

30 and 35 miles per hour), noticing a van stopped at the intersection with its turn, signal on. Apparently next to the van and hidden from the officer's line of sight was another vehicle. Confirming that the stopped vehicle was aware of her presence, she accelerated and went through the intersection as the light turned yellow and then red. The van remained stopped but the vehicle next to it, being driven by 18 year old Jered Gamache went forward and his vehicle and the police care collided. Gamache died as a result of injuries suffered in the collision. The tribal police force has expressed great remorse to the Gamache family and the officer herself has suffered tremendously and emotionally as a result of the accident.

While we have the greatest sympathy for the family of Jered Gamache and can understand their pain we can not understand how a member of the United States Senate could suggest that this accident is somehow analogous to the celebrated Louima beating in New York. Senator Gorton has stated that since Mr. Louima is going to be suing New York City for millions of dollars so too should the Gamache family be able to sue the Yakama Nation for a similar amount. With all due respect, this is not an analogy worthy of a former state Attorney General. The New York policemen who beat Louima broke the law. Our tribal police officer was acting within her scope of duty and following routine procedures. While it is tragic, there are unfortunately a large number of innocent bystanders all across this country who are accidentally hurt or killed by law enforcement officers discharging their duties. The fact remains that police officers and the governments they work for are protected by a sovereign immunity provided they have acted within the line of duty in a non-negligent manner. Would the Senator characterize, as he did on the floor, that a claim against, say, a King County, Washington policeman involved in an accidental vehicular death as "identical or similar" to the claim Mr. Louima will be pursuing against New York?

Contrary to the Senator's assertions, the Gamache family has not been denied legal recourse due to tribal sovereign immunity. In fact, the Gamache family has a filed civil suit which is currently pending in the Eastern District Federal Court of Washington state, trial is set for December 8, 1997. The Gamache family is pursuing this claim under the Federal Tort Claims Act (28 USC 2671), which is the same statute under which they would pursue a claim if any other federal law enforcement official (FBI, National Park Service ranger, etc.) has been involved in their son's death. The Federal Tort Claims Act (FTCA) is the statute involved as the Yakama Nation was operating its tribal police department under a contract with the Interior Department pursuant to the Indian Self-Determination Act and the tribal police officer was acting as a federal agent. United States District Judge Fred Van Sickle will determine whether the officer involved showed contributory negligence which led to the accident and will further determine whether she was properly acting within the scope of her duty. The standards for these terms under FTCA are the standards as they exist within Washington state law. Not only are the Gamache's being given legal recourse, but it is taking place in the "neutral" federal court which the Senator wants to direct all cases coming from Indian reservations.

Perhaps this is a good example of the dangers of making law based on anecdotal situations, particularly when the facts have not been properly brought to light. ●

CONGRESSMAN GEORGE CROCKETT, JR.

● Mr. ABRAHAM. Mr. President, I rise today to pay my respects to former Michigan Congressman George Crockett, Jr. Congressman Crockett represented the people of Detroit in the House of Representatives from 1980-1991 and before that as a Recorder's court judge from 1966-78.

Undoubtedly, Congressman Crockett's legacy will be his tireless work on behalf of civil and human rights. As a private attorney, as a judge, and as an elected official Congressman Crockett sought to provide legal protection to all Americans, especially African-Americans and other minorities. As is always the case with dynamic leaders, there are many who disagreed with Congressman Crockett and his actions. Never questioned, however, was his integrity and honesty.

Congressman Crockett exemplified a lifetime of commitment to public service. In the words of Congressman Crockett's friend and colleague, Michigan State Representative Ted Wallace, "Men like George Crockett never die. His spirit and name will live on forever." ●

MEDIA COVERAGE IN BOSNIA

● Mr. LEVIN. Mr. President, I rise today to talk about media coverage in Bosnia and the importance of a fair, free, and independent media to the safety of United States and allied forces, the implementation of the Dayton peace accords, and peace for the Bosnian people.

Recent events in the Serb area of Bosnia have served to highlight the disruptive role that the media, particularly television, can play as we have witnessed what Gen. Wesley Clark, NATO's Supreme Allied Commander, characterized as "organized disorder."

It was the potential for television-incited violence that led me to propose in my floor speech of July 30 the deployment of the EC-130E Commando Solo aircraft to jam Bosnian Serb television and to broadcast television and radio programming directly to the Bosnian people. I also made that proposal in writing to National Security Adviser Sandy Berger and Secretary of Defense Bill Cohen. I understand that the deployment of Commando Solo is under serious consideration at the Pentagon at the present time.

In making my proposal, I specifically cited a provision of the Agreement on the Military Aspects of the Dayton Peace Agreement that gives NATO's Stabilization Force Commander the authority to do all that he deems necessary and proper to protect the SFOR and to carry out its responsibilities.

I should note at this point that the High Representative, Mr. Carlos Westendorp, a position that was created by the Dayton peace accords to oversee the implementation of the civilian aspects of the accords, has been

invested with similar authority. The Peace Implementation Council, in its May 30, 1997 Sintra Declaration, declared as follows:

The authorities of Bosnia and Herzegovina, the Entities and the common institutions will be expected to give every possible form of practical assistance with respect to licenses, frequencies, free access by the High Representative to news media and the ability of the OBN (Open Broadcast Network) and other independent media to broadcast.

The Steering Board is concerned that the media has not done enough to promote freedom of expression and reconciliation. It declared that the High Representative has the right to curtail or suspend any media network or programme whose output is in persistent and blatant contravention of either the spirit or letter of the Peace Agreement.

So there is ample authority in both the senior military and civilian authorities representing the international community in Bosnia to take action to address the misuse of Bosnian Serb television and other media outlets.

I was pleased to note that the North Atlantic Council, on August 30, acting pursuant to a request from the High Representative authorized SFOR "to provide the necessary support to suspend or curtail any media network or programme in Bosnia and Herzegovina whose output is in persistent and blatant contradiction of either the spirit or letter of the Peace Agreement, in accordance with the Sintra Declaration."

The North Atlantic Council further reaffirmed that "SFOR will not hesitate to take the necessary measures including the use of force against media inciting attacks on SFOR or other international organizations." I ask unanimous consent that a North Atlantic Council press release that contains these decisions be printed in the RECORD at the conclusion of my remarks.

Mr. President, there have been a number of media reports and commentaries concerning the agreement that was reached on September 2 concerning the release of the Udrigovo television tower northeast of Tuzla. Several commentaries have criticized the agreement, under which the tower was returned to Pale's control, as being a capitulation to Karadzic. I believe this is a misreading of the situation.

Under the agreement, SFOR turned over the Udrigovo tower in return for four commitments from Pale. Those commitments are as follows:

First, all media will refrain from making inflammatory reporting against SFOR and international organizations supporting the execution of the Dayton accord. This includes television, radio, and the print media.

Second, television will regularly provide 1 hour of programming during prime time each day without exception, during which our political views will be aired.

Third, television will provide Ambassador Westendorp, the new High Representative, one-half-hour programming during prime time in the next few