language in an appropriations bill. The fiscal year 1992 Agriculture appropriations bill led to a grant to OHSU, and Dr. McCarron, to continue their research effort in the field of assessing calcium impacts on pregnancy, infant birth weight and a wide variety of other nutritional areas. The money bridged a gap for the program until further private funds could be obtained. The importance of this grant and the continuation of this program is now being felt throughout the medical community.

This is the type of appropriations funding provision that has been the subject of heavy criticism in recent years. However, it is this type of modest investment, this type of gentle nudge to the administration, that leads to huge strides in medical research and better health for Americans. The simple fact is, without the funding that Dr. McCarron's research received, as a result of this provision, the program would likely have ended. The continued funding and granting of money to these programs is not only important, it is imperative. Billions of dollars will be saved and lives will be improved as a result of this work by Dr. McCarron.

Dr. McCarron is a soldier in the cause of medical research. He not only fought for his program, but cleared a path for all medical research programs. His tireless devotion to the betterment of the community around him has made him an ally to all medical research. His research will help hundreds of thousands of mothers and children for decades to come.

I ask to have printed in the RECORD the JAMA piece written by Dr. McCarron.

The material follows:

DIETARY CALCIUM AND LOWER BLOOD PRESSURE—WE CAN ALL BENEFIT

Dietary calcium intake fails to meet recommended levels in virtually all categories of Americans. The health implications of this trend were recently addressed by a National Institutes of Health Consensus Conference, which noted that several other common medical conditions besides osteoporosis are associated with low dietary calcium intake. The articles by Bucher et al in this issue and the April 3 issue of THE JOURNAL focus on one of these conditions: increased arterial pressure. These meta-analyses of randomized controlled trials of blood pressure and calcium levels in 2412 adults and in 2459 pregnant women provide compelling evidence that both normotensive and hypertensive individuals may experience reductions in blood pressure when calcium intake is increased.

Do these reports represent this week's favorite nutrient-disease relationship, only to be cast aside when a subsequent study fails to confirm these authors' conclusions? Several factors argue against that possibility. Viewed in the context of substantial prior observational and experimental evidence, the biological plausibility that calcium exerts a favorable effect on arterial pressure is strong. Furthermore, these summary analysis provide insights concerning why nutrient-disease relationships appear at times inconsistent. A threshold of calcium intake