

Phillips Exeter Academy, Harvard University, and the Columbia Graduate School of Journalism. A World War II veteran, he arrived in Watertown in July 1947 and was one of three Columbia graduates hired that summer by Harold B. Johnson, the editor and publisher of the Watertown Times.

Alan's first beats included the Boy Scouts and the local railroad station, but he was soon assigned to cover the city of Massena where he got his day-to-day newspaper training.

It was also during this time that Alan began covering politics and his impressive work led to his editor assigning him to the St. Lawrence County political beat.

In October 1948 he was appointed State editor and the following year he was named Albany correspondent. During his time in Albany he met his wife of 47 years, Nancy, and they have two sons, Marc and John, and a daughter, Katharine.

In 1951, Alan was asked to go to Washington. For 46 years and the administrations of 10 Presidents, Alan has kept his readers informed about what's going on down here and how it affects them.

Alan has always been an example of the best in professional journalism and he has proudly served as president and director of the Society of Professional Journalists and as president of the Gridiron Club.

Mr. President, I want to extend congratulations to Alan Emory on 50 years of providing journalistic excellence to the readers of the Watertown Times.

Mr. President, I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that David Schindel of my staff, a fellow in my office, be allowed the privilege of the floor for the duration of the day.

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

Mr. BINGAMAN. I thank the Chair.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 839 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BINGAMAN. I yield the floor.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado.

Mr. ALLARD. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are in morning business with Senators permitted to speak up to 10 minutes.

A COMMONSENSE APPROACH IN THE COURTROOM

Mr. ALLARD. Mr. President, I commend the work of Federal District

Court Judge Richard Matsch, the judge in the Oklahoma City bombing case tried in Denver, CO, as well as the prosecution team led by Special Assistant U.S. Attorney Joseph Hartzler.

I do not want to do anything that might prejudice the legal process and sentencing phase of this trial. However, on behalf of all of Colorado, I would like to recognize the outstanding work done thus far.

Prior to the trial, I took some time out and Judge Matsch took me through the Federal district court and explained to me the security measures that they had taken and explained to me how he wanted to proceed with the trial. I was very impressed with the forethought that had gone into making the proper setting for this very important trial in Denver, CO.

I realize that the success of something like this is not one man. I realize that a lot of very dedicated people had a role in the progress of this particular trial. But I believe that Judge Matsch has distinguished himself as a jurist and deserves our praise for overseeing the proceedings in this very high-profile case which brought justice for the victims and survivors of the worst act of terrorism ever to hit U.S. soil.

Confidence in our legal system has been renewed, thanks to the very tight ship run by Judge Matsch, who took a commonsense approach toward the courtroom. Judge Matsch appropriately protected the jurors in his courtroom from distraction and allowed the completely intact jury to reach a unanimous verdict in less than 6 weeks.

Judge Matsch did a good job because he focused on what was important and not television reaction, prime-time interviews, or book deals. Instead, Judge Matsch focused on justice—justice for the victims of the bombing, justice for their survivors, and justice to the defendant.

I hope that this commonsense approach is a model for future high-profile cases, and that Judge Matsch does an equally fine job during the sentencing portion of this trial.

I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Evan Berman, Evie Gissendanner, and Hassan Tyler of my staff be granted privilege of the floor for the duration of my comments.

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

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 840 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. GRASSLEY. Mr. President, I have a request on behalf of the leader.

I ask unanimous consent that the previously scheduled vote on the supplemental appropriations conference report now occur at 6 p.m.

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

CHIEF JUDGE KAZEN, U.S. DISTRICT COURT

Mr. GRASSLEY. Mr. President, In the past few months my Democratic colleagues have attempted to paint the picture of a national emergency regarding unfilled vacancies in the Federal courts. We hear talk of a judicial crisis, of justice suffering at the hands of overworked and over-burdened judges, and of the Senate Judiciary Committee creating this situation out of political motivation. A recent example is an article in the Washington Post which interviewed only one Texas district judge who described how he was plowed under with work ever since Congress decided to get tough on drug smuggling and illegal immigration. And because his district has three open seats, he can't keep up with the caseload. Unfortunately this one judge has been used in an attempt to reflect some kind of a national crisis. Maybe some clarifying remarks regarding the central issues of this article will shed some light on this matter.

As the chairman of the Judiciary Subcommittee on Administrative Oversight and the Courts, I sent a comprehensive questionnaire to article III judges last year. This extensive judicial survey addressed the very concerns raised by the May 15 article in the Washington Post. The judge in question was kind enough to respond to the questionnaire, as were most of his colleagues. As a matter of fact, 12 out of 17 active judges over 70 percent of the southern district of Texas furnished my subcommittee with detailed replies. Of those 12 judges, only 2 other judges complained of an unmanageable caseload and of a growing backlog. That means that 9 out of 12 judges found their caseloads to be manageable. As a matter of fact, one judge even stated that: "there is absolutely no backlog whatsoever."

Of the three judges who did complain of not being able to keep up with their workload, one had been on the bench less than 2 years, and the other two were the only two judges in the southern district involved in extensive outside work activities beyond occasional

speaking engagements. You would think that before judges complain about needing more help, they would be devoting 100 percent of their working time and energy to their caseloads. Unfortunately, it appears that is not the case here.

One must also keep in mind the organizational set-up of the district in question. The southern district has the highest number of judges in all of Texas, one of the highest in the Nation for that matter. Right now a total of over 30 active judges, senior judges, and magistrate judges are handling cases in that district. All but three of the active judges last year found their caseloads were manageable. Therefore, when one throws statistics and numbers around, we must be careful how to interpret those figures. For example, we must factor in the number of cases which are handled by staff attorneys. Prisoner petitions, for example, are rarely handled by a judge, but are routinely included in caseload statistics. As another Texas judge has told me, once prisoner petitions are factored out, the southern district's docket has actually decreased, not increased over the last 10 years. In addition, numerous judges have contacted me and praised the Prisoner Litigation Reform Act as having had a substantial and dramatic impact on the number of prisoner filings and as having caused that number to decrease enormously. I have asked the judge in question for more information on these issues.

We must also keep in mind that many senior judges are hearing cases. In the southern district of Texas there are at least three senior judges. In order to be certified, a senior judge must carry, at a minimum, a 25 percent caseload. And many senior judges maintain a full caseload. Yet, senior judges are not factored into the weighted caseload statistics when ascertaining whether new judges are needed. In other words, senior judges are not even counted, even though they make considerable contributions. Again, beware of the numbers you read in the paper.

As a matter of fact, nationally there are 48 seniors judges certified at 25 percent workload, with another 86 senior judges who are doing at a minimum at 25 percent workload. In addition, there are 206 senior judges certified at a 50 percent or more workload. Now lets add up the numbers: if you take 25 percent of the 48 senior judges, 25 percent of the additional 85 senior judges, and 50 percent of the 206 senior judges, you would have 136 full time judges, which more than makes up for the 100 or so vacancies nationwide. Now, while I would agree that there may be pockets of districts around the country that need some help, the overwhelming majority of the judges in the district named by the Washington Post, and across the Nation for that matter, are working diligently to serve justice and are doing so with a manageable caseload and without a backlog.

Mr. President, I ask unanimous consent to have the Washington Post article printed in the RECORD.

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

[From the Washington Post, May 15, 1997]

CASES PILE UP AS JUDGESHIP REMAINS VACANT

(By Sue Ann Pressley)

LAREDO, TEX.—The drug and illegal immigrant cases keep coming. No sooner does Chief U.S. District Judge George Kazen clear one case than a stack of new cases piles up. He takes work home at night, on weekends.

"It's like a tidal wave," Kazen said recently. "As soon as I finish 25 cases per month, the next 25 are on top of me and then you've got the sentence reports you did two months before. There is no stop, no break at all, year in and year out, here they come."

"We've already got more than we can say grace over down here," he said.

This is what happens to a federal judge on the southern border of the United States when Washington cracks down on illegal immigration and drug smuggling. It is a situation much aggravated by the fact that the Senate in Washington has left another federal judgeship in this district vacant for two years, one of 72 vacancies on federal district courts around the country.

As Border Patrol officers and other federal agents swarm this southernmost region of Texas along the Mexican border in ever-increasing numbers, Judge Kazen's docket has grown and grown. He has suggested, so far unsuccessfully, that a judgeship in Houston be reassigned to the Rio Grande Valley to help cope.

In Washington, where the laws and policies were adopted that has made Kazen's life so difficult, the Senate has made confirmation of federal judges a tedious process, often fraught with partisan politics. In addition to the 72 federal district court vacancies (the trial level), there are 25 circuit court vacancies (the appellate level) and two vacant international trade court judgeships across the country, leaving unfilled 99 positions, or 11 percent of the federal judiciary. Twenty-six nominations from President Clinton are pending, according to Jeanne Lopatto, spokeswoman for the Senate Judiciary Committee, which considers nominations for recommendation to the full Senate for confirmation.

Of those 99 vacancies, 24 qualify as judicial emergencies, meaning the positions have been vacant more than 18 months, according to David Sellers of the Administrative Office of the U.S. Courts. Two of the emergencies exist in Texas, including the one in Kazen's southern district.

Lopatto said the thorough investigation of each nominee is a time-consuming process. But political observers say Republicans, who run the Senate, are in no hurry to approve candidates submitted by a Democratic president. The pinch is particularly painful here in border towns. The nominee for Brownsville, in Kazen's district, has been awaiting approval since 1995. Here in Laredo, Kazen's criminal docket has increased more than 20 percent over last year.

"We have a docket," he said, "that can be tripled probably at the drop of a hat. . . . The Border Patrol people, the Customs people at the (international) bridges will tell you, they don't catch a tenth of who is going through. The more checkpoints you man, the more troops you have at the bridges, will necessarily mean more stops and more busts."

And many more arrests are expected, the result of an unprecedented focus on policing

the U.S.-Mexican border. Earlier this year, Clinton unveiled a \$367 million program for the Southwest for fiscal 1998, beginning Oct. 1, that includes hiring 500 new Border Patrol agents, 277 inspectors for the Immigration and Naturalization Service, 96 Drug Enforcement Administration agents and 70 FBI agents.

In Kazen's territory, the number of Border Patrol agents already has swollen dramatically, from 347 officers assigned to the Laredo area in fiscal 1993 to 411 officers in fiscal 1996. More tellingly, in 1993, agents in the Laredo sector arrested more than 82,000 people on cocaine, marijuana and illegal immigration charges. By 1996, arrests had soared to nearly 132,000, according to data supplied by the INS.

All of which is keeping Kazen and the other judges here hopping. "I don't know what the answer is," said U.S. District Judge John Rainey, who has been acting as "a circuit rider" as he tried to help Kazen out in Laredo from his post in Victoria, Tex. "I certainly don't see it easing up anytime soon. There still seems to be such a demand for drugs in this country, and that's what causes people to bring them in. Until society changes, we won't see any changes down here."

In a letter to Rep. Henry B. Gonzalez (D-Tex.) in February, Kazen outlined the need for a new judge in the Laredo or McAllen division, rather than in Houston, where a vacancy was recently created when then-Chief Judge Norman Black assumed senior status. "The 'border' divisions of our court—Brownsville, McAllen and Laredo—have long borne the burden of one of the heaviest criminal dockets in the country, and the processing of criminal cases involves special pressures, including those generated by the Speedy Trial Act," he wrote.

On a recent typical day, Kazen said, he sentenced six people on drug charges and listened to an immigration case. His cases tend to involve marijuana more often than cocaine, he said.

"The border is a transshipment area," he said. "The fact is, a huge amount of contraband somehow crosses the Texas-Mexican border, people walking through where the river is low, and there are hundreds and hundreds of miles of unpatrolled ranchland."

"In some cases," Kazen continued, "we're seeing a difference in the kind of defendant. We're almost never seeing the big shots—we're seeing the soldiers. Once in a while, we'll see a little bigger fish, but we're dealing with very, very smart people. We see some mom-and-pop stuff, too. There was a guy who came before me who had been in the Army umpteen years, and he needed the money, he was going bankrupt, so he did this 600-pound marijuana deal. He said he stood to pick up \$50,000, and now he's facing five to 40 years."

"We see kids 18 and 19 years old," Kazen said. "We see pregnant women. We see disabled people in wheelchairs. This is very, very tempting stuff."

In Washington, the argument over court vacancies continues. On April 30, Attorney General Janet Reno told the Judiciary Committee, "Chief judges are calling my staff to report the prospect of canceling court sittings and suspending civil calendars for lack of judges, and to ask when they can expect help. This committee must act now to send this desperately needed help."

In remarks yesterday to the Federal Judges Association meeting in Washington, Reno warned that "the number (of vacancies) is growing."

"As you are no doubt aware," Reno told the judges, "the level of contentiousness on the issue of filling judicial vacancies has unfortunately increased in recent times."

FATHER WILLIAM CUNNINGHAM

Mr. ABRAHAM. Mr. President, I rise today to pay my deepest respects to Father William Cunningham. Detroit lost one of its favorite sons on Monday, May 26, when Father Cunningham died following a 7-month battle with liver cancer.

His passing, and the loss we now face, brings us great sorrow. True heroes, after all, are never easily replaced. However, it also provides us a moment's pause to reflect upon and celebrate the extraordinary deeds of a man too humble to accept any congratulations while still in our midst.

Rarely do individuals, by the sheer force of the power of their vision, manage to alter the destiny of an entire city. Father Cunningham, without question, was one of these individuals. His commitment to Detroit, and to eradicating the problems that plagued it, was unwavering. Where others decried the insurmountable obstacles, Father Cunningham optimistically advocated solutions.

William Thomas Cunningham grew up in Detroit's Boston-Edison neighborhood. He attended Sacred Heart and St. John's Provincial Seminaries and was ordained into the priesthood in 1955.

Father Cunningham was teaching English at Sacred Heart Seminary when widespread rioting broke out in Detroit in the summer of 1967. Just a few short blocks from his classroom Detroit was being torn apart, both literally and figuratively.

In the aftermath of this deadly summer, Father Cunningham and Eleanor Josaitis, a Taylor, MI, housewife and mother, joined forces. Angered by what they felt was an inadequate response on the part of the religious, academic, industrial, and government establishments, Cunningham and Josaitis formed a civil rights organization, Focus:HOPE, to work to ensure the summer of 1968 was a peaceful one.

In an effort to promote racial harmony, Cunningham and Josaitis began gathering and distributing food and clothing to riot victims. In the process of doing so, Cunningham learned of Agriculture Department warehouses stocked with food supplies. With the missionary's zeal and powers of persuasion that made him such an effective public servant, Cunningham convinced the USDA to donate these large stockpiles for assistance to the inner city poor.

Today, Focus:HOPE feeds 51,000 people a month. However, Focus:HOPE has evolved and grown into so much more than just an organization that feeds the hungry.

Father Cunningham was driven by the belief that the only thing separating the poor and unemployed in downtown Detroit from their better off counterparts in the surrounding suburbs was a lack of job training and education. So Focus:HOPE set out to make people more employable.

Two decades later, on a forty acre industrial and educational complex on

Oakman Boulevard in Detroit, Focus:HOPE runs myriad highly successful enterprises. The Center for Advanced Technologies trains 85 people to graduate with bachelor's degrees accredited by Wayne State University. The Machinist Training Institute offers year-round classes and boasts of a 100-percent graduation and placement rate. Yet another program is Fast-Track, a training course to teach prospective job applicants the necessary math and communications skills to be competitive. Focus:HOPE also runs two for-profit auto parts manufacturing firms, High-Quality and Tec Express, not to mention a child care center, a communications center and a food distribution center.

Consider the following statistics as a measure of the success of Father Cunningham's work. At the time of its conception in 1968, Focus:HOPE had a budget of about \$12,000. In 1996, that budget had grown to \$76 million. Focus:HOPE currently employs over 800 people and has 45,000 volunteers.

Last October, Father Cunningham was diagnosed with cancer. He certainly wouldn't have been faulted had he chose to rest and enjoy his final days. Yet, as he had done his entire life, Father Cunningham chose to fight on. At the same time he battled his cancer, he continued to press forward with his latest project. In the days ahead, Focus:HOPE will open Tech Villas, an apartment complex of over 100 units, will be constructed within an empty former Michigan Yellow Pages building.

Father Cunningham was a man who had received the praise of presidents, heads of industry, and an entire city grateful for his vision. In the end, however, Father Cunningham still thought of himself as a simple parish priest, no more important than those he served.

It may be years before Detroit sees the likes of another leader as dynamic and committed as was Father Cunningham. No amount of tribute can ever begin to sufficiently repay our debt to Father Cunningham and Eleanor Josaitis, who will carry on their work.

Mr. President, on behalf of all my colleagues in the Senate and all those who live in my State of Michigan, I bid a fond farewell to Father William Cunningham. While he may no longer be with us, his legacy lives on in the institution he built, in the city he helped save, and in the countless lives he touched. We truly were blessed by his presence.

TRIBUTE TO SENATOR STROM THURMOND—THE SENIOR SENATOR

Mr. CRAIG. Mr. President, I rise today to add in a small way to the many tributes being offered on behalf of one of our colleagues.

There are persons lucky enough to witness history, and persons wise enough to study history. Then there

are those few who are dynamic enough to make history.

This week we honor someone who has made more history than most—our distinguished President pro tempore, STROM THURMOND.

STROM THURMOND was born during the Presidential term of Theodore Roosevelt—probably the only other person in the 20th century to have a comparable energy level.

And in the same way TR launched America on the great adventure of the 20th century, STROM THURMOND has been a real force in building up and guiding America during that century.

A few of our colleagues may have been friends with Jack Kennedy; but STROM THURMOND is the one who ran against Harry Truman—and came within a hair of denying him the White House.

He is the only sitting Senator today who actually was on a general election ballot as a Presidential candidate.

STROM THURMOND has always been a man of the people.

In 1954, when the 31-member committee that represented the political establishment of South Carolina froze him out of a special election, STROM THURMOND did what no one before or since has done—ran and won as a write-in candidate for the U.S. Senate.

STROM THURMOND has always been ahead of his time, with his finger on the pulse of history.

In the middle of the Johnson landslide in 1964, he moved against the tide, from the Democrat to the Republican party.

With the next election, he became only the second elected Republican Senator from the deep South since Reconstruction.

By the time the next two sitting Senators changed party affiliation—30 years later—a majority of the Senators and Representatives from across the Nation—and, for the first time since Reconstruction, a majority from the South—were now in STROM THURMOND's adopted party.

In fact, he is the only Senator to have served as a Democrat in the majority and the minority, and as Republican in the majority and the minority.

When we look at the New South today, we see the fruits of the "Thurmond Revolution," or the "Thurmond Realignment." He showed the way.

The issue on which I've probably worked most closely with STROM has been the balanced budget amendment to the Constitution.

When you work with him closely on an issue like that, you see how, and why, his colleagues revere him.

I cosponsored the first balanced budget amendment that made it to the floor of the U.S. House in 1982. I've been a part of writing every one since.

But STROM cosponsored an earlier version in the 1950's. Once again, he was ahead of his time.

When we finally pass that constitutional amendment, and permanently lock in that balanced budget we