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Senate

The Senate met at 9:30 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:

Gracious Father, thank You for this time of prayer in which our minds and hearts can be enlarged to receive Your spirit. You are the answer to our deepest need. More than any secondary gift You can give, we long for the primary grace of Yourself offered in profound love and acceptance. We have learned that when we abide in Your presence and are receptive to Your guidance, You inspire our minds with insight and wisdom, our hearts with resiliency and courage, and our bodies with vigor and vitality.

In the quiet of this moment we commit all our worries to You. We entrust to You our concerns over the people of our lives. Our desire is to give ourselves to the work of this day with freedom and joy. Give us strength when we are weary, fresh vision when our wells run dry, indefatigable hope when others become discouraged. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Iowa is recognized.

SCHEDULE

Mr. GRASSLEY. Mr. President, on behalf of the leader, I want to announce that the Senate will be in a period for morning business today until the hour of 10:30 a.m. At 10:30, the Senate will begin 2 hours of debate. That time will be equally divided on the motion to proceed to S. 1635, the Defend America Act.

At 2:15 today there will be a cloture vote on the motion to proceed to S.

1635. If cloture is invoked today, it is hoped that we may begin consideration of the defend America legislation and complete action on that legislation.

As a reminder, the Senate will recess today between the hours of 12:30 and 2:15 for the weekly policy conferences to meet.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. DEWINE). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

THE IOWA SESQUICENTENNIAL

Mr. GRASSLEY. Mr. President, today, I begin a series of remarks to celebrate the sesquicentennial of my home State of Iowa. It is my intention to say something on the history of Iowa, building up to the opening of the Smithsonian Institution's Festival of American Folklife on June 26. This year the festival celebrates Iowa.

So, I wish to inform my colleagues that they will shortly be receiving an invitation from the Secretary of the Smithsonian and the Iowa congressional delegation to attend a birthday party for Iowa. We will host the birthday party on June 26 from 6:30 until 8:30 at the Centennial Building of the Smithsonian located next to the Smithsonian Castle. I hope to see many of you as we enjoy cake and ice cream along with the other invited guests, including the President, Vice-President, Cabinet members, Supreme Court Justices, and foreign diplomatic corps. Many Iowa-based businesses will also be there. As a matter of fact, even the Maytag repairman, the loneliest man in town, may be there.

James K. Polk was our President when, on December 28, 1846, Iowa was admitted into the Union as the 29th State. But our history began long before that date. Before the coming of settlers from the East, Iowa was home to almost 17 different tribes of Indians over the years. Tribal names included the Ioway, Sauk, Sioux, Potawatomi, Oto, Missouri, and Mesquaki. The Mesquaki still live in Iowa on the Mesquaki Settlement in Tama County, which is some of the tribe's original land. This is a unique situation because this land is a settlement, not a reservation. It is comprised of land, now approximately 3,200 acres, which the tribe bought and owns outright.

Iowa is a very fertile land, with deep black soil and plentiful water. Little did the French explorers Louis Joliet and Father Jacques Marquette know when they came ashore in eastern Iowa from their Mississippi River travels in 1673 that this patch of land would become a modern-day international agricultural giant. Mr. President, 323 years later, Iowans proudly help to feed the world.

It is interesting to note that since 1880, Iowa has remained No. 1 in pork production in the United States. As Don Muhm, former Des Moines Register agriculture writer and very good friend of mine, writes in his book "Iowa Pork & People," the peak in Iowa hog farms came in 1935, when swine was raised on 185,215 farms in the State. This dropped to 33,000 farms in Iowa in 1993. As I have proudly stated on this floor many times before, 1 in 4 pigs in the United States lives in my home State of Iowa. And 78 percent of this country's grain-fed beef is raised in Iowa. In 1991, Iowa ranked first in the Nation in the production of red meat. Last year, in 1995, Iowa had the honor of ranking No. 1 in the Nation in the production of both corn and soybeans.

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



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The good soil and abundance of good water are key to Iowa's agricultural productivity. There are numerous rivers and streams in the State. While Iowa ranks 30th in the United States by size of population and 23d in terms of size in land area, Iowa ranks 5th in the United States in the number of bridges needed to cross those rivers and streams. There are 24,844 bridges in Iowa.

Getting our products, both agricultural and nonagricultural, to market takes good roads. Iowa has more miles of road than 40 of the other States.

From the time the first official settlement began in Iowa in June 1833 to the present day, Iowans have proven themselves to be an industrious and blessed people. Our history is as rich as our land. We are proud to be Iowans, and we are proud to be Americans. During the upcoming days I will continue my talks on Iowa, hoping to impart to you and to the Nation a small part of something that is almost too big to describe—the Iowa spirit.

The PRESIDING OFFICER. The Senator from Utah, [Mr. HATCH], is now recognized to speak for up to 20 minutes.

The Senator from Utah.

PRESIDENT CLINTON'S CODDLE-A-CONVICTED-CRIMINAL CAMPAIGN

Mr. HATCH. Mr. President, an administration's law enforcement philosophy manifests itself in many ways. I have spoken several times about soft-on-crime Clinton administration judges. President Clinton has been AWOL—absent without leadership—in the war on drugs. After years of declining use the drug problem is on the rise—on President Clinton's watch. Today, I want to speak about the Clinton coddle-a-convicted-criminal program.

The President is responsible for protecting the constitutional rights of convicted criminals incarcerated in State prisons. This is pursuant to the Civil Rights of Institutionalized Persons Act, sometimes called CRIPA, an act that I cast the deciding vote on and was prime cosponsor of, along with Senator Birch Bayh, many years ago, in the 1970's.

Convicted criminals do have some constitutional rights; but, understandably, those rights are very sharply circumscribed. And, to my mind, the Clinton administration, takes a very liberal view of these rights, and reads the rights of the accused and of convicted criminals more favorably than many of the rest of us.

Mr. President, the Clinton administration has asserted a number of instances where the constitutional rights of some of the most vicious criminals at the Maryland Correctional Adjustment Center, known as Supermax, are allegedly being violated. I cite a letter of Assistant Attorney General for Civil Rights Deval L. Patrick, to Gov. Parris N. Glendening, May 1, 1996. I want to

focus on some of these alleged constitutional deprivations, or at least what the Clinton administration calls alleged deprivations of prisoners' rights.

I remind colleagues that Supermax was constructed to house inmates who by their own conduct create public safety justification for removal from traditional correctional facilities. Supermax inmates require close custody and a high level of supervision. Among the inmates at Supermax are 105 murderers, 19 rapists, and those who have histories of escape or attempted escape.

Mr. President, I hope my colleagues and others who are listening pause and brace themselves for the unconstitutional deprivations to which Maryland is allegedly subjecting these murderers, rapists, and other hardened criminals.

Now, is the Clinton administration citing the State of Maryland because it beats the convicts at Supermax? No. Is the Clinton administration citing Maryland because it tortures or starves these vicious criminals? No.

Mr. President, the Clinton administration is citing the State of Maryland, in part, because "food is served lukewarm or cold" to these murderers and rapists. Doesn't your heart just bleed for these murderers and rapists and other criminals? They are getting their food served lukewarm or cold. The Clinton administration makes a Federal case out of it. President Clinton is forcing Maryland taxpayers to defend against this ridiculous constitutional claim. This is the evolving standard of decency in the hands of liberals wielding the vast power of the all-mighty Federal Government. It is an abuse of Federal power on behalf of murderers and rapists; that is, the administration's position in this matter.

If you do not believe me, Mr. President, let me read you the relevant paragraph from page 5 of the Clinton administration's May 1 letter:

Food served to the prisoners at Supermax is prepared at the penitentiary across the street and brought to Supermax in bulk. At Supermax, the food is placed into individual compartmentalized thermal trays for distribution to the prisoners in their cells. Food placed in the trays is not promptly covered; trays brought to the housing units are not promptly served. As a result, food is served lukewarm or cold. Food must be served at temperatures that conform to accepted health standards.

CRIPA, or the Civil Rights of Institutionalized Persons Act, requires only enforcing the constitutional minimum. Instead, the Clinton administration makes a Federal case out of it, advancing a constitutional right for hardened, convicted murderers and rapists, so vicious and dangerous as to need special supervision, to have their hot food served hot, not lukewarm or cold.

This is nothing but a Clinton coddle-a-convicted-criminal approach. I might say a convicted-vicious-criminal approach. The Clinton administration is forcing the taxpayers of Maryland to

pay the cost of responding to its ridiculous demand.

That is not all. The Clinton administration insists that Maryland provide these killers and rapists 1 hour of out-of-cell time daily. At least five times per week, this out-of-cell activity should occur outdoors, weather permitting. Again, from the letter of Mr. Patrick. That is right Mr. President, the hardened criminals who are the worst of the worst, who require special supervision, have a constitutional right to fresh air, to go outdoors. This does not represent law and order. This is the coddling of vicious criminals.

Here is how the Clinton administration describes general conditions at Supermax:

Inmates at Supermax are subjected to extreme social isolation. Inmates are confined to single person cells 24 hours a day, except for a brief period (less than an hour) every 2 to 3 days when they are permitted, one at a time, out of their cells to shower and walk around a dayroom area. Inmates are not permitted outdoors due to staff shortages. Inmates eat all of their meals in their cells. Food trays are passed through a narrow food port in a cell door, solid except for a vision window. Inmates are not allowed to participate in any prison job opportunities or any other prison recreational or educational programs. No recreational equipment is provided. Inmates in adjoining cells can hear but not see each other. The sole opportunity for socialization occurs during the out-of-cell time, when the inmate released from his cell may socialize with other inmates on his block, who are locked behind their cell doors.

They go on to say:

Supermax' failure to provide sufficient out-of-cell time on a daily basis as well as its failure to provide any opportunity to go outdoors is unconstitutional, especially given the highly restrictive regimen of daily life at Maryland Supermax.

Is it any wonder Supermax inmates are isolated? These prisoners have been removed from traditional maximum security prisons as a result of their own conduct.

But the Clinton administration's heart just bleeds for these hardened, convicted criminals. Pity the inmates at Supermax. Joe the murderer does not have enough time to socialize, schmooz, and compare notes with Harry the murderer and rapists Ben and John. Does your heart not just bleed for these criminals, Mr. President? These model citizens do not get to jump on an exercise bike. So let us sue Maryland. Let us establish a constitutional right for convicted murderers and rapists to socialize with one another. Again, I stress, these are not merely maximum security prisoners. These prisoners at Supermax are the worst people in the Maryland prison system.

It is true that some courts, including the fourth circuit decision the Clinton administration relies upon, have ruled that "generally a prisoner must be provided some opportunity to exercise" under the eighth amendment, but that is in general. *Mitchell v. Rice*, 954 F.2d 187, 192]. Even the total deprivation of