play, so to speak. The game doesn't start until the prosecutor makes that decision. So the burden on the prosecutor of summoning people to a grand jury, of asking a grand jury to indict someone is an awesome, awesome responsibility.

Let me talk for a moment—and again, I am talking in the abstract without all of the information. At least from this Senator's perspective, I can express my point of view as to how I hope and expect that prosecutorial discretion to be exercised in a very unique situation when we are dealing with the Secret Service that is sworn to protect the lives of the President of the United States and his family and when we are dealing with the President of the United States. Frankly, I am not concerned about an individual President; I am concerned about the office, and I am concerned about what precedent we may or may not be in the process of setting.

It seems to me that some reasonable standards would be as follows:

If the prosecutor has reasonable belief and reasonable evidence to indicate that a Secret Service agent has seen a direct violation of criminal law, then I think it is clearly correct that that Secret Service agent should be questioned, and it's clearly correct that that Secret Service agent should be brought into the grand jury. If a Secret Service agent, it is alleged, is credible enough that the prosecutor believes that person should be called in and that he or she, as an agent, has seen in the course of duties, or outside of the course of duties, a direct violation of criminal law, I would find it very difficult to make any kind of case that that person should not be brought in and questioned and should not be compelled to testify in front of a grand jury.

However, short of that set of facts, I believe there must be a compelling reason to subpoena a Secret Service agent into a grand jury on facts less than that. I think the reason for this, Mr. President, and the reason for my statement and the reason for this rationale is very obvious. Again, we are not so concerned, really, about one President. What we ought to be concerned about, however, is the precedent. We should not worry about what is in the best interest of a particular President, but we should be very much concerned about what is in the best interest of our country. We look to the Secret Service to protect the President of the United States. It is not just in the President's interest that the President be protected; it is obviously in our national interest that the best security precautions be taken to protect our President and his family.

If the President has to be concerned about the Secret Service being called in to a grand jury for less than compelling reasons, I think the consequences are not good. I think you could make a very legitimate argument that that would, in fact, intrude on the very special relationship that we expect the Secret Service agents to have with the President of the United States. Again, I do not know the facts of this case, but I think it is important, and I felt compelled, frankly, to outline on the floor today at least what this Member of the Senate, as a former prosecutor, thinks the proper use of prosecutorial discretion would indicate. It is a very high standard. It is a very awesome responsibility. It is a sacred trust. Whether it be in Greene County, OH, where I prosecuted cases, or whether he be the independent counsel appointed to look into allegations about the President of the United States, we expect the same standard, we expect the same discretion, and we expect the same responsibility.

In summary, in my opinion, if there has been evidence, substantial allegations, credible allegations that the Secret Service has seen something criminal, I have no problem; in fact, they should be brought into a grand jury to help in the investigation. Short of that, there should be a compelling reason for that person to be subpoenaed by the prosecutor. It is difficult to write legislation to deal with this. It is difficult for the courts to make decisions in regard to this. Frankly, the best person to make that decision is the independent counsel. We should expect a great deal of discretion, a great deal of good, common sense and judgment to be exercised by the independent counsel before he or she exercises the awesome responsibility of subpoenaing someone into the grand jury, particularly when we might be dealing with a Secret Service agent who would be testifying about what he or she overheard in connection with the President of the United States.

THE NATIONAL DUI STANDARD

Mr. DEWINE. Mr. President, I will turn to another issue I have spoken about on the floor a number of times. It is a question, in my opinion, of life or death. It is legislation that was approved by this body with an overwhelming—virtually a 2-to-1—vote. It is a matter presently subject to the conference committee between the Senate and the House. That issue, of course, is the issue of the .08 national DUI standard.

Members of the conference committee are working on this, or preparing to work on this matter, so I think my comments are timely and I think it is important to emphasize what this whole question is all about. I believe that one of the most important provisions of the Senate version of this service transportation bill was a provision that we approved by an overwhelming majority of 62 in favor and 32 opposed. That division, if this Senate approved it, would move our country forward to a national .08 blood alcohol standard.

As my colleagues know, the House Rules Committee voted, I think very unfortunately, to stop the House from even considering this matter on the House floor.

Mr. President, the facts are that if this does not become law, there will be lives that will be lost that would have been saved if we would have enacted this very reasonable national standard. The need for this legislation will not go away, it will only increase.

How did such a clearly valuable measure, a life-saving measure, end up being blocked in the House and remain in such legislative peril today? I think one major reason is an effort outside this Congress, a well financed campaign of what I believe are half-truths.

There was a full-page ad that appeared in the Washington Times before the Rules Committee voted. It said that reducing the blood alcohol limit to .08 would transform the average American into a lawbreaker. Here is what it said. I quote.

> Reducing the limit to .08 would increase the number of law violators by about 60 percent.

Mr. President, that is simply not true. That is wrong. It is not true. That is not what our bill does. Our amendment's purpose is not to get more people arrested for driving under the influence of alcohol but, rather, to get more people to change their behavior so that fewer of them drive under the influence. One might be asked: How do we know that would happen if our legislation passed? How do we know the results will be fewer people actually arrested? The answer comes from our largest State, the State of California.

In 1989, the last year California had a .10 blood alcohol content limit, the highway patrol in California made 138,000 DUI arrests. In the first year after the law was changed, the first year of the new .08 limit, that number did jump almost 14 percent, to 158,000—138,000, 158,000. But every year since then, Mr. President, that number has declined, all the way down to the last available figures, which were 1997, and that figure was 91,014. Every year, it went down. That is the lowest level of DUI arrests in California since 1971. The efforts from our largest State could not be more clear.

A .08 standard does not turn Americans into lawbreakers. It does not turn the average American into lawbreakers. That is simply not true. It takes impaired drivers off our streets.

Because precious lives depend on keeping impaired drivers off the road, I promise that we will fight to keep this legislation in the final transportation bill. We will work to pass the legislation, because the facts are on our side. The facts tell a very disturbing story.

During the recent break, when Members of the House and the Senate had a chance to be in their home States, on April 13 the Washington Post had an important, I think, revealing article laying out the facts.

Fact: According to a Boston University study, passing this legislation would save, at a minimum, 500 lives a

year. In fact, the majority says it is no more than between 500 and 1,000. But even to take a minimum of this Boston University study, it would be 500 families that would not be destroyed—500 families that would not have to bury a son, or a daughter, or a loved one. That is the fact. The only debate on this fact is, Is 500 lives a lot or a little? Is it worth doing something ''just to save'' 500 lives? I happen to think it is. This is an easy question, I think, to answer. If by making a minor adjustment in the law—this is a minor adjustment—we can save at least 500 lives across this country, I think it is very, very important and very significant, and I think we ought to do it. This legislation clearly would save at least 500 lives.

The second fact, again, as contained in this what I think is a very well balanced argument: The blood streams of .08 drivers ''carry enough alcohol to measurably impair the symphony of neurological responses necessary to drive a car well.'' This is the conclusion of the Washington Post article based on the current state of research and based on their interviews with numerous experts, scientific experts, and medical experts in the field.

The third fact, again from this article: ''There is no question that nearly everything you can think of in terms of driving impairment is evident by a .08.'' That is a quote from UCLA Professor Herbert Moskowitz, the president of the Southern California Research Institute.

Science tells us that at .08, drivers have a lot of trouble dividing their attention between different visual stimuli. They also have trouble processing new information as fast as driving requires. Mr. President, these are absolutely critical driving skills, crucial skills, when you are driving a car. At .08, a person's ability to do both of these things is seriously impaired. That is a fact.

I had a chance to talk to an old friend of mine, ''KO'' Martin, who used to be a highway patrolman. In fact, ''KO'' and I prosecuted a number of cases together. He brought a number of cases to me while I was a county prosecutor. He was a highway state trooper for many, many years. He told this story. Once he pulled over a motorist who was so impaired that ''KO'' had to literally carry him to the patrol car. He literally couldn't get him there, he was so impaired. That particular motorist tested at .05 blood alcohol level. Apparently, this man had received a promotion at work. They had just thrown a party for him. He wasn't used to drinking. He was clearly unable to drive a car after the drinks he had. He tested .05. Clearly, he should not have been behind the wheel. Someone who is so under the influence that he can't even walk is not going to be able to react fast enough to drive a car safely. That is the simple fact.

My fourth fact: According to a study published in the Journal of Studies on Alcohol, ''Drivers with readings between .08 and .05 had 1.4 times the risk of dying compared to people who had no alcohol in their blood. For people between .05 and .09, that risk was 11 times higher.''

Again, Mr. President, that is a fact, a tragic fact that costs human lives.

Another fact: There is evidence that a .08 standard will have a deterrent effect on the whole range of impaired drivers. Allen F. Williams of the Insurance Institute for Highway Safety says, ''There seems to be a deterrent effect all across the whole range of blood alcohol concentrations, including the very high levels,'' the very high ones all the way across on all drivers.

Mr. President, let me mention in this regard that this last fact doesn't surprise me at all.

In fact, in 1982, as a member of the Ohio State Senate, I wrote a law toughening Ohio's standard on impaired driving. That law went into effect March 17 of 1983. In the first year after our bill became law, we saw an across-the-board change in public attitude towards driving under the influence. The biggest impact our bill had was not who was being arrested but, rather, in the public perception of drunken driving, the public perception of driving under the influence. It happened all across Ohio. We saw auto fatalities from drinking and driving going down. We sent a very strong message. That message could be sent across this country in all 50 States by this Congress by approving what the Senate approved by a 2 to 1 margin, and that is to go to a very reasonable standard of a .08 national blood alcohol standard.

No matter where someone was driving, whether they were driving in your great State of Kansas or my great State of Ohio, or Indiana or Kentucky or Maine or California, they would have some assurance that the law would be uniform; that when they put their child in a car, got behind the wheel, that whatever State they were in, the standard would be at .08.

America needs this legislation, and I will make sure we keep returning to this issue until we get the job done. I urge the transportation bill conferees to consider these basic facts and to include what the Senate did, and that is the .08 legislation in the final transportation bill.

(The remarks of Mr. DEWINE pertaining to the introduction of S. 1987 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

ELECTION OF LARRY DOBY INTO THE BASEBALL HALL OF FAME

Mr. DEWINE. Mr. President, I rise today to pay tribute to what I believe is a truly excellent decision by the baseball Hall of Fame's Veterans Committee. On the 3rd of March, one of the true greats of baseball history, Larry Doby, was elected to the baseball Hall of Fame. I think we all know the story, at least the outline of the story. On July 5, 1947, Larry Doby became the first African American to play in the American League—just 3 months after Jackie Robinson had broken baseball's color barrier in the other league, the National League.

The legendary Bill Veeck was at that time, of course, the owner and had control of the Cleveland Indians. Veeck saw that Larry Doby was leading the Negro National League with a .458 batting average and had at that time 13 home runs. He and Doby, Veeck and Doby, made the historic and courageous decision to break the color barrier in the American League.

It is sometimes difficult for us to remember what the situation was back in 1947 or to really truly understand it. The Jackie Robinson decision was still highly controversial. It was really at this point by no means self-evident that support for integrated baseball would take hold. Larry Doby and Bill Veeck made an act of faith in America's future and in the American people.

In his autobiography, Bill Veeck wrote that he ''received 20,000 letters, most of them in violent, sometimes obscene protest.'' But then he went on to say, ''When Doby hit a tremendous home run to put us ahead in the fourth game of the Series, it could be observed that none of the people who were on their feet cheering seemed at all concerned or even conscious of Larry Doby's color.''

Mr. President, it took courage for Larry Doby to get up to the plate, but once he got there his record of accomplishment silenced his critics. In 1948, his first full season, he led the Indians to victory in the World Series batting .318 and hitting a game-winning home run. He was named to the All-Star Team every single year from 1949 to 1955. In 1952, he led the American League in home runs and runs scored. Two years later, in 1954, he led the league in home runs and RBIs.

He left the Indians in 1956 to play for the Chicago White Sox, and later the Detroit Tigers. He retired in 1959, but returned to baseball in 1978 to manage the White Sox—becoming only the second African-American manager in the history of the major leagues. The first, I might add, was the great Frank Robinson—who managed the Indians from 1975 to 1977, and who played as a player, of course, for the Cincinnati Reds and then for the Baltimore Orioles.

Mr. President, I join all Ohioans—and indeed all lovers of baseball nationwide—in congratulating Larry Doby on this well-deserved recognition of a truly outstanding career.

(Mr. SMITH of New Hampshire assumed the Chair.)

JOSELIN HERNANDEZ

Mr. DEWINE. Mr. President, we observe, this month, National Child Abuse Prevention Month. On this occasion, I would like to give the Senate an