

plus the other district judges that remain on the executive calendar this week.

The distinguished Senator from Oklahoma made a good point that there have been holds in the past on individual judges. I will not deny that. But I think it is important that we emphasize that, in 1992, under similar circumstances, the majority at that time, the Democratic majority, confirmed 66 district and circuit judges. On July 1 of this year, not one, zero judges had been confirmed. Now we have confirmed, I believe, 16. So we are making progress. But we can't be expected to allow the balance that we had agreed to to be disrupted. If we can continue to find ways to cooperate and work together, all of the pieces of legislation that the distinguished majority leader mentioned, I think, are possible. Realistically, I don't think we are going to be able to do the VA-HUD bill this week, but I do believe that all of the conference reports and things that the majority leader mentioned are things we ought to be able to work together to achieve before we recess. But we have to get those judges done, as we earlier agreed to do. If we can do the judges, we can do the legislation. That balance is something that I think we have made very clear from the beginning. I hope we can work together to make that happen.

I yield the floor.

#### JUDICIAL NOMINATIONS

Mr. LEVIN. Mr. President, I wonder if the majority leader would help us out a bit with this question. It was my understanding that, early in July, the majority leader had indicated an intention to work through all of the judges on the calendar, and that if there was an objection, the objection would be required to be stated, and then the majority leader would attempt to move to the confirmation of each of the judges on this calendar. I am particularly interested in a court of appeals judge, Eric Clay, from Michigan, who has the support of both Senators from Michigan. I know the majority leader has spoken to my colleague, Senator ABRAHAM, and me about Mr. Clay.

My question is this: Is it still the hope of the majority leader to call each of the names of the judges that are on the calendar and see if there is an objection, and if there is, to move to the confirmation of each of the circuit court judges, as well as district court judges, on this calendar? Is that still the intention of the majority leader before we recess?

Mr. LOTT. It is my intent to continue to try to work through these matters. I never indicated, in any way, that I could guarantee that we would get them all done. There are objections to some of them, and multiple objections to some of them. But I will continue to work on them one at a time, because you can't work six or seven at a time. It has worked pretty well. And

I am working on that one. I have talked to the other Senator from Michigan, Senator ABRAHAM, about this judge. We are looking into what might be the problems and what might be done. Let me say this. Circuit judges are viewed very differently than district judges for a lot of reasons, and we can discuss that some other night. But that is not to say that we will not continue to work on it.

Mrs. BOXER. Will the Senator from Michigan yield to me for a question?

Mr. LEVIN. Yes. I yield the floor.

Mrs. BOXER. I really want to thank the majority leader for doing all this. I want to make the point to the Senator from Texas, and others who have problems with this, that you are talking about real people when you stand here late at night and object. Sometimes we forget that. I think Senator WELLSTONE was very real last night when he came back and he was on the phone ready to tell this particular nominee that all was well.

I happen to know two judges on that list from California. Their lives are on hold. They are human beings, just as we are. Many have been waiting for months and months. I say to the majority leader, please, do all you can, because pretty soon we are going to come down here with photographs of the families that are in limbo. They don't know. Some of them are closing other practices up. It is a hardship on the families. These are wonderful people. These are people who came out of those committees, many of them without one objection. These are people who have support of both Senators, in many cases, Republican and Democrat alike. So we really changed course here when many of us understood it was going to go a certain way. It is very hard, I think, on the people whose lives are affected, their children and their spouses.

So I hope we can work together for the good of, frankly, these people and their families and the criminal justice system. I don't think it does any good to have these judgeships vacant. Justice needs to be done, and it is hard to serve it when you don't have the judgeships filled.

I yield the floor.

Mr. LOTT. Mr. President, I am going to have to respond to some of that. There are real people, also, whose lives would be affected by these appointments. These are not administration appointees who will serve at the pleasure of the President for a year or 4 years. These are lifetime appointments to the Federal judiciary, and it is very important who these people are—

Mrs. BOXER. Yes, it is.

Mr. LOTT. And how they are going to rule. We should look not only at their education, background, and qualifications, but also—particularly when it comes to circuit judges—what is their philosophy with regard to the judiciary and how they may be ruling. We have a legitimate responsibility to ask those questions. I have to tell you, we have all been through this. I have had a cou-

ple of judges that I have been interested in, one from the Fifth Circuit Court of Appeals. He is a great guy, a great lawyer, Harvard educated, with all the credentials. He did not make it in 1992. That is the way it goes. Some people did not like him because he was a very conservative lawyer. I think the philosophy does make a difference when it comes to the circuit.

I want to emphasize here that, when we start painting this mosaic about this person and the family going to be affected, we have a right to think about all the families whose lives will be affected by some of the ridiculous decisions we see in the Federal judiciary, and the activism where they start writing laws, which is our job. I never intended to infer, in any way, or imply that I could guarantee that all these would be done or that I would even vote for all of them. All I said was that I would work through this list and I would try, because I didn't know any of them, not a single one of them, when I started out.

I started down the list, at the direction of my predecessor, I got to know some of them and worked through them. I tried to move four en bloc one night, and because we did not have all of them on the list, it was objected to by a Senator. I thought we had worked it out. Later, I tried to move the same four judges again that nobody objected to, except when I brought it to the floor, a Democratic Senator objected because his judge was not on the list. And then the majority leader left, and I said, well, maybe I can work through more of them. I got it up to nine judges. One night, I came to the floor and we had 10 that had cleared on the hotline. I even talked to a couple Senators as they hit the ground at the airport trying to get them done. At the last minute, one of those dropped by the wayside. I tried nine judges, and I had an objection from a Democrat when I was trying to clear nine judges. I think at least five or six of those were supported by Democrats. So I said, OK, that hasn't worked. In an abundance of good faith, I said I will do them one-by-one.

I brought up one. It was objected to. But then I started working it with the minority leader. He started working it with his people. And then we started to move with the ones that were really not controversial. We got four or five done. Then we got five more done. And I think it is 15 or 16—16 that we are working through the process.

I really must say that the minority leader was fair in his remarks of how we talked about it. We work together on it. We will just keep moving through the process.

But again these are not insignificant. These are big-time, lifetime, high-paid jobs that are going to affect our lives, and, if we do not know who they are, if we do not ask questions, then we will be shirking our responsibilities.

But we will continue working on these judges. Just like the Senator

from Michigan said, we will talk more about that.

Mrs. BOXER. Will the leader yield?

Mr. LOTT. Certainly; I am happy to yield.

Mrs. BOXER. I thank the leader for yielding. I appreciate what he is saying. He is so right about that. I have to say having had the real, great privilege to get a number of judges through this U.S. Senate—

Mr. LOTT. There was one from California that we moved.

Mrs. BOXER. Absolutely. I want to say that the committee is doing its job. They were very clear with all of us—the Republican Senators—saying we want to make sure when you bring people up that they have Republican support as well as Democratic support in their committees. And it has been, frankly, a joy for me to work to bring these types of people who have that type of bipartisan support.

But I guess the one point that I just want to make—and I will not belabor this any longer—is that I heard the Senator from Minnesota say that he would be delighted to debate this. He is ready.

Mr. LOTT. Let me say in this case that I have already told him. If I could reclaim my time for a moment, it is relevant. If we can't get it worked out, I intend to move it, and we'll have a debate.

But here is one of my problems. We have a few hours left here. We have a lot of work that we need to get done that you want, and that we want. So I plead with everybody. Let us keep our heads cool. Let us keep talking.

Also, I again say that I think it would be a major mistake—a major mistake—for Senators to hold up health insurance reform, safe drinking water, small business tax relief, and minimum wage, if we can't work through all of these things tomorrow. I plead with you not to do that. I urge you not to do it.

Let us get these conferences that we have worked together on in a bipartisan way. I understand there is some objection maybe to the illegal immigration bill. I do not know the details of the negotiations there. But this is something the American people feel outraged about. We can't control illegal immigration in this country. But if there is some problem with the way it was handled we will take that into consideration.

There are three of these conference reports which everybody has pretty much signed on to. They have problems with them.

Mr. NICKLES. Will the Senator yield?

Mr. LOTT. Yes.

Mr. NICKLES. I just want to say that I appreciate the comments, and this has been informative.

In the last couple of months, if my figures are correct, there have been 23 judges on the Executive Calendar ready for confirmation by the Senate. We have confirmed 16. We have 7 still left on the calendar.

So I tell my colleagues on the other side who might be frustrated that is a pretty good batting average. That is 16 out of 23 in this period of time. I admit that hardly—I think maybe one judge was confirmed prior to that time.

Also, just while we are looking at this, I mention Frank Keating who was not confirmed in 1992. And my colleague, Senator DASCHLE, mentioned that we confirmed 66 judges in 1992, which is a lot. That is correct. But we also had 58 nominations pending at the end of 1992. Right now the total nominations of judges on the calendar—and that have been nominated—the total is 28.

So, if you look at the total percentage of those we have on the percentage—

Mr. LOTT. That is, those on the calendar and those still pending in the Judiciary.

Mr. NICKLES. Still pending before the Judiciary Committee.

So the only thing you have had on your plate is that there has been 23 judges on the Executive Calendar. The Senate has now confirmed 16. There are 7 remaining.

So I would say that in the past month the majority leader has been very cooperative in the fact that he has moved 16 out of 23. That is 70 percent of the judges.

So I think he has been very cooperative in working with all Senators.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the President.

I just ask the majority leader to extend the courtesy, if he can. I want to add my compliments to those that he has already received for such a good job, and I think too in a most serious way. He has tried to—

Mr. LOTT. One of those was from New Jersey, if the Senator will yield.

Mr. LAUTENBERG. Absolutely.

Mr. LOTT. We ran into a little problem, and we worked it out.

Mr. LAUTENBERG. To use an expression, "I don't have a judge in this fight." So I want you to know that.

[Laughter].

I enjoy not only working with him but my kind, friendly tete-a-tete with the majority leader.

I ask the majority leader whether or not in reality these judges did not move tonight because they had something to do with something else? Is there some legislative redress that is being sought here, a judge is being held hostage, and people seeking justice are being held hostage because we are not processing their cases in an expeditious fashion? I ask the majority leader because it was suggested to me that perhaps there was something that I might do to help it along here.

I just would like to know whether or not there is some particular piece of legislation that may have offended someone that has them out here say-

ing, "No. I am going to object to judges. I am going to object to anything that goes on in this place, and I do not care what the consequences are. I object to the legislation." Could I possibly be correct in my assumption, Mr. Leader?

Mr. LOTT. I do not think it has ever happened in the Senate before; that one matter would be impacted by an unrelated matter in another area. Why, of course, everything in the Senate is tangled up and related to something else. I do not guess there is any relationship between the judge not moving tonight and the objections to taking up the HUD and Veterans appropriations bill. Why, of course, they are related.

But I have found the way you do that, you get all tangled up, and you work with them, and quite often they manage to work themselves out and we get the job done. But they are related.

Look. You know that Senators on both sides of the aisle feel strongly not only about the judges but about the legislation. People are worried when you have a bill that involves a stalking of women and children that you really care about, and you think that there is a mistake there, and it is a bill that is universally supported. When that bill gets tangled up in the course of events, a Senator gets excited about that, and upset about that. When a Senator feels like his or her rights are trampled upon, they move and they take advantage of whatever rights they have.

My attitude with the Senator from Minnesota tonight was, "Look. I understand. You are doing what you have to do." And we will see what we can do with his problem that has been affected by another problem. We will work them all.

Yes. They are all related. There is nothing new in that.

Mr. LAUTENBERG. The majority leader—like my name—is frank, and I appreciate that candor. Because, if we are talking about the stalking bill here that passed the Senate that is over in the House, it carries an amendment by me that says wife beaters, child beaters, spouse abusers should not have a gun. Apparently there is an objection. "We are concerned about that. We want to give those guys guns. What did they do? Beat up their wives? That is not a crime." One judge said, "I hate to give a noncriminal a criminal sentence." One judge was so tough that he gave a man who murdered his wife in Baltimore County 18 months with time to be served on weekends. He murdered his wife. The judge said, "I do not like to really punish someone like the criminals. They are not really a criminal. All they did"—he did not say this. I am saying it. "All he did was murder his wife."

So I am asking for my amendment and that bill to be carried along, and now suddenly I hear that has something to do with the approval of judges, which now has us tangled up in appropriations bills. I think it is pitiful that someone would object as we saw here

last night; the Senator objected to an order that the minority leader requested and refused to answer a question—refused, turned around and walked out. This place is deteriorating into a sorry condition. But I know the majority leader is working on it.

I think it is very important that people across the country hear that eight judges are not being appointed because of a piece of legislation that would prevent wife beaters and child abusers from getting guns. I think that is pretty important. I hope the public hears it and listens to it, and I hope the press hears it and listens to it.

I say to the majority leader, my apologies for this little tirade, but I had to kind of get it off my chest.

I thank the Senator.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

#### MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

#### THE RUSSIAN ELECTIONS

Mr. LEAHY. Mr. President, on June 16, something happened that has tremendous implications for the American people and for people everywhere. On that day, Russia, which just a few years ago was the greatest threat to democracy in the world, held a democratic election to select its President.

That alone, Mr. President, is reason to celebrate. Despite calls from people across the Russian political spectrum who still do not understand what democracy is about to cancel the election, the Russian Government stuck by its commitment to democracy—

No decisions were taken by secretive Politburos.

Parties representing the full spectrum of political sentiment participated.

Candidates crisscrossed that vast country making promises to win the votes of ordinary people.

And in the end, most stunning of all, there was a graceful concession speech by the losing candidate, the leader of the Communist party that only a little while ago we regarded as the personification of tyranny, committing the party to challenge irregularities in the election "in the courts, not in the streets."

Mr. President, this was not a perfect election. There were irregularities. There may well have been instances of ballot box stuffing. I was quite concerned about the extent to which media coverage of the election appeared to favor one candidate. But it also occurred to me that, if I were a newspaperman covering an election in which one major party had a record of

advancing democracy and the freedoms associated with it and the other had a 70-year history of suppressing the freedom of newspapers like mine, I might have tended to advocacy rather than neutrality too. That is not an excuse, but despite the irregularities, there is general agreement that the will of the Russian people was heard in this election.

The Russian people voted for democracy, and the tremendous significance of that should not be lost on anyone. Despite all of the hardship they are experiencing. Despite the crime and corruption. Despite their loss of empire. Despite the fact that the standard-bearer of the forces of democracy has made many mistakes, the brutal war in Chechnya being the most egregious, and is in poor health.

The Russian people voted for freedom. Freedom to speak their minds. Freedom to associate. As ultra-nationalist Vladimir Zhirinovskiy, who is not someone I admire, put it in explaining why he would not support the communists: freedom to decide where to spend his vacation. For some, it came down to things as simple as that, things which we take for granted.

Mr. President, the world has changed profoundly in the last decade. Communism as a world force is gone. Whatever the future may bring in terms of the distribution of power in the world, the age of ideological confrontation between communism and democracy is over. While there remain many aggressive forces in the world, I cannot help but feel that the world will be a safer place when its two greatest powers are both committed to democracy and the protection of individual rights.

And I think we owe credit to President Clinton, Secretary of State Christopher, and Deputy Secretary Talbott. Over the past three years, they have braved the attacks by those, including some in this chamber, who cannot bring themselves to give up their cold war notions about evil empires and would have us focus only on the vestiges of the old and ugly in Russia and ignore all that is new and promising.

Where do we go from here? As the ranking member of the Foreign Operations Subcommittee, I have watched as funding for foreign assistance has been slashed over the past 18 months, including assistance to Russia. Assistance to Russia is being phased out over the next 2 years, even though it is obvious that it is going to take the Russian people at least another decade to be able to take control of their own lives instead of expecting the government to do it for them, and that our assistance would be valuable to them.

President Yeltsin has won the support of his people to continue reform. But the Russian economy remains a shambles. The Russian Government has no money to finance its reforms. Crime is rampant. There are still pensioners on the streets of Moscow hawking pairs of children's rubber boots in order to survive.

Aid from the United States cannot possibly solve these problems directly. The problems are so immense that only the Russian people working together will be able to.

But what our aid can do is show them the way. Most Russians still have only a faint notion of what a market economy offers. Most also still carry the perceptions drilled into them by their Soviet masters that Americans are their enemies.

I have not been fully satisfied with the results of our aid program in Russia. There has been confusion, a lack of strategic thinking, and boilerplate approaches that did not fit the unique conditions there. Too much of the money has ended up in the pockets of American contractors, without enough to show for it.

But some programs have given the Russian people hope for a better future. People-to-people exchanges are an example of how we can help change old ways of thinking. I believe the thousands of exchanges of ordinary citizens that we have sponsored over the last 4 years played a role in President Yeltsin's victory. Farmer-to-farmer programs. Business exchange programs. Academic exchange programs. Civic organization development projects. They have shown the Russian people what is possible.

Americans have learned from these exchanges too. We have learned that the Russian people are not ogres. Like us, they are mostly worried about the welfare of their families. But they are learning for the first time that it is possible to have a system of government whose primary aim is the defense of individual rights, and which actually serves them.

Mr. President, there remains much to criticize in Russia. The democracy that exists there is fragile, and the future unpredictable. There will continue to be setbacks, and instances when Russia behaves in ways that are inconsistent with international norms. I have been horrified by the brutality of the Russian military in Chechnya. While it has been reassuring to see the outpouring of protest against this barbarity by the Russian people themselves, President Yeltsin and his security advisors need to recognize that Chechnya's future is not going to be decided by bombing its people into submission.

Having said that, let us today recognize how much has changed for the better in Russia compared to just a few years ago. And I hope we will also reaffirm our commitment to support reform in Russia. We know how to put our aid dollars to good use there, and there is much good yet to be done.

#### TRIBUTE TO THE LATE HARRY M. "MAC" JOHNSTON

Mr. THURMOND. Mr. President, the emergence of South Carolina as a center for business and industry is due to many factors including a temperate climate, a trained and enthusiastic