

Coats	Hagel	Robb
Cochran	Hatch	Roberts
Collins	Helms	Roth
Coverdell	Hutchinson	Santorum
Craig	Hutchison	Sessions
D'Amato	Inhofe	Shelby
DeWine	Jeffords	Smith, Bob
Domenici	Kempthorne	Smith, Gordon
Enzi	Kerrey	H.
Faircloth	Kyl	Snowe
Frist	Lott	Stevens
Gorton	Lugar	Thomas
Gramm	Mack	Thompson
Grams	McConnell	Thurmond
Grassley	Murkowski	Warner
Gregg	Nickles	

#### NAYS—44

Akaka	Feingold	Lieberman
Baucus	Feinstein	McCain
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Breaux	Harkin	Murray
Bryan	Hollings	Reed
Bumpers	Johnson	Reid
Byrd	Kennedy	Rockefeller
Cleland	Kerry	Sarbanes
Conrad	Kohl	Specter
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	

#### NOT VOTING—1

Inouye

The motion to lay on the table the amendment (No. 8) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. CRAIG. Mr. President, I move to lay it on the table.

The motion to lay on the table was agreed to.

#### MORNING BUSINESS

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

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

#### SCHINDLER'S LIST

Mr. D'AMATO. Mr. President, I hold in my hand a press statement sent to my office and I believe to all of the Senate and House offices from a Congressman from Oklahoma, Congressman TOM COBURN, regarding the showing of "Schindler's List," this past Sunday. I have to tell you, we had to call the office to assert whether or not this was a joke. We thought it was a prank. The Congressman in his press release goes on to raise concerns on behalf of the family caucus, and says that the airing and demonstration of the television program that depicted sex and violence was inappropriate. He complains about the nudity of the program.

I cannot believe, and I am shocked and appalled, that any Member of Congress would put out a statement of this kind that shows those who were imprisoned and being sent to their death—it seems to me that anyone who would make a statement condemning "Schindler's List" is totally out of touch with the importance of this historic film, depicting the monstrous deeds that took place and the heroism that was also displayed.

To equate the nudity of the Holocaust victims in a concentration camp with any sexual connotation is outrageous and offensive. I am shocked and appalled that any Member of Congress would make these kinds of statements. I am particularly embarrassed that they were made by a Member of my own party.

I understand that the Congressman is planning to make a clarification of his statement. While I await them, I think that everyone should seek that clarification. Certainly, this should not be a view expressed by anyone in public office who is right-thinking.

Again, I thought this press release was a prank at first, and it was only when I called that we verified it was not the case. The Congressman should respond quickly and clarify exactly what he meant by this statement.

I yield the floor.

#### UNANIMOUS-CONSENT AGREE- MENT—SENATE JOINT RESOLU- TION 1, AMENDMENT NO. 7

Mr. GRAHAM. Mr. President, I recognize we are now in morning business, but I ask unanimous consent that it be in order to offer an amendment at this time, which I previously filed, listed as amendment No. 7 to Senate Joint Resolution 1.

It is my intention that the amendment be taken up and then laid aside for consideration later in the debate on Senate Joint Resolution 1.

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

Mr. GRAHAM. Mr. President, I also ask unanimous consent that Senator ROBB of Virginia be added as a cosponsor of amendment No. 7.

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

When the Senate resumes the business of Senate Joint Resolution 1, amendment No. 7 will be one of several amendments pending to the resolution.

Mrs. MURRAY. Mr. President, I thank the Chair.

(The remarks of Mrs. MURRAY pertaining to the introduction of S. 351 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### MANAGEMENT FAILINGS IN THE FBI

Mr. GRASSLEY. Mr. President, reports of alleged mismanagement within the Federal Bureau of Investigation have been in the news, recently. Most of the reports reflect issues in the FBI's vaunted crime lab. These allegations of mismanagement come on the heels of FBI management disasters with Waco, Ruby Ridge, Filegate, and Atlanta, as well as others.

The average citizen is wondering if this premiere law enforcement agency is out of control. The deputy director of the FBI, Weldon Kennedy, understands the significance. Two weeks ago, he said the following:

The single thing most responsible for the success of the FBI is that "people are confident that if they come to the FBI, the mat-

ter will be handled professionally and well. If that trust ever breaks down, not only is the FBI in trouble, but the American people are in trouble.

Mr. President, that is the issue. Weldon Kennedy hit the nail squarely on the head.

The issue is trust and confidence in the Nation's No. 1 law enforcement agency. And in the context of other, recent management fiascos at the FBI, skepticism is validly the order of the day.

Indeed, allegations of problems in the FBI lab are troubling. I have been working, parallel to the Justice Department's inspector general, to find out if the allegations are true or not. The IG's report is due for public release on or about March 14.

So far, the FBI has responded to the allegations in a less than credible way. First, they shot the messenger—Dr. Frederic Whitehurst, the lab scientist who first raised the allegations.

Next, the FBI used the typical "everything's okay" strategy to make the public think there was no problem. But that was contradicted by the facts. Weldon Kennedy said the problems in the lab wouldn't compromise any past, present, or future case.

That statement raised a lot of eyebrows. The deputy attorney general, Jamie Gorelick, refused to confirm Mr. Kennedy's wild optimism. Her refusal to do so totally undercut Mr. Kennedy's statement. Mr. Kennedy's credibility came into question. Even Mr. Kennedy had to back off his own statement. On February 6, he admitted, "Maybe I was overstating the case."

But then, in a letter to me dated February 21, Mr. Kennedy went right back to defending his wildly optimistic statement—that no past, present or future case is in danger. In my view, Mr. Kennedy is playing fast and loose with reality, with a purpose to mislead the public, and mislead Congress. The simple fact is, it is much too premature for Mr. Kennedy to be making groundless predictions. For him to do so anyway shows a strategy to mislead.

Third, I have learned that it is not just Dr. Whitehurst who has alleged wrongdoing in the FBI crime lab. Others have as well. So in the near future, I will resume speaking to my colleagues about this issue, Mr. President. At that time, I intend to discuss a very specific case with specific allegations of alleged wrongdoing. Today, however, I intend for my remarks to remain general.

Finally, I fear the FBI has covered up the lab's shortcomings. The FBI has been aware of many of these specific problems for more than 10 years. Yet, there have been few, if any, fixes to the problems. I suspect the reason is that the obvious solution is for the lab to be accredited; but the lab is so poorly configured and maintained that it can't be accredited. So instead, the FBI calculated that it's better to "cover it up"

until the new lab is constructed down at Quantico in the year 2000.

If true, Mr. President, this decision by the FBI would be appalling. I am not prepared at this time to conclude that this is the FBI's intent. But if it is, not only is the FBI in trouble, so are the American people, as Mr. Kennedy so aptly put it. Because if this is true, it is not just a problem with the FBI crime lab; it's a problem with the FBI's overall leadership.

As I mentioned, the IG report will be released to the public no sooner than March 14. Meanwhile, the FBI is out there spinning. In Mr. Kennedy's February 21 letter, he says the IG report, once we all read it, will ultimately reveal no problems. Here's what he says:

[T]he Department of Justice Office of the Inspector General found no instances of perjury, evidence tampering, evidence fabrication, or failure to report exculpatory information.

That's true, but irrelevant. Mr. President, never in my 16 years of sitting on the Judiciary Committee have I found a more misleading statement by an official of the FBI. It has a designed purpose of making the public think everything is under control at the FBI crime lab.

Well, everything is not under control. The fact of the matter is—and the FBI is well aware of this, which is why Mr. Kennedy made this statement—the IG did not investigate to determine if there were any crimes committed by FBI agents—like, perjury, evidence tampering, evidence fabrication, or failure to report exculpatory information. The IG's charter was to determine management problems and administrative problems—not crimes.

The criminal investigation comes next. Because the IG also has the right the refer issues for possible criminal referral. And I predict, Mr. President, that the FBI will have to back off of that statement as well, when all of this is over.

Mr. President, what we're seeing in the FBI lab issue is systemic. It reflects a culture that says the FBI is more interested in a conviction than they are in the truth. They don't reveal all the facts. Only enough to make their case. This is what I intend to show in a future statement before this body. The issue will be the FBI shaving evidence to get a prosecution.

That's not cricket. It's not American. And it can't be tolerated. I grew up the son of a farmer. My father taught me to be proud of the FBI. Its image was that it could do no wrong. A whole generation of people like me grew up believing the FBI could do no wrong. Now, that confidence, that trust, has been shaken.

Finally, Mr. President, let me send a shot across the bow. There are rumors I'm hearing that the FBI intends to fire Dr. Whitehurst right after the IG report is released. My message today to the Bureau is, "you fire Dr. Whitehurst, and you will cause a protracted battle with the Congress over the integrity of the FBI's leadership."

In the end, it will be shown that the standards of the FBI crime lab have been far short of their vaunted reputation. It will be shown that the FBI was well aware of these problems, but chose to do little, if anything, to fix them. It will also be shown that the problems, would not have been addressed by the IG were it not for the courage of Dr. Whitehurst.

This is a wake-up call to the FBI. The public will not tolerate an arrogant response by the FBI in this matter. Too much is at stake; namely, the integrity of the criminal justice system in America. I intend to keep this issue before the American people. I will make sure they understand they have a choice between an FBI with integrity, and an FBI that plays fast and loose with the truth.

Mr. President, I ask unanimous consent that Weldon Kennedy's February 21 letter be printed in the RECORD.

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

DEPARTMENT OF JUSTICE,  
FEDERAL BUREAU OF INVESTIGATION,  
Washington, DC, February 21, 1997.

Hon. CHARLES E. GRASSLEY,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR GRASSLEY: The Attorney General shared a copy of your February 13th letter with me. While the Department of Justice will respond directly to you, because you suggested that I misled you and the public I am compelled to respond to the inferences which you have raised about my personal integrity.

First, let me state that I share your belief that any public servant who misleads the public or Congress should be held accountable regardless of his rank or position. As not only a career civil servant but a sworn law enforcement officer with more than thirty-five years of service to this Nation, I hold dear not only my personal reputation for integrity but also my duty to uphold and defend the constitution. As one who has been charged with the responsibility to investigate the alleged criminal acts of my fellow citizens, I assure you that I am extremely sensitive to my own responsibility, as well as that of other governmental officials such as you to avoid rash judgments and to devote every effort to insure the accuracy of my conclusions.

I remain convinced everything said during our briefing of you is accurate. I further do not believe what Ms. Gorelick said is inconsistent with our position, a position fully supported by the facts.

If you recall from our briefing, Mr. Maddock explained in great detail about how every allegation with even the slightest potential for *Brady* implications was referred to the appropriate prosecutor to determine if the information should be supplied to the defense counsel. This process has been ongoing for more than a year and was undertaken out of an abundance of caution to ensure there is no doubt we have more than met any legal obligation to disclose even potentially exculpatory information to criminal defendants. The fact that information is provided to defendants ensures their right to a fair trial, but is does not mean that a defendant is not guilty or that a successful prosecution will not or should not be brought. That is the process to which Ms. Gorelick referred and which the FBI fully supported.

What I said during our briefing and to the public was that no prosecutions have been

compromised. That remains as accurate today as when I said it. No past or current prosecutions have been compromised and we know of no information that indicates a future case will be compromised. There is no basis to conclude otherwise in spite of journalistic sensationalism which has misled you and the public to believe the contrary.

Through a series of malicious leaks and gross speculation by the press and other uninformed persons, doubt has been cast on the whole of the FBI Laboratory. As I reported to you, after 16 months of intensive investigation, the Department of Justice Office of the Inspector General found no instances of perjury, evidence tampering, evidence fabrication, or failure to report exculpatory evidence. Neither did the inquiry find any support for spurious allegations charging systemic evidence contamination or improper evidence handling.

I believe when you are afforded the opportunity to review the report including our lengthy response, the basis on which I made the statement will be apparent. I also hope this helps you understand why the comments by Ms. Gorelick are not "at odds" with what I said either to you or to the public.

Sincerely yours,

WELDON L. KENNEDY,  
Deputy Director.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, February 24, the Federal debt stood at \$5,340,989,383,890.18.

Five years ago, February 24, 1992, the Federal debt stood at \$3,824,562,000,000.

Ten years ago, February 24, 1987, the Federal debt stood at \$2,241,493,000,000.

Fifteen years ago, February 24, 1982, the Federal debt stood at \$1,046,755,000,000.

Twenty-five years ago, February 24, 1972, the Federal debt stood \$426,341,000,000 which reflects a debt increase of nearly \$5 trillion—\$4,914,648,000,000—during the past 25 years.

#### TRIBUTE TO ROY D. NEDROW

Mr. THURMOND. Mr. President, one of the most unsung professions in the United States is law enforcement. It is a dangerous and demanding career field that offers few tangible rewards, yet it is an occupation that attracts men and women of tremendous dedication and determination, individuals who are committed to making a difference in their lives and jobs. Today, I rise to pay tribute to one such person, Roy D. Nedrow, the Director of the Naval Criminal Investigative Service, who is about to end a distinguished career in local and Federal law enforcement after more than 30 years.

Director Nedrow began his service in law enforcement as a street cop in Berkeley, CA, during the turbulent 1960's. As many know, that city is the home to a beautiful University of California campus, but at that time in Berkeley's history, the plazas, walkways, and streets of, and surrounding, Cal became a kind of urban battleground. No doubt, it was in this contentious and frequently violent environment that Officer Nedrow learned