

Mr. President, it was during this tenure on the New Jersey court that Justice Brennan first gained national attention. He was one of the first public figures to take on the infamous Senator Joseph McCarthy and the excesses of the McCarthy-era.

Specifically, in one famous speech at the Monmouth County Rotary Club, he boldly referred to certain congressional inquiries as modern counterparts to the Salem witch trials, sentiments very much ahead of his time.

After 8 years as a State judge, 4 on the State supreme court, Bill Brennan was nominated by President Dwight D. Eisenhower in 1956 to be an Associate Justice of the Supreme Court of the United States. Justice Brennan served on the Nation's highest court for 34 years before poor health forced him, at age 84, to retire in 1990. His tenure spanned those of eight Presidents. In the High Court's history, only William O. Douglas wrote more opinions.

In fact, Justice Brennan's own confirmation as an Associate Justice of the U.S. Supreme Court was opposed by some because of views that he had expressed about McCarthyism—the speeches that later caused Senator McCarthy to be the lone dissenting vote to President Eisenhower's nomination of Brennan to our Nation's High Court.

Mr. President, it is not his remarkable life or long tenure on the bench that made William Brennan a towering figure in our Nation's history. Rather, his true legacy is the preservation and expansion of the individual rights all Americans enjoy today. He was, in short, our country's strongest champion of the individual.

A recent survey of 96 scholars listed Justice Brennan as fifth in the list of all-time great Justices of the U.S. Supreme Court. Ahead of him ranked only John Marshall, Oliver Wendell Holmes, Jr., Earl Warren, and Louis Brandeis.

Justice Brennan crafted many landmark decisions associated with the Warren Court of the late 1950's and 1960's. His ruling led to the one-person, one-vote principle of political reapportionment, and empowered everyday citizens to use the courts to fight city hall.

In more than 1,200 opinions, Justice Brennan defined obscenity and broadened the rights of any person—including the poor, mentally handicapped, or imprisoned—to seek redress against the Government through the courts. He also gave news organizations first amendment protections in libel lawsuits.

During the Berger and Rehnquist years, he continued to champion the Bill of Rights and the 14th amendment. In all of his opinions and dissents, liberty and equality were his bywords.

Historian David Halberstam described the source of Justice Brennan's greatness. William Brennan, he wrote, never forgot where he came from. He never forgot his immigrant father shoveling coal for a living, coura-

geously joining a union in an era when to do so could cost a man his livelihood, if not his life. Brennan grew up on a house that knew the meaning of layoffs and discrimination. He instinctively identified with the disadvantaged and the dispossessed.

Justice Brennan himself revealed the secret of his unfailing humanity, compassion and passion for individual freedom. He wrote that he always focused on the people behind the cases, always aware that the case before the Court was there because of "a person who cried out for nothing more than common human dignity. In each case, our Constitution intervened to provide the cloak of dignity."

Mr. President, through it all, Justice Brennan remained universally liked, even adored, by colleagues, law clerks, Court personnel, and virtually everyone who came in contact with him. He was always described as warm, gracious, and utterly without pretense.

I had the privilege and the honor to get to know Bill Brennan on a personal level. Although it was late in his tenure on the bench, he was remarkably alert, witty and warm, and I greatly enjoyed our conversations.

Mr. President, Bill Brennan's character, personality, and intellect were perfectly matched, each so unique so as to be totally unforgettable.

Despite the brevity of our personal relationship, every meeting that we had—perhaps a half-dozen in all—left me feeling like I had just seen a life-long friend.

He stood for so much that he helped me stand taller for those I serve. Knowing him was one of my life's most treasured experiences. I deeply regret that our paths will not cross again.

In a tribute to Justice Brennan, his colleague Justice Byron White once remembered that Bill Brennan's creed was that a judge should proceed with "a sparkling vision of the supremacy of the human dignity of every individual."

Mr. President, that majestic statement is a fitting tribute to the life and work of Justice William J. Brennan, Jr.

#### SUPPORT THE ARMS TRANSFERS CODE OF CONDUCT

Mr. DORGAN. Mr. President, I rise in support of the bill introduced just yesterday by Senator KERRY of Massachusetts, the code of conduct on arms transfers.

Many of our colleagues will recall that Senator HATFIELD was the leader on this issue prior to his retirement last year. He introduced this bill as S. 1677 in the 103d Congress and S. 326 in the 104th Congress. I cosponsored both bills, and I was pleased to offer the code of conduct as an amendment to last year's foreign operations appropriations bill.

I am delighted that the Senator from Massachusetts is showing his usual leadership on arms control issues by authoring this bill in this Congress.

This is a particularly timely effort because the code of conduct is a part of the version of the State Department authorization bill approved by the House of Representatives, a bill that is now in conference between the House and the Senate. I hope that by introducing this bill we will encourage our Senate colleagues on the conference committee to support the House provision.

#### THE UNITED STATES LEADS IN ARMS SALES

This bill is also particularly timely because the end of the cold war has propelled the United States to the rank of the world's leading arms supplier.

During the last decade, U.S. arms sales have taken off. We now deliver 56 percent of all the world's arms exports, according to the Arms Control and Disarmament Agency. And in 1994 the United States supplied 43 percent of all weapons sold to the developing world—the countries who can least afford arms. We ranked first in arms shipments to developing nations from 1992 to 1995.

These countries have urgent domestic challenges, such as advancing public health, controlling disease, and achieving food self-sufficiency. Yet we are catering to their governments' appetite for the latest in high-technology weaponry.

#### OUR CUSTOMERS ARE UNSAVORY

It is bad enough that these governments have better things to do with their money than to buy American weapons. Still worse is what these governments do with our weapons once they receive them.

According to the State Department's own human rights reports, more than 75 percent of U.S. arms sales in 1993 went to governments that were undemocratic. And we supply aid to 72 percent of the countries that the State Department lists as authoritarian governments with serious human rights abuses.

Recent history tells a disturbing story of American weapons feeding ethnic conflict and instability around the globe. Of 48 ethnic conflicts underway in 1993, 39 involved forces that had U.S. weaponry. Indonesia used American weapons to occupy East Timor illegally, and Turkey used F-16 fighters in bombing raids against Kurdish rebels.

Countries that have cracked down on domestic dissent using U.S. arms include Thailand, Indonesia and Guatemala.

We are literally giving repressive regimes the means by which they maintain themselves in power. We must break ourselves of this habit.

#### THEY RESELL THE WEAPONS WE GIVE THEM

And what if these unsavory customers resell the weapons we send them? The answer is disturbing. We have too little effective control over what happens to our weapons once they leave our hands. The classic example of this is the Stinger missile, a highly portable, shoulder-launched anti-aircraft missile.

Stingers are actually very available on the international arms market. We sent about 1,000 Stingers to Afghan rebels during the 1980's. However, since the departure of Soviet forces from Afghanistan, the Afghan factions have been using Stingers to raise money and barter for other weapons for their civil war.

The CIA was so alarmed by this trend that it began a program to buy Stingers back from the Afghan rebels. But this program met with limited success, since the result was that the price that Stingers could command on the international arms market doubled or trebled.

And the CIA's efforts came too late. Media reports suggest that Iran, Libya, and North Korea now have Stinger missiles. These are the rogue states that pose the most immediate threat to our security and that of our allies.

#### OUR ARMS BOOMERANG AGAINST US

Mr. President, if those Stingers are ever used against us, the missiles we shipped abroad will have come full circle. It will be another example of what is known as the arms trade boomerang, the tragic pattern of our troops facing enemies armed with U.S. weapons and technology.

The last four times American troops have seen significant combat—in Panama, Iraq, Somalia, and Haiti—our weapons and military know-how boomeranged against us.

For example, in the 5 years before our occupation of Panama to bring druglord Manuel Noriega back to the United States for trial, the United States accounted for 44 percent of Panama's arms imports. From 1950 through 1987, we also trained 6,700 Panamanian military officers under the Pentagon's International Military Education and Training Program.

Worse than the Panama example is the fact that international arms merchants sold Iraq \$400 million in United States-designed cluster bombs plus our technology for manufacturing howitzers. We apparently intended the cluster bombs to be used against Iranian "human wave" attacks during the Iran-Iraq war. Fortunately, our control of the airspace over Iraq during the Persian Gulf war meant that these cluster bombs were never used against American troops.

We sold Somalia 4,800 M-16 rifles, 84 106-millimeter recoilless rifles, 24 machine guns, 75 81-millimeter mortars, and land mines—the kind of weapons that Mohammed Farah Aideed's technicals would later use to kill 23 American soldiers. From 1985 to 1989, we sold Somalia 31 percent of its arms imports.

And as for Haiti, where we had the good fortune not to suffer major casualties, we had armed and trained Haiti's military. William Hartung of the World Policy Institute states that, "Total US arms deliveries to Haiti . . . from 1987 to 1991 exceeded 25 percent of total Haitian arms imports." The Duvalier regime faced no external

threat, and we had no business arming such a hated dictatorship. Yet we did it anyway.

Mr. President, that is why we need the arms transfers code of conduct. We need to exercise self-restraint in the international arms bazaar.

#### CODE OF CONDUCT A COMMONSENSE APPROACH

The Code of Conduct on Arms Transfers Act is a commonsense approach to conventional arms control. It aims to block the arms trade boomerang, to prevent us from arming the wrong governments and to put a lid on ethnic conflict and instability.

In brief, the code would establish criteria for governments to be eligible for U.S. military assistance or arms transfers. To be eligible, a government must:

First, promote democracy through fair and free elections, civilian control of the military, the rule of law, freedom of speech and of the press, and strong civil society;

Second, respect human rights by not engaging in gross violations of internationally recognized human rights;

Third, observe international borders, and not be engaged in armed aggression in violation of international law; and

Fourth, participate in the U.N. conventional arms registry, which provides transparency to the world arms market by listing major arms sales and transfers.

There are two exemptions for countries that do not meet these criteria. First, the President could determine that an emergency exists, and that it is vital in the emergency to provide arms and military aid to a government that does not meet all of the above criteria. This determination would waive the act's restrictions and enable the arms shipment or military aid to go forward.

Alternatively, the President could request an exemption from the Congress, certifying that it is in national interest of the United States to provide arms or military aid to a government that does not meet all of the above criteria. That exemption would take effect unless the Congress passes a law disapproving the request.

I believe that these two exemptions—the emergency waiver and the national security waiver—provide the President with appropriate flexibility.

#### AMERICAN LEADERSHIP NEEDED

Lastly, I would note that the code of conduct concept is an international effort that requires American leadership. The worldwide effort to control arms sales needs a positive sign from the U.S. Senate in order to come to fruition.

The newly elected Labor government in the United Kingdom has taken the first step by announcing on May 22 its intent to restrict arms sales. However, Britain's arms manufacturers are crying foul, because no other country has yet followed Britain's lead. British defense firms are losing out in the international arms market because Britain is out in front on this issue. We need to stand shoulder to shoulder with the United Kingdom on this critical issue.

It is important to note that if the U.S. Congress were to approve the code, the European Union would likely follow. The United States and the European Union between them account for at least 75 percent of the international arms market each year. Codes of conduct for American and European arms sales would go far toward establishing a worldwide conventional arms sales regime.

That is what Oscar Arias, Elie Wiesel, the Dalai Lama, and 12 other Nobel Peace Prize winners are working towards. A number of delegations to the United Nations, Germany's foremost among them, have been working toward a U.N. General Assembly vote on a code of conduct. This is an international campaign, but it needs American leadership to succeed.

Last year the Senator from Massachusetts offered a second-degree amendment to my Code of Conduct amendment making this very point. The code of conduct must be a multilateral effort for it to succeed. Otherwise, our defense firms will simply see foreign defense contractors grab our market share.

#### LET US SET A STANDARD THE WORLD CAN FOLLOW

In summary, I would like to congratulate the Senator from Massachusetts for his leadership on this matter. With his usual vision on arms control matters, has grasped a fundamental point. We must try to extend the concept of arms control to the international conventional arms market. The code of conduct is the right legislation for a world that has seen the end of the cold war.

Passing the code of conduct bill will help us save taxpayer dollars, protect the lives of American troops, prevent American weapons from going to repressive regimes, and safeguard innocent civilians from military violence.

Let us set a standard the world can follow. Let us show the European Union that we can exercise restraint—that we will not sell conventional arms to any government that asks for them. Once America leads, the nations will follow—to a safer world, for all of us.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, July 24, 1997, the Federal debt stood at \$5,368,881,340,728.99. (Five trillion, three hundred sixty-eight billion, eight hundred eighty-one million, three hundred forty thousand, seven hundred twenty-eight dollars and ninety-nine cents)

One year ago, July 24, 1996, the Federal debt stood at \$5,173,226,000,000. (Five trillion, one hundred seventy-three billion, two hundred twenty-six million)

Five years ago, July 24, 1992, the Federal debt stood at \$3,989,786,000,000. (Three trillion, nine hundred eighty-nine billion, seven hundred eighty-six million)

Ten years ago, July 24, 1987, the Federal debt stood at \$2,300,013,000,000.