

Judge Frederica Massiah-Jackson by her opponents are full of half-truths, and misinformation.

In fact, she is a remarkable lawyer and judge with a long history of service to the people of Philadelphia, and she deserved to be confirmed to serve as a federal judge on Pennsylvania's Eastern District Court.

Judge Massiah-Jackson has worked long and hard and well to get where she is today. She is the daughter of immigrants. Her father came to the United States from Barbados, and her mother came from Haiti. They taught her the value of hard work, commitment to family, and giving back to the community. Judge Massiah-Jackson's entire life and career are testimony that she lives by these virtues.

She was born and raised in Philadelphia. She graduated from the University of Pennsylvania Law School, one of the nation's most prestigious law schools. She could have made a career in private practice and been a great financial success. But instead, she has devoted her life to public service.

Upon graduating from law school, she served as a law clerk, then as chief counsel to the Business Committee of the Pennsylvania State Senate. In 1984, she was elected to the Court of Common Pleas in Philadelphia, and re-elected to that position in 1993.

Most nominees for the federal court have a background in either civil law or criminal law. But Judge Massiah-Jackson has a background in both. In her first years on the Court of Common Pleas, she handled criminal cases. In recent years, she has handled the court's docket of complex civil cases. So this eminently qualified judge will bring a wealth of experience to the federal district court.

Her opponents unfairly ignored this impressive record. Instead, they latched onto a few isolated cases, mischaracterized them, and then used them to defame the reputation of this distinguished judge. When she answered their questions, they invented still more reasons to object to her nomination.

This process is unfair. It is unfair to Judge Massiah-Jackson and her family. It is unfair to the people of Philadelphia. It is unfair to the nation's system of justice. And it is a disgrace to the United States Senate.

Even if the cases that her critics cite were wrongly decided, they represent less than one percent of the 4,000 cases over which she has presided in her long career.

How many United States Senators can say that they have been right over 99 percent of the time?

Look at the process that led to her nomination.

She passed the bipartisan judicial selection committee established by Senator SPECTER and Senator SANTORUM with flying colors.

She was screened by the Justice Department to ensure her qualifications.

The FBI conducted a thorough background investigation of her character.

The American Bar Association reviewed her professional qualifications for the job.

Senator SPECTER, Senator SANTORUM, and Senator BIDEN conducted their own hearing in Philadelphia to review Judge Massiah-Jackson's qualifications even further.

Finally, she appeared before the Judiciary Committee not once, but twice. And yesterday, she patiently and professionally answered each and every question that Senators put to her.

But perhaps most significant, Judge Massiah-Jackson had the most important endorsement that any nominee before this committee could have—the respect and admiration of the people who know her best—the people she has served for 14 years—the people of her hometown of Philadelphia.

Her opponents have distorted her record by mischaracterizing isolated cases from among the thousands she has handled over the past decade and a half. But the citizens of Philadelphia know better.

Listen to what the people who really know her have to say.

The Philadelphia Bar Association says, "We know Judge Massiah-Jackson to be an outstanding jurist—fair, patient, and thorough." This is what her fellow lawyers in Philadelphia have to say about her. And they know her better than anyone in the United States Senate.

Mayor Ed Rendell of Philadelphia strongly supported her nomination. He says, "It is clear that she should be confirmed."

As the Pennsylvania Legislative Black Caucus wrote to the Judiciary Committee, "Judge Jackson is an outstanding and able jurist. She has labored long and hard in the trenches of the judiciary and is a demonstrated supporter of fair and even justice."

The organization "Philadelphians Against Crime" ran an ad in the Philadelphia Daily News on February 25, saying, "We support Judge Massiah-Jackson for the federal judgeship."

Barbara Burgos DiTullio, President of the Pennsylvania Chapter of the National Organization for Women, writes, Judge Massiah-Jackson "is highly qualified to hold this position, and anyone looking at her record instead of listening to those who have personal vendettas would know this."

The Philadelphia Tribune endorsed her, saying "[Judge Massiah-Jackson] is eminently qualified for the federal bench."

Here is the Philadelphia Daily News: "Frederica Massiah-Jackson's record demonstrates her suitability for the federal bench."

In addition, Judge Massiah-Jackson received the support of lawyers who have appeared before her in court. In a survey conducted by the Philadelphia Bar Association, the vast majority of the lawyers who appeared before her expressed their confidence in her integrity and judicial temperament, and found her to be industrious and efficient.

Judge Massiah-Jackson earned these endorsements because she has established herself as a tough-minded, no-nonsense jurist throughout the more than 4,000 cases she has handled in her 14 years on the Philadelphia Court of Common Pleas. She is tough on crime, and tough on criminals. According to the Philadelphia Bar Association's independent review committee, Judge Massiah-Jackson is more likely, not less likely than her colleagues on the court to convict defendants.

For serious crimes, such as robbery, rape, and burglary, her conviction rate is nearly 50 percent higher than the conviction rate of her colleagues.

Her record on sentencing is right down the middle when compared with other judges on the court. Her rate of departure from Pennsylvania's sentencing guidelines is not measurably different from her colleagues. In fact, her record shows that she is more likely than her colleagues to depart upward from the guidelines, imposing stiffer sentences than the guidelines call for.

When Judge Massiah-Jackson's full record is considered, it is clear that she is fully qualified to serve on the Federal District Court. She eminently deserved her nomination to the federal court, because of her strong commitment to justice, and her profound knowledge of the law. I am confident that Judge Massiah-Jackson will continue to serve the people of Philadelphia well on the Court of Common Pleas.●

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#### ORDERS FOR WEDNESDAY, MARCH 18, 1998

Mr. HELMS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. tomorrow, Wednesday, March 18, and immediately following the prayer, the routine requests through the morning hour be granted and the Senate then begin a period for the transaction of morning business until the hour of 11:30 a.m., with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator THOMAS, 45 minutes from 10:15 to 11; Senator MOYNIHAN and Senator KERREY, 30 minutes, from 11 to 11:30; Senator JEFFORDS, 10 minutes; and Senator KENNEDY, 10 minutes.

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

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#### PROGRAM

Mr. HELMS. Mr. President, tomorrow the Senate will be in a period of morning business from 9 a.m. until 11:30 a.m., and at 11:30 a.m., as under a previous agreement, the Senate will begin debate on H.R. 2646, the A+ education bill, with Senator ROTH being recognized to offer an amendment. In addition, the Senate may also consider S. 414, the international shipping bill,

or S. 270, the Texas low-level radioactive waste bill, and any other legislative or executive business cleared for Senate action. Therefore, Members can anticipate rollcall votes throughout Wednesday's session of the Senate.

#### ORDER FOR ADJOURNMENT

Mr. HELMS. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order, upon the completion of the remarks of Senator HARKIN.

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

Mr. HELMS. Mr. President, I am advised the Senator is on his way. I will suggest the absence of a quorum, but at the conclusion of Senator HARKIN's remarks it already stands that we will adjourn under the previous order; is that correct?

The PRESIDING OFFICER. That is correct. The Senate will be in adjournment at that time.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### NATO EXPANSION

Mr. HARKIN. Mr. President, I would like to speak just for a few minutes about the issue of the NATO expansion that has come to the floor today. As I understand the parliamentary situation, the NATO expansion resolution has been laid down, we are now in morning business, and we will not be back on the NATO expansion resolution until sometime later—not tomorrow—maybe later this week or maybe next week or beyond.

I am hopeful at the outset that even though the bill has been laid down, the Senate will be given time for due discussion and debate on the proposed NATO expansion. Quite frankly, I was one of those who signed a letter with my colleague Senator SMITH from New Hampshire and, if I am not mistaken, 17 other Senators, both Republicans and Democrats, asking that the debate on the proposed NATO expansion be suspended or postponed for a while. I will get into the reasons for that in just a moment. I am sorry it is now before the Senate. I think it should have been postponed for very good and sufficient reasons.

This is an issue with profound implications for our Nation and the international community. It is also an issue that, I am disappointed to say, has not received the kind of vigorous national debate that it deserves. I was asked the other day when I was in my home State of Iowa about the NATO expansion

bill and what kind of interest was in it. I said basically it is a big yawn. No one is talking about it, very few people are writing about it, and yet this may be the most serious vote that we take this year in the U.S. Senate.

Quite frankly, even though I respect the Foreign Relations Committee, they have had a lot of hearings on it I know, they have had witnesses in, but still it has not received the kind of national debate and national focus that it really deserves. I think we are kind of rushing this issue right now in light of the fact that there is supposed to be a NATO study that is due this June. Again, I will talk about that in a moment.

Taking such a huge step in foreign policy with such low levels of awareness among the public and even in Congress is not a good idea. The debate or, more accurately, I should say the lack of debate on this important policy question has concerned and surprised me. Moving forward before legitimate concerns and competing viewpoints receive a complete airing does not seem prudent. The usually deliberative Senate seems to be in a rush to pass judgment on this issue. I ask, what's the rush?

Concerns about the extension of America's military obligations have been voiced by Members, interest groups and academics across the political spectrum. One must observe more than just casually that when the voices expressing caution include progressives, conservatives, libertarians and others, Republicans and Democrats, such diverse opposition may be a sign to act more slowly and deliberately on this issue.

Let me be clear, I have not yet decided how I will vote on NATO expansion. If I had to vote tomorrow, I would vote no, because I believe, more often than not, that is the safest way to proceed when one does not have all the information that one needs and when there are, I think, sufficient questions about the expansion and what it is going to cost and what its implications for our foreign policy will be. However, later on, after more information is gleaned in a vigorous public debate, I might be inclined to vote for it. But at the present time, I cannot support it without more information and without some more enlightenment as to the actual cost figures.

Without a comprehensive consideration of the issues surrounding NATO expansion, I am concerned that we will continually have to revisit potentially divisive issues, such as cost and burdensharing among member nations, the issues of command and coordination of forces, issues of responses to real and perceived threats, or even the more basic question of the mission and scope of the organization itself. These are not simple questions that lend themselves to a sound-bite debate. These are questions which will shape, for better or for worse, our defense and foreign policy options for decades to come.

To be sure, NATO has been a success. It has helped keep the peace in Europe for nearly 50 years both by deterring aggression from the Warsaw Pact nations and encouraging cooperation between NATO members. I must say that due to the commitment of its members and the leadership of the United States, NATO has largely fulfilled the reason for its very birth—the Soviet Union. NATO has fulfilled its original intent, it has outlived the Soviet Union, and now we have to ask, what is its future? What role would an expanded NATO play in a post-cold-war era? What role would it play in a new century, in a new millennium? And the question I will be raising tonight and many times during this debate is, at what cost, both in financial terms and in less tangible areas such as the potential for strained relations with non-member nations or even a dangerous rollback of the nuclear nonproliferation progress made since the end of the cold war?

One of my primary concerns, as I said, is the wide variance in and suspect reliability of projected financial costs. I have seen projections range from \$125 billion down to \$1.5 billion. When you have that kind of wide variance, something is very strange.

Another piece of the puzzle we are missing is how new members are to address their military shortfalls. Although the shortfalls were to be identified in December 1997, the countries' force goals will not be set until this spring. In other words, we are without a plan to address the force goals and the price tag associated with it. I am very uncomfortable signing the American taxpayer's name to a potentially ballooning blank check.

What share the taxpayers ultimately will pay for NATO expansion is not at all clear, not just because there is no consensus on what the overall costs will be, but also because burdensharing arrangements between current and prospective members have not been firmly established.

I will offer an amendment at the beginning to deal with some of the cost concerns I have been raising. As we know, the \$1.5 billion cost figure that we have seen for the United States for NATO expansion is quoted widely and broadly. That figure includes only what is known as common costs. The figure excludes a number of other expansion costs for the three nations that are due to join NATO if this resolution passes relating to the upgrading of their militaries. The United States is expected to contribute substantially to the "national" costs through bilateral subsidies my amendment would require, including the bilateral contributions, when calculating the U.S. share of enlargement costs.

I ask unanimous consent that the text of my amendment be printed in the RECORD.

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