ATTEMPT ON THE LIFE OF PRESIDENT EDUARD SHEVARDNADZE OF GEORGIA

Mr. BROWNBACK. Mr. President, I serve on the Foreign Affairs Committee and I note, last night an attempt was made on the life of President Eduard Shevardnadze of The Republic of Georgia by assailants who have yet to be identified. President Shevardnadze survived the attack without injury. Unfortunately several members of his personal security detail were killed, and number of others were wounded.

The Republic of Georgia is one of the key linchpins of the new Eurasia. It is the most democratic of all of the states that succeeded the Soviet Union. Under President Shevardnadze's inspired leadership a civil war has been put to rest, criminals have been jailed, private armies have been disarmed, and economic decline has been reversed. In 1997, Georgia's economy grew by nearly 8 percent, inflation was held in check and the Georgian currency remained rock solid. Democracy has flourished. Indeed, if democracy is allowed to fail in Georgia, it is unlikely to succeed anywhere in the region.

Any attempt to kill Shevardnadze must be seen in those context. It is an attempt to derail a successful democratic process, and an effort to compromise the growing number of U.S. economic and strategic interests in Georgia and the region.

According to Georgian authorities, the attempted assassination was well-planned and well-executed by as many as 30 well-trained assailants. They were armed with rocket propelled grenades and automatic weapons. The Georgians are asking, as we must ask: How could a group this size operate undetected in the capital of Georgia? Where did they receive arms and ammunition? Who trained them? Where did they disappear to in the aftermath? And most importantly: Whose interests do they represent?

Georgian authorities make it clear that they suspect outside powers of this attempt on the life of their president. They are not alone. Azerbaijan's president Aliyev was also the object of an assassination attempt in recent days, which Azerbaijani authorities believe was planned and executed by outsiders. We should be mindful that these two cowardly acts may be part of a plan to destabilize the Caucasus with the intention of scaring off American and other investors who seek to bring the Caspian's great energy wealth west to international markets.

Who benefits from promoting instability in the Southern Caucasus at this time? Russia is everyone's leading candidate as the outside power with the most to gain. Russia has long raged and conspired to thwart Caspian energy from flowing any direction but north through Russia. Most parts of Russia's political elite still view Caspian wealth as their own. The suspected perpetrator of an earlier assassination attempt on Shevardnadze remains under Russian care despite vociferous demands from Georgia that he be extradited. Russia still has bases in Georgia from which yesterday's attack could be planned and staged. None of this is proof of Russian complicity, but the strong suspicion of Russian involvement will not go away quickly.

The U.S. Government should make every effort to learn the truth. More than this, we must articulate in clear and forceful terms to those outside powers who might be tempted to destabilize the Caucasus some simple truths:

First, the United States has vital interests in the Caucasus which these attacks threaten.

Second, our support for President Shevardnadze and the other Caucasian leaders is unbending.

Third, we will do everything we can to facilitate democracy and free markets in the region.

Fourth, oil and gas will flow west.

And finally, we must make it painfully evident that outside states that seek to destabilize America's friends in the Caucasus are not states we will favor with political and economic aid and other forms of assistance.

The attempt to kill President Shevardnadze, one of America's most valued friends, is intolerable and will have consequences.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL VACANCIES

Mr. GRASSLEY. Mr. President, lately, there has been a lot of talk about Chief Justice Rehnquist's ''Year End Report on the Federal Judiciary.'' As chairman of the Sucommittee on Administrative Oversight and the Courts, I have an added interest in what the Chief Justice has to say. According to some, the Chief Justice's report indicates that the federal judiciary suffers from a partisan produced ''vacancy crisis.'' Indeed, some critics have gone so far as to feverishly conclude that the Senate's Constitutionally mandated confirmation process has become an ''obstruction of justice.'' Caught up in this frenzy, some Democrats have come to the Senate Floor blaming many, if not all, of the judiciary's problems on vacancies. Vacancies, however, are not the source of the problem.

Despite assertions to the contrary, the Chief Justice could not have been more clear on this point: Vacancies are the consequence of what he perceives to be an overburdened judiciary. In fact, the Chief Justice pointed out that it is the judiciary's increased size and expanded jurisdiction that is the major threat to justice in the United States. In his Report, Chief Justice Rehnquist warned that the federal judiciary had become ''so large'' that it was losing ''its traditional character as a distinctive judicial forum of limited jurisdiction.''

Mr. President, in addition to what the Chief Justice said about the size of the judiciary has become ''so large'' that it was losing ''its traditional character as a distinctive judicial forum of limited jurisdiction,'' I ask unanimous consent to have printed in the RECORD an article by Chief Judge Harvie Wilkinson III of our Circuit Court of Appeals entitled ''We Don't Need More Federal Judges.''

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

[From the Wall Street Journal, Feb. 9, 1998]

WE DON'T NEED MORE FEDERAL JUDGES

(By J. Harvie Wilkinson III)

The tune is so familiar that most federal court watchers can whistle it in their sleep. Add more and more judges to the federal bench, goes the refrain, and all will be well.

Well, Congress has been adding judges for years now, and somehow each new addition never seems to be enough. The trend has been dramatic. At midcentury, the number of authorized federal judgeships stood at approximately 280. Today, the number of authorized judgeships is 846. And the process shows no signs of abating. The Judicial Conference of the U.S. has asked Congress for 17 additional judgeships for the 13 circuits on the U.S. Court of Appeals—12 permanent judgeships and five ''temporaries.'' Under the conference's proposal, the Ninth Circuit alone would increase to 37 judgeships from the already unwieldy 28.

The federal judiciary is caught in a spiral of expansion that must stop. With growth in judgeships comes growth in federal jurisdiction. And with the expansion of federal jurisdiction comes the need for additional federal judges to keep pace. Whether the growth in judges precedes the growth in jurisdiction or vice versa is anybody's guess. The one follows the other as the night follows the day.

The process of growth has not been a carefully examined one. Rather, it is fueled by a mechanical formula that presupposes that every increase in case filings must be met not with judicial efficiencies or jurisdictional restrictions but with additional battalions of judges. The Judicial Conference has come up with a benchmark of 500 filings per three-judge panel for requesting an additional judgeship on the appellate courts.

Nobody knows precisely what is the basis for the 500 figure except that it is a nice round number; not so long ago the magic unit was 255. While the figure is intended to be used in conjunction with other assessments, it remains the major factor and the one on which a request for additional judgeships is presumptively justified.

To be sure, there are some hard-pressed courts where the workload makes it imperative that new judges come on board. But adding judges to the federal courts is no long-range answer. In fact, the consequences of this silent revolution in the size of the judiciary could not be more serious.

Growth in the federal judiciary has three main costs. The first is that of simple inefficiency. Large circuit courts of appeals present problems that small ones don't have. There are more internal conflicts in circuit law. These must be resolved by more en banc hearings of the full court. If the en banc court consists, for example, of 20 judges as opposed to 12 it takes twice the time even to get the decision out. Judges on a large court