

NAYS—56

Abraham	Ford	Lugar
Ashcroft	Frist	Mack
Baucus	Gorton	McConnell
Bennett	Gramm	Moseley-Braun
Brown	Grams	Murkowski
Burns	Grassley	Murray
Campbell	Gregg	Nickles
Chafee	Hatch	Packwood
Coats	Hatfield	Pressler
Cochran	Helms	Reid
Coverdell	Hutchison	Santorum
Craig	Inhofe	Simpson
D'Amato	Johnston	Smith
DeWine	Kassebaum	Stevens
Dodd	Kempthorne	Thomas
Dole	Kerrey	Thompson
Domenici	Kyl	Thurmond
Faircloth	Lieberman	Warner
Feinstein	Lott	

ANSWERED "PRESENT"—1

Bond

So the amendment (No. 1477) was rejected.

Mr. D'AMATO. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Maryland is recognized to offer an amendment.

Mr. DOLE. Mr. President, will the Senator yield to me for 3 minutes?

Mr. SARBANES. Certainly.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. SARBANES. Mr. President, at the end of that time I will be recognized to offer the amendment?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. I thank the Senator.

NATURAL BORN KILLERS

Mr. DOLE. Mr. President, today's Boston Herald contains a shocking front-page story—a story that should send shivers down the spines of all Americans, especially those who have criticized my call to the entertainment industry to exercise good citizenship when it comes to producing films that celebrate mindless violence.

That is the headline: "We're 'Natural Born Killers.'" There was a movie called "Natural Born Killers." This is a story, the prosecutor says, where the suspects bragged about the slaying saying, "We're natural born killers."

"We're 'Natural Born Killers,'" the headline blares, referring to the critically acclaimed Oliver Stone film.

This is what happened. The Boston Herald story begins, and I quote:

As they changed out of their bloody clothes, the men who plunged a knife into an elderly Avon man 27 times bragged they were "natural born killers," a Norfolk County prosecutor said yesterday.

"Haven't you ever seen 'natural born killers' before?" 18-year-old suspect Patrick T. Morse allegedly bragged to a girl after the gruesome slaying.

According to the Norfolk County prosecutor, "This is one of the most vicious premeditated murders I have ever seen." And Massachusetts State Police

Trooper Brian Howe said "My understanding was that they were drawing a comparison between the characters in the movie and themselves."

Of course, no movie caused this brutal killing in Massachusetts. We are all responsible for our own actions, period. But, at the same time, those in the entertainment industry who deny that cultural messages can bore deep into the hearts and minds of our young people are deceiving themselves. If the Boston Herald story is true, and if these are the kinds of role models that Hollywood is content to promote, then perhaps some serious soul-searching is in order in the corporate suits of the entertainment industry.

Let me just indicate again that is the headline. It is not BOB DOLE's headline. It is the headline this morning in the Boston Herald about how these young murderers bragged about attacking an old man and stabbing the person 27 times. In fact, it goes into graphic detail about the knife that was so bloody that they had to ask for a new knife.

Something is wrong in America with the entertainment industry, and maybe it is high time they took a look at themselves and put profit behind common decency.

Mr. President, I ask unanimous consent that the article from the Boston Herald be printed in the RECORD.

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

WE'RE "NATURAL BORN KILLERS"

As they changed out of their bloody clothes, the men who plunged a knife into an elderly Avon man 27 times bragged that they were "Natural Born Killers," a Norfolk County prosecutor said yesterday.

"Haven't you ever seen 'Natural Born Killers' before?" suspect Patrick T. Morse allegedly bragged to a girl after the gruesome slaying of 65-year-old Philip Meskinis.

Chilling details of the trio's murderous attack and their fascination with the murder spree depicted in the motion picture "Natural Born Killers" were revealed yesterday when Morse, 18, and Leonard Stanley, 20, were arraigned on murder charges and held without bail.

Police are scouring the Brockton area for a third suspect, Michael F. Freeman, a 20-year-old fugitive and former convict who allegedly wielded the knife that slashed Meskinis' throat early Friday morning and punctured his body with 27 stab wounds.

"I've been doing violent felonies for 20 years," Norfolk County prosecutor Gerald Pudolsky said after the arraignment. "This is one of the most vicious, premeditated murders I've seen."

After an intensive investigation that led to Morse's arrest about 36 hours after the grisly murder, and Stanley's surrender shortly after 11 p.m. Sunday, police learned in interviews with Morse and the trio's associates that the men and their female friends "on occasion" watched "Natural Born Killers" after one person bought the movie, said State Police Trooper Brian L. Howe.

"My understanding was they were drawing a comparison between the characters in the movie and themselves," Howe said.

In Stoughton District Court yesterday, Morse and Stanley sat expressionless as Pudolsky recited the threesome's alleged vile deeds.

"I think the only thing they're sorry about is they got caught," Howe said after the arraignment.

The trio allegedly started plotting the slaying at a coffee-ship in Avon after Freeman—whose handicapped mother once dated the disabled victim—told Morse and Stanley that Meskinis had money and guns stashed inside in his School Street home, Pudolsky said.

At 5 p.m. Thursday, the trio went to a girlfriend's house in Avon where they discussed "pulling an armed invasion at Mr. Meskinis' house," Pudolsky said.

Armed with at least two, maybe three knives, the suspects left the girl's house in Morse's Chevrolet Cavalier at about 1:30 a.m. "Mr. Freeman knew he was going to kill the victim and the other two went along 100 percent," Pudolsky said in an interview.

As Meskinis lay asleep in his bed, the men invaded his home and Freeman launched the bloody assault, jamming a knife repeatedly into the helpless man's body.

"So much blood was coming from Mr. Meskinis' body that Mr. Freeman actually lost the grip on the knife," Pudolsky said.

Freeman yelled to Morse for another knife and Morse complied, passing a Buck knife, Pudolsky said. The blows were so forceful that Freeman allegedly broke Meskinis' wrist and clavicle during the relentless hacking.

Stanley was "ready, willing and able" to assist in the bloody siege—although his attorney and relatives insisted yesterday that he was not in the bedroom during the murder.

The suspects stole a shotgun and a .22-caliber rifle, stashing them first in the woods, and later inside the girlfriend's house.

Police recovered two knives, two victim's guns and bags of bloodied clothing ditched in a dumpster behind a Brockton convenience store.

The trio returned to the woman's home where three other female friends were staying that night, police said. They stripped their bloodied clothing, and worried that they had left behind fingerprints, Morse and Freeman brazenly returned to the murder scene at about 5 a.m. to remove evidence from ashtrays and door knobs, police said.

As Morse and Freeman sat down at 8:30 a.m. for breakfast, Stanley said he was not hungry.

But Stanley, using a glass of water, gurgled the liquid in his mouth to imitate "the death chortle of Mr. Meskinis as his throat was being slashed," Pudolsky said.

ELECTIONS IN HAITI

Mr. DOLE. Mr. President, long-delayed parliamentary elections were held in Haiti last weekend. The long-suffering Haitian people deserve credit in what is a momentous step in their efforts to develop democracy. For many months, it appeared elections might never take place. Since January, President Aristide has been governing by decree because elections were not held in the constitutionally mandated period.

All reports out of Haiti indicate confusion and chaos in the electoral process. Hundreds of thousands of Haitians were waiting to vote 24 hours after polls were supposed to close. Some polling stations opened very late, and some never opened at all. An election station was burned in northern Haiti. Turnout was low.

According to information my office received from Haiti today, the ballot counting process is in total disarray. The final results are not yet in, but the early returns indicate deep flaws in the process leading up to the election, deep flaws on election day, and now a complete breakdown of the process. All the signs point to an election process that is fatally flawed.

There are credible reports of ballots being destroyed, and of nonexistent ballot security. No one knows when ballot counting will be completed—or if it can ever be done credibly.

You may have seen a picture of ballot security in the Washington Post this morning, boxes and boxes of ballots stacked up and ballots spilling out of the boxes.

Witnesses today cite cases of ballots being shoveled into trash containers, and left in the street.

The International Republican Institute [IRI] documented dozens of shortcomings in the months and weeks leading up to the election. The IRI delegation, headed by Congressman PORTER GOSS, issued a statement yesterday titled: "Irregularities Mar the Electoral Process." The IRI statement details grave concerns with the Haitian elections.

The International Republican Institute deserves credit for its honest and serious effort to expose flaws in the Haitian election process. The international community should not just stand by and applaud a deeply flawed election. As Chairman GOSS' statement noted yesterday, "The Haitian people deserve better."

In light of the work done by IRI, it was all the more surprising to see the Washington Post editorialize today against IRI's work. The Post claimed IRI's criticism was not informed or constructive, but misunderstood the tough effort to rehabilitate Haiti. I agree the effort to rehabilitate Haiti will be tough—but it will not be served by turning our eyes from the very real problems in Haiti, or from an election that is fraught with problems. This is not a Republican view—it is an honest assessment of the facts. The New York Times today reported that the Haitian election unraveled further yesterday. The mayor of Port au Prince, an old ally of President Aristide, said yesterday: "There has been massive fraud. It does not seriously advance the process."

I expect hearings into Haiti's election to begin as soon as the Senate returns from recess in July. Instead of criticizing the monitors of the election, the Post should look for answers to the tough questions:

Why were thousands of candidates rejected by the election council in total secrecy?

Why was an official list of candidates never released?

Why weren't election administrators trained until it was too late—despite the availability of millions in international assistance for such training?

What happened to 1 million voter registration cards missing before election day? Why were voter registration records unavailable on election day, and then being destroyed 48 hours later?

Why was there a complete lack of ballot security on election day and subsequently?

Why were thousands of ballots and tally sheets destroyed and discarded before any official count was recorded or finalized today in Port au Prince and other departments?

Are the verifiable cases of ballot substitution part of a national pattern to influence the outcome of the elections?

Why was President Aristide silent on key issues of election integrity in the days before Sunday's balloting?

Who in the government and police force played a role in the undermining of Haitian democracy?

What has happened to the millions of dollars in election assistance given to Haiti—amid rumors that elections workers will not be paid?

Is the election chaos in Haiti orchestrated, as charged by credible international observers on the scene today?

These and other issues deserve serious scrutiny—not just cheerleading. The Haitian election process is at a standstill. I believe the election process in Haiti should be judged by the same standard used for other elections in other parts of the world—the Haitian people deserve no less. The election observers have left the country but IRI is still on the ground asking the tough questions. I am confident Congress will fully examine all issues associated with the Haitian elections in the coming weeks.

I ask consent that a summary of the preelection analysis and the International Republican Institute statement of June 26, 1995, be printed in the RECORD.

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

INTERNATIONAL REPUBLICAN INSTITUTE,

Washington, DC, June 26, 1995.

IRREGULARITIES MAR ELECTORAL PROCESS—
STATEMENT BY REP. PORTER GOSS (R-FL),
DELEGATION CHAIRMAN

Good morning. This is our second press conference. On Saturday, the International Republican Institute (IRI) released its preelection assessment in which we expressed our concern over a number of issues. They include the implications of the failure of the electoral authorities to create an open, transparent and verifiable process; the disqualification of parties and candidates; the lack of adequate training for electoral workers; and the failure to conduct any civic education to encourage voter participation. Today, all of us here have seen the consequences of these failings.

I want to underscore the fact that our delegates are still in the field throughout the nine departments sending in reports. Election day has only recently come to an end and the counting continues. Our serious concern about the total lack of ballot security is being borne out as I speak. We received reports from our delegates early this morning

who observed disturbing irregularities at BEC level (regional collection and counting station). I have asked our delegation to determine the extent of these abuses for our evaluation of the count. The problems in this electoral process can only complicate the strengthening of democracy in Haiti.

Frankly, the Haitian people deserve better. We saw their remarkable dignity and endurance yesterday while trying earnestly to participate in an arbitrary process. We share a common objective with others in the international community—we all want a better Haiti and a stronger democracy here. IRI is not here to certify this election. Only the Haitian people themselves have the right to determine the legitimacy of this process. Already several major parties have issued statements challenging the integrity of the process. We must take their judgements seriously.

Let me share with you our observations about yesterday's events. We received radio and telephone reports from IRI delegates in the field from Les Cayes to Fort Liberte. Together, the IRI delegates have visited during the course of election day about 500 BIVs (local polling stations). Our delegates in Jacmel and Jermie reported an election we had hoped for—sufficiently organized, whose irregularities were overcome by the Haitian people and the electoral workers themselves. For myself, the only normal process I observed was at Cabaret, which is doubly ironic because it used to be Duvalierville, the former dictator's Potemkin Village. Our delegates throughout the departments in the north reported graphically about the closing of the BIVs, the intimidation of politicians and the burning down of the BEC in Limbe. Today in Port-au-Prince our delegates observed the use of xeroxed ballots, and early this morning we witnessed tally sheets being intentionally altered and ballots being substituted with newly marked ballots. This occurred in the Delmas BEC, not 10 minutes from where we are today. This raises the serious possibility of the political manipulation of this election.

So let me take a step back and point out a positive aspect of these elections. Throughout the country, all of us were surprised and impressed by the significant presence of political party observers. I would like to give credit to the Haitian private sector who filled a crucial void by providing the necessary support to field these pollwatchers. The Center for Free Enterprise and Democracy (CLEED) deserves credit for putting this bold initiative together in 48 hours.

Let me summarize our grave concerns: Security: The international military served as a deterrent to widespread violence for these elections. However, the issue of personal security for those participating in this political process remains a serious concern. This issue was permeated every step of the process, affected the quality of the campaign, the environment in which this election occurred and clearly lessened voter participation. It was magnified yesterday by threatened electoral workers and intimidated and harassed candidates. Yesterday, violent incidents closed BIVs in Port-au-Prince, Limbe, Port de Paix, Don Don, Ferrier, Jean Rabel, Carrefour and Cite Soleil. These actions disenfranchised an undeserving Haitian population. Without visible security, BIV authorities were forced to close the polls and in other cases voters went home without casting their votes.

Voter Materials: The CEP failed to deliver and distribute voter materials in the necessary time frame. Many BIVs also received incomplete election material packages. This resulted in countless delayed BIV openings. This created enormous voter frustration and even postponed the elections in La Chapelle.

Unpaid Elections Workers: As noted in our pre-electoral assessment, the failure of the CEP to pay thousands of electoral workers was attributed as one of the reasons for absenteeism which delayed and closed many BIVs. Demonstrations were reported in several departments.

Administration Capability: As noted in our pre-electoral assessment, electoral workers received minimal or no training on the duties and procedures. This resulted not only in lengthy delays but jeopardized the security and secrecy of the process.

Secrecy of the Ballot: There was widespread disregard for the secrecy of this process. IRI and other delegates reported that the ballot box seals were rarely used. Additionally, the setup of most BIV's did not afford voters secrecy in marking their ballots.

Security of the Ballot: The most flagrant lack of control occurred from the point of the count to the BEC level. Upon arrival of the ballots at the BEC's, observers reported a lack of control of used and unused ballots. The most egregious examples of this known to IRI occurred in the Delmas BEC where clean ballots were marked and substituted for ballots that had arrived from the BIV's; tally sheets were altered.

Disqualification of Candidates: The thoroughly arbitrary process of qualifying candidates led to serious consequences which we anticipated in our pre-election report. While some argued that the number of candidates that were disqualified was not statistically significant, it proved on election day to destabilize the electoral environment in certain areas. The results of this ranged from a low voter turnout in Saint Marc where five candidates for magistrate were left off the ballot to Jean Rabel, where it was reported that followers of independent candidate Henry Desamour burned ballots and closed BIV's because his name did not appear on the ballot.

Voter Turnout: IRI delegates reported low to modest voter turnout in the BIV's they visited. If this remains the case, we believe that it is the consequence of a compressed election timetable, a lack of civic education, and frustration with the electoral process.

It was important for Haiti and the international community to hold this election, but holding an election is simply not enough. The purpose of this election was to create layers of government that can serve as checks and balances on each other and decentralize power as envisioned by the 1987 Constitution. That is why it was important to have an inclusive process, not one marked by exclusion.

It has been IRI's intent throughout this process to be thorough, independent, objective and constructive. In this regard, IRI will maintain a presence in Haiti through the final round of elections and will make recommendations for the formation of the permanent electoral council.

HAITI—IRI PRE-ELECTORAL ASSESSMENT OF THE JUNE 25, 1995, LEGISLATIVE AND MUNICIPAL ELECTIONS, JUNE 24, 1995

I. EXECUTIVE SUMMARY

On June 25, 1995 Haiti will hold elections for 18 Senators, 83 Deputies, 135 mayors and 565 community councils. These elections were originally to be held in December but were postponed several times for a variety of reasons.

This election occurs at a pivotal time for Haiti as it struggles to rejoin the family of democratic nations and offer renewed hope of stability for its people. This election is also critical for the international community as it seeks a benchmark to demonstrate the transition from an internationally dominated country to a Haiti governed by Haitians. For many in the international community, these issues have made the holding of an election far more important than the quality of the election. IRI has sought to evaluate the pre-electoral process and environment for their comparison to minimal standards of acceptability.

ELECTORAL PROCESS

The legal foundation for these elections was a Presidential decree that subverted the legislative process.

The formulation of the Provisional Electoral Council (CEP) itself breached an agreement between the President of the Republic and the political parties to allow the parties to nominate all candidates from which CEP members would be chosen by the three branches of government. Only two of the nine CEP members were chosen from the parties' list.

The voter registration process, to have been administered by the CEP, was complicated by miscalculations of population size, lack of sufficient materials and registration sites, and one million missing voter registration cards.

The CEP review of the over 11,000 candidate dossiers for eligibility was a protracted process that occurred under a cloak of secrecy. When the CEP made its decisions known, by radio, no reasons were given for the thousands of candidates rejected. After vehement protests by the parties, some reasons were supplied and supplemental lists were announced through June 14, thirty-one days after the date the final candidate list was to be announced. This stripped the CEP of its credibility with the political parties. There is still not a final list of approved candidates available.

The sliding scale of registration fees imposed by the CEP—whereby political parties with fewer CEP approved candidates pay larger fees—has made it difficult for many parties to compete. As of June 20, five days before the election, protests against this unusual requirement have gone unanswered.

The ability of the CEP and those under its direction to administer an election is unclear. As of June 20, five days prior to the election, formal instructions for the procedures of election day and the count has yet to be issued; this has prevented the 45,000 persons needed to administer election day from receiving specific training.

As of June 20, those persons designated by the political parties as pollwatchers had not yet received any training from the CEP which could lead to serious confusion on election day.

These actions have led to deep misgivings across the Haitian political spectrum about the ability of the CEP to fulfill the mandate and functions normally executed by election commissions. Political parties had no idea to whom to turn with complaints in the process—the CEP, the President of the Republic, the United Nations Electoral Assistance Unit or the United States Government.

Three political parties withdrew from the process as a form of protest.

ELECTORAL ENVIRONMENT

A concern for security is an issue that has permeated every step of the process. The assassination of Mireille Durocher Bertin, a well-known lawyer and leading political opponent of Aristide, only confirmed the fears of the parties and candidates. During the crisis, many elected representatives feared returning to their districts, contributing to the decay of political infrastructure. Candidates have curtailed their campaign activities and have given personal security a higher priority.

The campaign itself began late and has been barely visible until some activities in the last week prior to elections. Given the process and environment surrounding these elections, it is doubtful many of Haiti's recognized political parties could have competed effectively.

The electorate itself is basically uninformed about this election—what it stands for and who is running. There has been no civic education campaign, with the exception of some limited U.S. and U.N. military efforts, to illuminate the purpose of this election.

Similarly, there has been no educational campaign on how to vote, which for a largely illiterate population in Haiti could pose serious difficulties on election day.

Compared to other "transition elections" observed by IRI, such as in Russia in 1993, El Salvador in 1994, South Africa in 1994 and even China's Jilan Province village elections in 1994, the pre-electoral process and environment in Haiti has seriously challenged the most minimally accepted standards for the holding of a credible election.

PRIVATE SECURITIES LITIGATION REFORM ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Maryland to offer an amendment.

AMENDMENT NO. 1478

(Purpose: To amend the safe harbor provisions of the bill)

Mr. SARBANES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES] proposes an amendment numbered 1478.

On page 114, strike lines 7 and 8, and insert the following:

"(1) made with the actual knowledge that it was false or misleading;

On page 121, strike lines 1 and 2, and insert the following:

"(1) made with the actual knowledge that it was false or misleading;

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, the previous amendment, the one we just considered, which was not adopted on a vote of 43 to 56, would have sent the matter of defining the parameters of the safe harbor exemption to the Securities and Exchange Commission.

I, of course, argued very strenuously in the consideration of the amendment