

violence is a dominant cause of fear among teachers and students in our schools.

We have the opportunity to take the first step toward establishing a safer and more secure school environment, by among other things, passing the juvenile justice bill which would ban juvenile possession of assault weapons and close the gun show loophole. But if we can not pass the juvenile justice bill, we will use other means to prevent the gun violence that has plagued too many American schools and communities.

I hope this Senate will continue its debate on this country's long-term education needs and at the same time, work toward finding a long-term solution for reducing the shootings in American schools. Students around the country may be off for the summer, but Congress will have to keep working until we can make the grade on school safety.

I ask unanimous consent to submit the full text of Professor Astor's letter in the RECORD.

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

UNIVERSITY OF MICHIGAN,  
Ann Arbor, MI, May 2, 2000.

Senator LEVIN,  
Russell Building,  
Washington, DC.

DEAR SENATOR LEVIN, I am pleased that the Senate is debating the topic of education in our nation. As a professor of education, I hope that you will include in your discussions the issue of school safety. As you know, the general public is seriously concerned with the safety of our schools. Polls taken over the past seven years indicated that the public considers school violence to be the top problem facing U.S. schools. Hopefully, the Senate's efforts will result in policy and legislation that make our schools safer for our children.

I have been researching school violence for over 17 years. I have 23 publications on the topic of school violence in the U.S.A. and abroad. In addition, I teach courses on school violence to teachers, psychologists and social workers who will be creating and administering school violence programs in U.S. schools. Consequently, I have a perspective on this issue that spans both research and practice.

Based on my research, I would like to encourage you and your colleagues to pass legislation that addresses children's perceptions of safety in school. Our research shows that both children and teachers (in elementary, middle, and high school) are reluctant to categorize their entire setting as unsafe. However, when students and their teachers are asked to identify specific locations in their school (e.g., the bathrooms, playgrounds, hallways, areas immediately surrounding the school), most identify dangerous areas that they fear or avoid. Therefore feelings of danger are far more common experiences for students than the data in federal studies suggest. For example, in recent studies (enclosed Astor, Meyer & Behre, 1999; Astor, Meyer & Pitner, in press), we mapped violence-prone school locations within schools and then conducted in-depth interviews with students, teachers, and principals in Michigan elementary, middle and high schools. In these studies we found students and teachers very reluctant to categorize their entire school as being unsafe even

though the vast majority of students identified areas that they avoid due to school safety issues. Furthermore, girls consistently identify more areas than boys that they feared or avoided. One study found that over a third of school territory was considered unsafe by girls.

The teachers are also aware of danger in their work-settings (e.g., enclosed Meyer, Astor, & Behre, 2000). For example, 75% of the teachers in our sample, identified at least one area in or around their school that they considered unsafe or dangerous. Female middle and high school teachers identified more areas than their male colleagues that they perceived to be unsafe (e.g., 58% vs. 87% of males and females respectively). Teachers are very brave. Although they sense danger in specific school locations the vast majority of teachers claimed they would intervene even though they may be placing themselves in harms way. Teachers continually mentioned the need for protection against physical harm, legal issues, and policies that support their actions to make school safer. Contrary, to the current trend in zero tolerance policies, most of the students and teachers in our studies advocate for a relationship oriented approach that focuses on building a caring school community. Neither students nor teachers feel that security oriented measures (video cameras, security guards, police officers, alarm systems, expulsions) are conducive to a healthy learning environment. Furthermore, the findings in our studies show that interventions designed to encourage teacher/student relationships are perceived to be the most effective and consistent with the educational goals of our nation's schools.

Clearly, teachers, students, and school staff are most concerned about the presence of firearms and weapons in our schools. In the context of a discussion on guns and mass shootings, consider the fear described by this middle school teacher who participated in one of our studies:

"But I'm telling you, there's so much violence and in different areas and in different districts and different states where teachers are being killed every day. And don't look to me as a teacher to solve the violence in the school. It was there before I got there. It is getting worse. I'm here to tell you. I will—a lot of us are afraid. You come in the morning and you're just afraid to even go to work. You're just so stressed out, because you're all tensed up, you can't feel happy and teach like you want to because you've got to spend all of your time trying to discipline. You're scared somebody's going to walk in. We keep our doors locked. We have to keep our doors locked." Middle school teacher. (Meyer, Astor & Behre, 2000).

In our studies, students and school staff often mention fear from the threat of guns and other lethal weapons. Without a doubt, the knowledge or rumor of a gun in a school instills fear in the school community. Teachers and students are well aware that the shocking mass murders recently perpetrated in schools are exclusively associated with firearms. Our country has a long history of lethal acts in schools (see Kachur et al, 1996 in the Journal of the American Medical Association), however, the use of guns as a weapon of choice, has made multiple murders a more common occurrence. This, in turn, has promoted a high level of fear within school. Obviously, the fear of death or potential catastrophe is no conducive with a positive learning environment. Consequently, I urge you and your colleagues to take a strong stance on the issue of firearms.

Our findings demonstrate that in addition a focus on weapons in schools, national legislation should be focusing on most common forms of student harm such as school beat-

ings, sexual harassment, relentless humiliation/teasing, bullying, and other forms of victimization. These kinds of events have a very large impact on students overall sense of school safety. We just conducted a large scale (16,000 students) international study that shows these more common forms of violence account for many students nonattendance of school due to fear/humiliation. Creating an overall climate of safety in the school is essential. Draconian security measures used in the name of school safety (expulsion, police, metal detectors), may actually increase students fear of school violence and interfere with their learning.

Finally, the Columbine shootings have qualitatively changed our countries perceptions of school violence. Based on my contacts with hundreds of teachers, school principals, and school district superintendents in Michigan and across the country, I can confidently say that school districts are now more punitive, frightened, and authoritarian, surrounding issues of school violence. Consequently, it appears that schools harsh responses (usually suspension and expulsions) are now extended to innuendo's, nasty stares, verbal threats, and rude behaviors. Rather than creating a safer school climate, students, teachers, and principals claim that these security measures are fostering an oppressive environment which may be equally detrimental to learning. From a public policy perspective, expelling our most aggressive children is a social disaster because it increases the likelihood that these children will commit serious violent acts in the community. Being banished from school at a young age increased the chances of a "dead end" life, prison, welfare, being at the periphery of our economy, and a life of crime. Positive relationships created in schools may actually serve as a protective factor for many of our most aggressive children. Therefore, I'd like to encourage you and your esteemed colleagues to carefully consider policies that mirror a democratic, caring, community-oriented, and relationship-oriented school environment. These empirically supported virtues would accomplish the dual goals of fostering academic excellence within the context of safe feeling environments. Students, teachers, principals and parents do not want their schools turned into prison-like environments. This would not benefit our children's education or our democracy. Finally, they do not increase children's sense of safety. The facts suggested that the opposite is true.

I have enclosed a series of articles published or in press (in scientific peer reviewed journals). Please feel free to contact me if you have any questions.

With respect,

Sincerely,

RON AVI ASTOR, Ph.D.,  
Associate Professor of Education and Social  
Work.

#### THE NECESSITY FOR THE NATIONAL DEFENSE AUTHORIZATION BILL FOR FISCAL YEAR 2001

Mr. WARNER. Mr. President, I rise this afternoon to discuss the importance—the critical need—for early Senate consideration of the defense authorization bill for fiscal year 2001. This bill, which we reported out of the Senate Armed Services Committee on May 12th with bipartisan support, is a good bill which will have a positive impact on our nation's security, and on the welfare of the men and women of

the Armed Forces and their families. It is a fair bill. It provides a \$4.5 billion increase in defense spending—consistent with the congressional budget resolution. But, the real beneficiaries of this legislation are our servicemen and women who will not only have better tools and equipment to do their jobs, but an enhanced quality of life for themselves and their families. We must show our support for these brave men and women—many of whom are in harm's way on a daily basis—by passing this important legislation.

I am privileged to have been associated with the Senate Armed Services Committee and the development of a defense authorization bill every year of my modest career here in the Senate—a career quickly approaching 22 years. During those years, the committee has used the annual defense authorization bills to address the most fundamental national security issues facing the nation, including: the revitalization of the Armed Forces under President Reagan; the Goldwater-Nichols reorganization of the Department of Defense; the restructuring and reduction of the Armed Forces following the end of the cold war; investigating the tragedies in Beirut, Somalia, and Saudi Arabia (Khobar Towers); and the review and implementation of the lessons learned from military operations in Grenada, Panama, the Persian Gulf, and, most recently, the lessons learned from the operations in the Balkans and, in particular, Kosovo.

This year's legislation follows in this fine tradition. The importance of this bill is without question.

While this legislation is not the only bill on defense spending, it occupies a very unique and critical role in the congressional defense funding process. Both its timing and function in the congressional budget process are intended to achieve important goals: fully explore public concerns and fulfill statutory requirements.

The venerable soldier-statesman, General George Marshall once stated, "In a democracy such as ours, military policy is dependent on public opinion."

The crucial step of ensuring that public opinion on national security policy issues has a forum begins in the Armed Services Committee. Since the beginning of the 106th Congress, the Senate Committee on Armed Services has conducted almost 170 hearings, briefings, and meetings, to fully explore, examine and deliberate matters of concern to the public on national security policy and funding issues. This year, in particular, a sample of the issues addressed in our hearings include: healthcare for military personnel, their families and retirees; the future of the U.S. strategic nuclear arsenal; U.S. military involvement in the Balkans; Defense Department efforts to counter the threat of a terrorist attack; security clearance procedures for defense personnel; immunizing our personnel against anthrax; and ensuring Russia safely secures and disposes of its nuclear arsenal.

Mr. President, the discussion on these important issues does not end with consideration in the Armed Services Committee. In fact, in the last twenty years, our Chamber's collective interest in continuing the public debate on pressing national security matters presented in the defense authorization bill has significantly increased. In 1979, the first opportunity I had to be a part of the defense authorization bill process, there were only 11 amendments to the bill during Senate floor debate. Last year, during our debate on the national defense authorization bill for fiscal year 2000, there were over 160 amendments.

But we know our responsibility to consider and pass the defense authorization bill goes beyond statutory requirements and historical precedent. We must also be aware of the importance of this measure to our men and women in uniform around the world.

U.S. military forces are involved in overseas deployments at an unprecedented rate. Currently, our troops are involved in over 10 contingency operations around the globe. Over the past decade, our active duty manpower has been reduced by nearly a third, active Army divisions have been reduced by almost 50 percent, and the number of Navy ships has been reduced from 567 to 316. During this same period, our troops have been involved in 50 military operations worldwide. By comparison, from the end of the Vietnam war in 1975 until 1989, U.S. military forces were engaged in only 20 such military deployments.

In an all-volunteer force, where increasing deployments and operations challenge the capabilities of our military to effectively meet those commitments, as well as challenge the efforts of our military to recruit and retain quality military personnel, we must embrace every opportunity to demonstrate our commitment to our military personnel. The National Defense Authorization Bill for Fiscal Year 2001 sends this important message.

Mr. President, I noted previously in these remarks the important role of the defense authorization bill as a means by which the Armed Services Committee and the Senate address many of the today's important military policy matters. I would like to take a moment to highlight the impact of not passing the National Defense Authorization Bill for Fiscal Year 2001.

With respect to personnel policy, the committee included legislation in the defense authorization bill for fiscal year 2001 to continue to support initiatives to address critical recruiting and retention shortfalls. In this regard, the committee increased compensation benefits and focused on improving military health care for our active duty and retired personnel and their families.

Without this bill, there will be:

- No 3.7 percent pay raise for military personnel;

- No pharmacy benefit for medicare eligible military retirees;

- No extension of TRICARE benefits to active duty family members in remote locations;

- No elimination of health care co-pays for active duty family members in TRICARE Prime;

- No Thrift Savings Plan for military personnel;

- No five year pilot program to permit the Army to test several innovative approaches to recruiting; and

- No transit pass benefit for Defense Department commuters in the Washington area.

And, without this bill, the current Department of Defense Medicare subvention demonstration program will not be expanded, as we envisioned, but instead terminated. Currently, the Medicare Subvention demonstration program provides medical services to approximately 28,000 military retirees in Mississippi, Texas, Oklahoma, Colorado, Washington, and Delaware. Expanding the program would provide medical services to military retirees living in the District of Columbia, Virginia, Ohio, Georgia, Hawaii, and Maryland.

Without this bill, almost every bonus and special pay incentive designed to recruit and retain service members will expire December 31, 2000, including: special pay for health professionals in critically short wartime specialties; special pay for nuclear-qualified officers who extend their service commitment; aviation officer retention bonus; nuclear accession bonus; nuclear career annual incentive bonus; Selected Reserve enlistment bonus; Selected Reserve re-enlistment bonus; special pay for service members assigned to high priority reserve units; Selected Reserve affiliation bonus; Ready Reserve enlistment and re-enlistment bonuses; loan repayment program for health professionals who serve in the Selected Reserve; nurse officer candidate accession program; accession bonus for registered nurses; incentive pay for nurse anesthetists; re-enlistment bonus for active duty personnel; enlistment bonus for critical active duty specialties; and Army enlistment bonuses and the extension of this bonus to the other services.

The committee has carefully studied the recruiting and retention problems in our military. We have worked hard to develop this package to increase compensation and benefits. We believe it will go a long way to recruit new servicemen and to provide the necessary incentives to retain mid-career personnel who are critical to the force.

Mr. President, on many occasions I have shared my concerns about the threats posed to our military personnel and our citizens, both at home and abroad, by weapons of mass destruction: chemical, biological, radiological and cyber warfare. Whether these weapons are used on the battlefield or by a terrorist within the United States, we, as a nation, must be prepared.

Without this bill, efforts by the committee to continue to ensure that the

DOD is adequately funded and structured to deter and defeat the efforts of those intent on using weapons of mass destruction would not be implemented. Efforts that would not go forward without this bill include: establishing a single point of contact for overall policy and budgeting oversight of the DOD activities for combating terrorism; fully deploying 32 WMD-CST (formerly RAID) teams by the end of fiscal year 2001; the establishment of an Information Security Scholarship Program to encourage the recruitment and retention of Department of Defense personnel with computer and network security skills; and the creation of an Institute for Defense Computer Security and Information Protection to conduct research and critical technology development and to facilitate the exchange of information between the government and the private sector.

Mr. President, I would like to briefly highlight some of the other major initiatives in this bill that would be at risk without Senate floor consideration of the defense authorization bill:

Without this bill, multi-year, cost-saving spending authority for the Bradley Fighting Vehicle and UH-60 "Blackhawk" helicopter would cease.

Without this bill, there would not be a block buy for Virginia Class submarines. Without the block buy, there would be fewer opportunities to save taxpayer dollars by buying components—in a cost-effective manner—for the submarines.

All military construction projects require both authorizations as well as appropriations. Without this bill, over 360 military construction projects and 25 housing projects involving hundreds of critical family housing units would not be started.

The Military Housing Privatization Initiative would expire in February 2001. Without this bill, the program would not be extended for an additional three years, as planned. The military services would not be able to privatize thousands of housing units and correct a serious housing shortage within the Department of Defense.

Mr. President, it has been said that, "Example is the best General Order." The Senate needs to take charge, move out, consider and pass the National Defense Authorization Bill for Fiscal Year 2001. This legislation is important to the nation and to demonstrating to the men and women in uniform, their families and those who have gone before them, our current and continuing support and commitment to them on behalf of a grateful nation.

#### CONTINUING PROBLEMS FOR FEDERAL LAW ENFORCEMENT DUE TO McDADE LAW

Mr. LEAHY. Mr. President, I rise to talk about a pressing criminal justice problem. The problem stems from a provision slipped into the omnibus appropriations law during the last Congress, without the benefit of any hear-

ings or debate by the Senate. Although some of us from both sides of the aisle objected to the provision at the time, our objections were ignored and the provision became law. It is having devastating effects on federal criminal prosecutions and, as I describe in some detail below, it is no exaggeration to say that this provision is costing lives.

In the last Congress, the omnibus appropriations measure for FY 1999 included a provision originally sponsored by former Representative Joseph McDade that was opposed by most members of the Senate Judiciary Committee, both Democrats and Republicans. Indeed, we sent a joint letter to the leadership of the Appropriations Committee urging that this provision be removed from any conference report because, in our view, the McDade law "would seriously impair the effectiveness of federal prosecutors in their efforts to enforce federal criminal laws and protect our communities."

Nevertheless, the McDade provision was enacted as part of that appropriations measure and went into effect on April 19, 1999. This law, now codified at 28 U.S.C. §530B, subjects federal prosecutors to the state bar rules, and discipline, of "each State where such attorney engages in that attorney's duties." There has been enormous tension over what ethical standards apply to federal prosecutors and who has the authority to set those standards.

This debate over the ethical rules that apply to federal prosecutors was resolved with the McDade law at a time of heightened public concern over the high-profile investigations and prosecutions conducted by independent counsels. Special prosecutors Kenneth Starr and Donald Smaltz were the "Poster boys" for unaccountable federal prosecutors. By law, those special prosecutors were subject to the ethical guidelines and policies of the Department of Justice. They defended their controversial tactics by claiming to have conducted their investigations and prosecutions in conformity with Departmental policies.

The actions of these special prosecutors provided all the necessary fodder to fuel passage of the McDade law. For example, one of the core complaints the Department had against the McDade law is that federal prosecutors would be subject to restrictive state ethics rules regarding contacts with represented persons. A letter to the Washington Post from the former Chairman of the ABA ethics committee pointed out:

[Anti-contact rules are] designed to protect individuals like Monica Lewinsky, who have hired counsel and are entitled to have all contacts with law enforcement officials go through their counsel. As Ms. Lewinsky learned, dealing directly with law enforcement officials can be intimidating and scary, despite the fact that those inquisitors later claimed it was okay for her to leave at any time.

I have outlined before my concerns about the tactics of these special prosecutors, such as requiring a mother to

testify about her daughter's intimate relationships, requiring a bookstore to disclose all the books a person may have purchased, and breaching the longstanding understanding of the relationship of trust between the Secret Service and those it protects. I was appalled to hear a federal prosecutor excuse a flimsy prosecution by announcing after the defendant's acquittal that just getting the indictment was a great deterrent. Trophy watches and television talk show puffery should not be the trappings of prosecutors.

Yet, I opposed the McDade law and continue to believe that this law is not the answer. I firmly support improvements in the disciplinary process for federal prosecutors but this important task may be accomplished without hindering legitimate law enforcement investigative techniques and practices—which is what the McDade law is doing. While subjecting federal attorneys to state bar rules sounds like good policy at first blush, the McDade law has ceded to the vagaries of fifty state bar associations control of how federal prosecutions are to be conducted. I am concerned that Federal prosecutors are being hamstrung because the McDade law makes them answerable to multiple masters.

The Department of Justice has been surprisingly quiet, both before and after the McDade law went into effect, about seeking a legislative modification to address the most devastating consequences of this new law for federal law enforcement. Unfortunately, we are fast approaching the end of this Congress without making any progress on addressing the problems created by the McDade law.

I have asked the Department of Justice for an update on how the McDade law is working, and whether any of my fears were warranted. The results are in: This law has resulted in significant delays in important criminal prosecutions, chilled the use of federally-authorized investigative techniques and posed multiple hurdles for federal prosecutors.

The Justice Department's November, 1999, response to my prior questions on this issue stated that the McDade law "has caused tremendous uncertainty," "delayed investigations," "creat[ed] a rift between agents and prosecutors," "prevented attorneys and agents from taking legitimate, traditionally accepted investigative steps, to the detriment of pending cases," and served as the basis of litigation "to interfere with legitimate federal prosecutions." Yet, these generalities do not fully demonstrate the significant adverse impact this law is continuing to have to slow down or bring to a standstill federal investigations of serious criminal wrongdoing. Let me describe some recent examples.

#### AIRLINE WHISTLE BLOWER

In one recent case, an airline mechanic whistleblower claimed that his airline was falsely claiming to the FAA that required maintenance procedures