

we need an administration that understands that we must trade globally, so we can prosper locally.

I urge the administration in the strongest possible terms to rise to this challenge.

#### DEDICATION OF PORTRAIT OF JUDGE DAN M. RUSSELL, JR.

Mr. LOTT. Mr. President, I rise today to honor Judge Dan M. Russell, Jr., U.S. Senior District Court Judge for the Southern District of Mississippi, on the occasion of national Law Day and Judge Dan M. Russell Day in Hancock County, Mississippi. I wish I could be with Judge Russell and his family, colleagues and friends today as they gather to dedicate a portrait of him which will hang in the Hancock County Courthouse in Bay St. Louis, Mississippi. I want to commend Judge Russell for his many years of service on the bench and praise him for his willingness to continue to serve the Gulf Coast community, the state, and the nation as a judge. I can think of no better way to mark Law Day than by recognizing Judge Russell's distinguished service in the law, and by commemorating this service with the dedication of a portrait of him. I have the deepest admiration for Judge Russell, and this commemoration indicates the high esteem that his colleagues in the Bar have for him as well.

#### VICTIMS' RIGHTS AMENDMENT OPPOSITION

Mr. LEAHY. Mr. President, because of the way in which the Senate last week ended its consideration of S.J. Res. 3, a proposed constitutional amendment on crime victims' rights, I did not have an opportunity to include in the RECORD a number of thoughtful editorials from across the country. I now ask unanimous consent to have a number of them printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Asheville Citizen-Times, Apr. 25, 2000]

#### VICTIMS' BILL SERIOUSLY FLAWED

Today, the United States Senate will vote on the joint Senate Resolution proposing that a victims' rights amendment be added to the U.S. Constitution. The amendment has been endorsed by some 39 Attorneys General, by organizations such as Racial Minorities for Victim Justice, as well as by the presumptive Republican Presidential nominee Gov. George W. Bush.

In effect, the amendment would offer victims the constitutionally guaranteed right to:

Be notified of proceedings in the criminal case;

To attend public proceedings in the case;

To make a statement at release proceedings, sentencing and proceedings regarding a plea bargain;

To have the court order the convicted offender to pay restitution for the harm caused by the crime.

Some of these provisions may indeed restore some balance to a system that leans

heavily in favor of protecting criminals' rights. Some of these provisions are already being enacted in certain jurisdictions and in certain cases on behalf of victims—the right to be present at hearings and to make statements for example.

Many prosecutors are opposing this amendment because of the unintended effects it could have, and the public should oppose it in light of many unanswered questions and concerns. For example, should rival gang members be notified of pending hearings and be invited to make statement against those rivals? What of convicted violent felons who are themselves victimized in prison—who are the true victims? Will prosecutors be compelled to notify thousands of victims in the case of a national telemarketing scam?

These are real questions that the Senate is grappling with. Without real answers, they should vote "No." We should not tamper with the U.S. Constitution when a statute will suffice in place of an amendment. That document is too important to who are as Americans.

[From the Baltimore Sun, Apr. 23, 2000]

#### DISTORTING VICTIMS' RIGHTS

Senate vote: A constitutional amendment could actually harm victims and rights of innocent.

It's an election year. You can tell by the flurry of votes on proposed constitutional amendments in Congress this month. The latest, set for the Senate this week, is perhaps the most deceptive and dangerous—a victims' rights amendment.

On the surface it seems reasonable, similar to rights adopted in 32 states. It would guarantee crime victims the right to speak at parole, plea-bargain or sentencing hearings, to be notified of an offender's release, to restitution, and a speedy trial.

But wait a minute: Isn't the defendant the one who has a constitutional right to a speedy trial? This amendment would change all that: Victims would have rights equal to a defendant.

That's just the start of the dangers. The amendment doesn't define who's a victim. Parents? Ex-spouses? Cousins? Boyfriends?

It would create a third party in trials intent on retribution, even though the defendant may not have committed the crime.

It would give victims the right to oppose plea bargains. One of the lead lawyers in the Oklahoma City bombing case says this would have made virtually impossible to convict Timothy McVeigh.

Victims also would have the right to demand a speedy trial—even if prosecutors say they need more time to build a winnable case. And what happens if the "victims" disagree? In the Oklahoma City case, there would have been thousands of "victims," many entitled to court-appointed lawyers.

This could lead to grotesque distortions. A battered wife who strikes back and maims her husband could wind up paying restitution to the "victim." So could a shopkeeper who shoots a robber—the "victim" becomes the robber.

We fear for the right to a fair trial. Crime victims' prejudgment of the defendant clashes with the notion that you're innocent until proven guilty.

Victims deserve certain rights. But not in the Constitution. Why hasn't Congress passed federal laws to assist them? It could be decades before a constitution-cluttering amendment is approved.

This is the wrong approach. The proposal could damage our court system and our fundamental rights.

We urge Senators Barbara A. Mikulski and Paul S. Sarbanes to vote against this ill-conceived constitutional amendment—and then

commit to drawing up more clearly defined laws giving crime victims a voice in court.

[From the Chicago Tribune, Apr. 20, 2000]

#### CRIMINAL ACT—THE FOLLY OF A VICTIM'S

#### RIGHTS AMENDMENT

(By Steve Chapman)

Some conservatives love Mt. Rushmore so much that they want to alter it, by adding Ronald Reagan. Likewise, many people think the U.S. Constitution is not so flawless that it couldn't be improved. Each group ignores the possibility that its revisions may turn something that is nearly perfect into something that is, well, not nearly perfect.

Recently, the Senate barely failed to approve a constitutional amendment to eliminate the terrible national scourge of flag-burning. Next week, it will vote on the Victims' Rights Amendment, which is based on the odd notion that the criminal justice system does too little for the victims of crime.

In fact, the nation spends enormous sums every year for the victims of crime. Legions of police, lawyers and judges labor every day to find, prosecute and punish people who aggress against their neighbors. We run the world's biggest correctional system, with 1,500 facilities devoted to the care and feeding of nearly 2 million inmates—and that's not counting more than 3 million lawbreakers on parole or probation. All of this is partly for the protection of everyone, but it's also an affirmation of our concern for crime victims.

So what oversight is the amendment supposed to address? Some victims feel their interests are not considered and their voices are not heard when criminal justice decisions are made. Asserts the Senate Judiciary Committee, "The victims of crime have been transformed into a group oppressively burdened by a system designed to protect them." Its remedy is to give victims of violent crimes the constitutional right to attend all proceedings, to make their views known about sentencing and plea arrangements, to be notified of an offender's impending release, to insist on a speedy trial and to get restitution from the victimizer.

But the claim of oppression is a vast exaggeration. In a country with 8 million violent crimes committed every year, the justice system is bound to cause some victims to feel dissatisfied and even angry. If 95 percent get satisfactory treatment, that leaves hundreds of thousands of people a year who are shortchanged.

Some of the supposed mistreatment stems not from callousness, but from efforts to provide the accused a fair trial. Amendment supporters want victims to be able to attend trials from start to finish, just as defendants do. But the only time they are barred is before they testify—to minimize the chance that they will (intentionally or not) tailor their testimony to match that of other witnesses.

The unassailable reason for the rule is that it improves the chances of finding the truth. This is not a favor just to suspects: A crime victim gains nothing if the courts punish the wrong person and let the guilty party go free.

Keeping victims informed about the proceedings, and letting them attend, could create huge problems in some cases. Take the Columbine High School massacre, where two students murdered 13 people and wounded 23 others before committing suicide.

Suppose Eric Harris and Dylan Klebold had lived to stand trial. Who would be entitled to attend and comment on any proposed plea bargain? The families of the 36 dead and wounded? The families of all the students who witnessed any of the shootings? The families of all Columbine students? Your

guess is as good as the Senate's: The Victims' Rights Amendment doesn't bother defining the term "victim."

The wider the net, the bigger the logistical challenge. Just notifying all these people of every proceeding, from the time a suspect is arrested until the time he's released from prison years or decades later, would be hard enough. Making room for them in court might mean holding the trial in a large auditorium. Letting each one speak would not exactly advance the goal of speedy justice.

There is nothing to stop the states from mandating consideration of crime victims. In fact, all 50 states have done that. As former Reagan Justice Department official Bruce Fein testified at a recent House hearing, "Nothing in the Constitution or in U.S. Supreme Court precedents handcuffs either Congress or the states in fashioning victims' rights statutes."

The advantage of helping victims by these means is that we can experiment to find solutions that are sensible and affordable and abandon those that are not. But a constitutional amendment would transfer the power to courts to enforce these new rights, without much regard for practicality or proportion.

It would amount to giving unelected federal judges instructions to do good and a blank check with which to do it. Only years later would we find out whether the benefits would be worth the cost and by that time, it would be very hard to change our minds.

The Victims' Rights Amendment is not likely to do much for crime victims that can't be done by other means. But by creating a new constitutional demand of unknown dimensions, it threatens to make victims of us all.

[From the Collegiate Times, Apr. 25, 2000]

#### VICTIMS' RIGHTS BILL VIOLATES OTHERS' RIGHTS

Although the victims' rights amendment, set to receive Senate vote at the end of the month, sounds like it has all the makings of a noble piece of legislation, its true colors shine through as potentially endangering to the rights of the accused.

The bill finds bipartisan support, primarily bolstered by the efforts of Senators Jon Kyl (R-Arizona) and Dianne Feinstein (D-California.)

The measure would provide victims with the right to notification of public proceedings, which emerge from the alleged offense against them.

In addition, it provides the right of presence at hearings and capacity to testify when the topics of parole, plea-bargaining or sentencing are concerned. Further, victims would be privileged with orders of restitution and attention to their interests in the initiative of speedy trials (Washington Post, April 24).

On a state level, many of these provisions already exist.

But does the Constitution, the ultimate framework of our nation's concept of justice, deserve this slap in the face legislation?

Certainly, when anything is under consideration of amendment to the Constitution, a thorough analysis should occur to both ensure the delicate balance of the Constitution between the accused and the accuser remains intact and that justice remains the focus at all times.

Upon examination, this measure is exposed as a travesty to both. Any right the accused has under the Constitution would be grossly usurped by the passing of this bill into law.

For example, a defendant's constitutional right to a fair trial would rest on the victim's concern in pursuing justice swiftly for their own sake. Another ramification of this

bill includes the inevitability of prosecutorial hold ups.

By integrating the emotional response of victims into the proceedings of plea-bargaining and sentencing where prosecution once exercised discretion as given to them by law, fairness in sentencing and swiftness in sentencing seem harder to come by.

On the most basic of levels, the sheer label of victim conflicts with the very sentiment for which the Constitution stands.

The use of the word victim violates the premise of innocence until guilt has been proven in a court of law. By labeling the accuser as a victim, guilt has been assigned to the accused.

It prematurely uses terminology that assesses a situation in light of allegations rather than legally submitted evidence.

The rights of all victims remain preserved in the Constitution.

The fact that courts are fully prepared to issue a denial of all freedoms to the accused, should they be found guilty, guarantees, on the behalf of victims as well as society at large, justice will be served.

Justice will be served by the end processes and not prematurely.

For this reason, the interests of victims are under constant consideration. This piece of legislation threatens to disrupt the balance the Constitution maintains and tip the scale in favor of victims.

This bill, should it be made into law, promises an undemocratic approach to dealing with the accused in a manner which jeopardizes their rights and liberties.

The court system pursues prosecution on behalf of victims.

To undermine these efforts in the name of victims' rights seems the most forthright ruin of what the Constitution truly intended as safeguards for the accused as well as the accuser.

[From the Herald, Everett, WA, Apr. 19, 2000]

#### AMENDMENT TO AID VICTIMS COULD CAUSE MORE DAMAGE

The U.S. Senate is nearing a vote on a constitutional amendment that seeks to enact a good idea. Like many fine concepts, however, the proposed victims' rights amendment could cause enormous trouble. The Senate has been looking at the proposal seriously since last year. Good arguments have been made on both sides of the amendment, which has bipartisan sponsorship from Sens. Jon Kyl, R-Ariz., and Dianne Feinstein, D-Calif.

As amendment supporters argue, the level of crime in American society should cause us to look more carefully at protecting the rights of victims and their families. Too many court decisions have protected criminals' rights without a corresponding development of the law to assure victims' interests are respected. Indeed, the whole area of prosecution has changed so much in the past 200 years that an amendment could be a reasonable addition to the Constitution. When the Founding Fathers wrote the Constitution, for instance, it was common for victims themselves to bring a criminal case.

Still, a constitutional amendment ought to be a matter of last resort. The amendment simply fails to meet that elemental test. In fact, portions of what the amendment seeks to ensure are already required in existing federal law.

Unfortunately, members of Congress have failed to provide the appropriations necessary to ensure that victims are notified of hearings and to make sure that prosecutors have the time and resources to be in regular contact with them. An amendment to the Constitution requiring such actions would do little to remedy such neglect. Indeed, unless

followed by better funding, the amendment might put even more strain on prosecutors' time and budgets, making them more reluctant to take on difficult cases. That would work decidedly in the favor of criminals, not society.

Many prosecutors and victims' groups have concerns about the potential for unintended harm from the amendment. Their arguments make enormous sense. During the past two decades, America has begun to address its crime problem more seriously. From local offices to the federal government, prosecutors and lawmakers are doing better in addressing the needs of victims and society. The step-by-step approach is showing results in reduced crime. Methodical, painstaking improvements should be strengthened, rather than being shunted aside in favor of a constitutional amendment that, at best, promises more than it would deliver.

#### WORKERS MEMORIAL DAY 2000

Mr. KENNEDY. Mr. President, on Friday, April 28, 2000, we remembered and honored the sacrifices of the men and women across the years who have lost their lives on the job. We also marked the 30th anniversary of the Occupational Safety and Health Act, which has done so much to reduce such casualties by improving conditions in the workplace for employees across the country. On this day, we renewed our commitment to fair and safe working conditions for every American.

The progress that we have made over the past 30 years is remarkable. In 1970, the year the Occupational Safety and Health Act was signed into law, 13,800 workers died on the job. Since then, workplace fatality rates have fallen by 74 percent. Over 200,000 lives have been saved. Injury rates have fallen by more than a third.

In observance of this important day, we must also remember the lives and the families that have been irrevocably changed by workplace injuries and illnesses. Despite the progress, 154 people still lose their lives on the job on the average day. Last year in Massachusetts, 91 workers died on the job—more than double the number in 1998. Currently, it is estimated that 1,000 deaths a year result from work-related illnesses, and 1,200 workers a year are diagnosed with cancer caused by their jobs. Clearly, those high numbers are unacceptable.

As the global economy continues to expand and change the new workplace, new challenges are created for ensuring adequate safety protections. The modern workplace is being restructured by downsizing staff, larger output quotas, mandatory overtime, and job consolidation. This restructuring creates new pressures on workers to be more productive in the name of efficiency and competitiveness. New technologies in the workplace make it easier to do jobs faster, but they pose new hazards as well.

For ten years, workers have been struggling to achieve a workplace free from ergonomic injuries and illnesses. Since 1990, Secretary of Labor Elizabeth Dole announced the Department