

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The majority leader is recognized.

UNANIMOUS CONSENT REQUEST—
S.J. RES. 33

Mr. LOTT. Mr. President, in view of the urgent nature of the subject involved, since the subject will be dealt with on Friday of this week, tomorrow, I thought we needed to proceed to have some debate and hopefully even a vote with regard to the matter of the pardon of the Puerto Rican terrorists.

So I ask unanimous consent the Senate proceed to S.J. Res. 33, a joint resolution deploring the actions of President Clinton with respect to clemency for FALN terrorists, and there be 2 hours for debate to be equally divided between the two leaders. I further ask consent that no amendments be in order to the resolution and that following the use or yielding back of the debate time, the joint resolution be read a third time and the Senate proceed to a vote on passage with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, let me say this resolution was introduced last night. It was only put on the calendar today. To my knowledge, very few, if any, people have had the opportunity to read the resolution, much less give much consideration to it. So I ask unanimous consent the majority leader's consent request be modified to conform with the regular order of the Senate and provide for amendments and no limit on debate.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object, I think the Senator's point is well taken, that this has come up quickly. But there is a reason for that. This whole issue came out during the August recess period when Senators were back in their respective States. I think everybody was stunned and shocked and somewhat in disbelief that these 12 or so terrorists—I believe it was 16 total—were going to be offered this clemency and this pardon.

We just returned to the Senate for business on Wednesday of this week. There was no earlier opportunity to introduce this resolution, and I understand clemency takes effect tomorrow, on Friday. That is why it has been handled in this way.

Having said that, I inquire of Senator DASCHLE, with those amendments, any amendment that would be offered, would they be relevant to this subject, to the question of the clemency of these terrorists, or would it be his re-

quest that any amendment would be in order affecting any subject?

Mr. DASCHLE. If I can respond to the distinguished majority leader, first, let me say that nothing, as I understand it, in this resolution—again, I have only had a cursory opportunity to look at it—would do anything with regard to the President's actions. The President is going to be able to act with or without this resolution. So the timing of the resolution has no real bearing on the President's decision.

We can adopt or reject the amendment and the resolution at any time. That is, I think, what the majority leader's intent would be, to put the Senate on record with regard to the action, not prevent the President from doing so because this resolution does not prevent him; it simply comments on what they view to be the advisability of the resolution.

But in answer to the question of the majority leader, let me say, we would want to at least give our colleagues the right to offer amendments. I am not in a position at this moment to come to agreement with regard to what the amendments might or might not be. I simply am asking that in the context of legislation and the Senate rules the regular order be followed. The regular order is that Senators can offer amendments. It does not say the regular order requires germaneness or relevancy. The regular order is Senators have a right to offer amendments.

I simply ask in my unanimous consent request that the regular order under Senate rules be allowed in this case as one would expect they would be followed traditionally.

Mr. LOTT. Mr. President, first of all, I say to Senator DASCHLE, the Democratic leader, and other Senators on both sides of the aisle, since I believe there apparently will be objection, and there will probably be a vote on this at some point, we will be glad to work on both sides.

I know there is a feeling of outrage in the country and on both sides of the political aisle about this happening. We are going to express ourselves either before or after the clemency actually takes place. I extend that invitation to work with us to see if we can develop language that can have the type of broad support that I believe there is in this country on the whole against this action. In view of the request, I have to object to that addition to the unanimous consent request.

The PRESIDING OFFICER. The Chair notes that the unanimous consent request by the minority leader is not in order. We first must dispose of the unanimous consent request of the majority leader before we can entertain an additional unanimous consent request.

Mr. LOTT. I believe under that circumstance then it goes back to the question of whether or not there is objection to my original request.

Mr. DASCHLE. Mr. President, as I understand it, the majority leader objects to my modification.

Mr. LOTT. Right.

Mr. DASCHLE. As a result of that, I object to the proposal as presented.

The PRESIDING OFFICER. Objection is heard.

MORNING BUSINESS

Mr. LOTT. Mr. President, in light of the objection, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak up to 10 minutes each.

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

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, for the information of all Senators, this joint resolution will be eligible for Senate consideration on Friday. I will ask consent to proceed to the joint resolution on Friday, and if an objection is heard, I will move to proceed and file a cloture motion, and that cloture vote will occur at 5 p.m. on Monday. I urge my colleagues to join us in trying to work out language that can be acceptable to Senators on both sides who feel strongly about this.

Also, I notify Senators there will be no further recorded votes today or this week, but there will be stacked votes, probably three or four, at 5 o'clock on Monday next. I have notified Senator DASCHLE of that intent. I ask Senators to be sure to be here. We will not have recorded votes tomorrow. We will probably do some business, but it will not involve votes. The next votes will occur at 5 p.m. on Monday, and all Senators will be expected to be present and accounted for.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

CONDEMNING GRANTING OF CLEMENCY TO CONVICTED TERRORISTS

Mr. GRAMM. Mr. President, I begin by thanking the majority leader for offering the resolution condemning the President's action in granting this clemency to convicted terrorists. What I want to do is begin by reminding people about the activities conducted by the organization to which these 16 terrorists belong. I then will remind people that we are about to see history repeat itself because a President has pardoned and given clemency to Puerto Rican nationalist terrorists before. Then I will make some basic observations about how outrageous I believe the President's action is.

First, I remind my colleagues that on November 1, 1950, two terrorists who were, or at least claimed to be, promoting independence for Puerto Rico attempted to shoot and kill President Truman. One of the gunmen was killed and the other was sentenced to death but President Truman subsequently commuted the sentence to life imprisonment. On March 1, 1954, three such

terrorists opened fire from the gallery of the United States' House of Representatives—in fact, there is a bullet hole in the ceiling of the gallery of the House of Representatives to this day and to this day, a bullet hole remains in the desk of the Republican leader on the House floor. Several Congressmen were wounded in the attack, one of them quite seriously. This was in 1954.

In 1979, then-President Jimmy Carter pardoned the three Puerto Rican terrorists who were involved in the House of Representatives attack and the terrorist who attempted to take the life of President Truman.

The point I want to make, and I think if you will listen to this pattern of activity you will see that we are in grave danger of history repeating itself. Several terrorists tried to kill the President; others actually shot and wounded Members of Congress; Jimmy Carter becomes President and pardons them, and I believe you will see when I go through the list of terrorist acts committed by those terrorists who are now being given clemency by President Clinton that there was a surge in such terrorist activity after the Carter pardons, when it appeared to become clear that you could actually attempt to murder the President, shoot Members of Congress, commit terrorist acts, and be pardoned by the President of the United States. In short, history is about to repeat itself.

We use clinical terms in talking about these people. But I want to go back and give first a review of history and then I want to talk about four of their acts. Then I will talk about three of their victims. I will make my point and get out of the way and let other people have an opportunity to speak.

Let me review the following facts. On Wednesday, August 11, President Clinton offered clemency to 16 terrorists who were members of the notorious FALN, Armed Forces of National Liberation, terrorist group in exchange for the simple act of agreeing not to use violence to promote their political agenda. I wonder if one looked at every felon, every murderer, every terrorist, every drug dealer in every prison in America and asked them, Would you be willing to say you won't do it again if we let you out, my guess is there would be no one left in any prison anywhere in America. That is the President's standard.

The New York Times reported on August 27 that the FBI, the Bureau of Prisons, and the U.S. attorneys in Illinois and Connecticut, flatly opposed President Clinton's offer of clemency to these terrorists.

Newsweek reported this week that some of the 16 terrorists offered clemency were captured on tape by the Bureau of Prisons discussing a return to violence upon release from prison.

The FALN carried out 130 bombings of key political and military locations throughout the United States. The number of such attacks, and their frequency, has never been rivaled by any

terrorist group in the history of the United States.

The 16 terrorists who were offered clemency are serving prison sentences ranging from 15 to 105 years.

Most of the 16 terrorists were charged with seditious conspiracy and weapons possession connected to 28 bombings that occurred in northern Illinois in the late 1970s.

Despite the President's generous deal, and demonstrating a clear lack of remorse for their reign of terror and destruction, 13 of the 16 terrorists have called the President's offer of clemency "intolerable."

On Wednesday, September 8, 12 of the jailed Puerto Rican terrorists accepted President Clinton's offer of clemency.

That is a recounting of the recent events.

Let me talk about four of the crimes that were committed because, again, it is easy to talk about this act of clemency and pardon by the President, and sometimes it is hard to remember what happened.

In January of 1975, members of this terrorist group bombed a historical site in lower Manhattan and killed 4 people and injured 53 people.

In August of 1977, they bombed the Mobil Oil Corporation building on East 42nd Street in Manhattan and killed a 26-year-old young man.

On New Year's Eve in 1982, their terrorist acts accelerated; they bombed the New York City Police Headquarters, the Manhattan office of the FBI, the Metropolitan Correctional Center, and other locations, seriously injuring several New York City police officers, including Detective Richard Pastorella.

Let me tell you about him.

Detective Pastorella was blinded in both eyes. He lost all five fingers on his right hand. He is deaf in his right ear and lost 70 percent of his hearing in his left ear. He required 13 major operations on his face alone. He had 20 titanium screws used to hold his facial bones together.

Let me give you a quote from him: "You wake up with nightmares at night, cold sweats. It never leaves. It never goes away."

The second police detective who was wounded in this terrorist attack on New Year's Eve in 1982 was Anthony Senft. He underwent five operations in 1983 alone. He is blind in his right eye. He has diminished hearing in both ears. His nose, eyeball sockets, and hip have been reconstructed.

Police Officer Rocco Pascarella had his left leg amputated below the knee. He is deaf in his left ear. He lost 20 percent of his hearing in his right ear. He is legally blind in his left eye.

Let me make two other points of fact, and then I will say what I have to say.

Carmen Valentin, one of the 16 terrorists offered clemency, called the judge a terrorist when she was being sentenced and said that only the chains around her waist and wrists prevented

her from doing what she would like to do; and that is, kill the judge.

Ricardo Jimenez shouted to the judge, when he was sentenced to prison, "We're going to fight . . . revolutionary justice will take care of you and everybody else!"

The worst wave of terrorist attacks in the history of America were committed by the group to which the 16 people whom the President is in the process of pardoning and letting out of jail, belong and all he asked is that they say they won't do it again.

Joe Lockhart, the White House Press Secretary, on September 8, 1999, when he was talking about the Osama bin Laden terrorist case, said: "You know, I think that our efforts to bring terrorists to justice are one of the highest priorities of the president's national security agenda."

I ask my colleagues, if bringing terrorists to justice, if deterring terrorism is one of the President's top priorities, what is he doing pardoning 16 terrorists who killed Americans on our own soil?

When we are facing, as our greatest national security crisis in the world, terrorist acts, when we are threatened with terrorism in our homes and in our cities and in our businesses, in our capital, in the Capitol Building, in our embassies, when we are trying to deter terrorist acts, what is the President of the United States doing pardoning people who have committed such acts?

I think I know what he is doing. I think he is playing New York politics. We have offered a resolution condemning this action by the President.

I wonder, if the First Lady were a Senator, if she would cosponsor this resolution. I wonder if our Vice President, who is running for President, supports the President's policy. I wonder if he would support this resolution.

But I say I think it is an absolute outrage, at the very moment when we face terrorist attacks and threats to our embassies all over the world, when we face the very real threat of terrorism in the heartland of America, at the very moment when our No. 1 national security problem in the world is terrorism, we have the President of the United States pardoning terrorists who are reported to have no remorse about the acts they have taken, and at least some evidence is available that they have said they will commit these acts again if they are freed.

As I have said earlier, I do not know what kind of standard it is, saying you are sorry and you won't do it again. By that standard, we would release every criminal in every prison in America.

But I believe Congress should go on record. Let me also say that if we could overturn the President's decision, I would be in favor of doing it. The President has the right to pardon under the Constitution. We have no powers, as far as I am aware, to overturn that decision. But if we could, I would offer an amendment to do it.

Let me say to the minority leader, it is true that this resolution was just introduced last night. But there is hardly

anything startling in this resolution. Basically, this resolution says that we deplore what the President has done. You either deplore it or you do not deplore it. So I think we can engage in these parliamentary gimmicks for a while, but I think eventually people are going to understand.

I say, as one Member of the Senate, we are going to vote on this resolution or we are going to vote on a cloture motion related to it. We are going to have Senators on record. I think people have a right to know whether you think it is a good idea for the President of the United States to be pardoning terrorists who have killed Americans. I think this is a very serious matter.

It is a very serious matter, not because it has to do with New York politics, not because we have gotten into this absurd charade where the President clearly undertakes this action to respond to a political constituency in New York only to see it backfire—the First Lady is opposed to it unless they say they are sorry and they won't do it again—I think that is, to a large extent, beside the point. The real point is, at a time when the greatest threat we face to national security is terrorism, what are we doing pardoning terrorists?

I conclude by asking my colleagues, do we never learn anything? When we had terrorists promoting with violence and attempted murder exactly the same cause of the terrorists that the President is pardoning today, when we had terrorists with the same goal shoot Members of Congress in 1954 and try to kill President Truman in 1950, and when we see Jimmy Carter as President in 1979, pardon those terrorists. What happened in the 1970s and 1980s? New members of the terrorist group committed acts of violence in the same name to promote the same objective. We have a process. If people in Puerto Rico want to be an independent nation, let them choose to do it. But let's not use violence to promote an objective. I think civilization breaks down when we allow that to happen.

We saw terrorist acts in 1950 and 1954. Jimmy Carter came into office, pardoned the terrorists in 1979, and you have heard me describe some of the terrorist acts that took place in the early 1980s, and now we are about to repeat, in my opinion, the same sad history. I think this is a bad idea. I think it is wrong. I am opposed to it. I think it is outrageous. I think the President ought to be ashamed of it. I think the American people need to hold him accountable. I think the American people have a right to know who finds the President's act deplorable.

I do. I want people to know it. I think our colleagues ought to be on record, and they will be as a result of this resolution.

I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I join with the Senators from Georgia and

Texas and the majority leader, TRENT LOTT, in expressing my very deep concern about what I consider to be one of the greatest miscarriages of justice I have seen in our country.

When the President of the United States chose to pardon these 16 terrorists, he did an act which I can only conclude is based on political reasons and not on merit, and in doing so, he has damaged the credibility of the Department of Justice, a Department of this Government I dearly love, at which I spent 15 years and have some real appreciation for and have some understanding about how it works. Equal justice under law is a cornerstone of our Government. It is on our Supreme Court building right across the street, chiseled into the marble of that building, "Equal Justice Under Law."

Before we go into the details of this matter, I suggest that there are a million or more Americans in jail at this very moment. As a Federal prosecutor, part of the Department of Justice, and U.S. attorney, I had the responsibility to preside over cases in which young men and women involved, maybe for the first time, with large amounts of cocaine and marijuana received very severe sentences for their offenses—15 years, 20 years, life without parole for people as young as 25 years of age. I have seen that in Federal court under the laws this Congress has passed for serious drug offenses.

Now, there are other criminal offenses in this country, and every one of those individuals has some excuse for what they did. They have some basis to claim they didn't mean it or they have changed or they have turned over a new leaf.

In 1893, the President of the United States issued a document, an Executive order, that transferred the investigatory power over clemency and pardons to the Department of Justice, a logical step. The country was growing and he had no ability to investigate these cases. So an office in the Department of Justice exists, known as the pardon attorney, and it is the responsibility of that office to investigate these matters.

Let me read to you from the current Department of Justice manual. They call it the United States Attorney's Manual. It says this when it talks about the pardon attorney:

The pardon attorney, under the direction of the associate Attorney General, receives and reviews all petitions for executive clemency—which is what we have here—which includes pardon after completion of the sentence, the commutation of sentence, remission of fine and reprove, initiates necessary investigation, and prepares the Department's recommendation to the President.

Now, fundamentally, that is a logical requirement. The Constitution flatly gives unreviewable power to the President to pardon anyone for an offense against the United States as he so chooses. They have set up this procedure to make sure we have some sort of order and consistency, but the Presi-

dent ultimately has the power. I understand he has only done a few commutations—maybe as few as four—in recent years. At any rate, that is an unreviewable power. To the extent to which he does it, we don't legally have the power to stop it in this body. We might as well accept that.

But when the President of the United States takes a power given to him by the Constitution and he abuses it and he denigrates the orderly procedures of justice, when he elevates terrorists over other people who may well deserve pardons much more, or having their sentence cut much more, he has abused his power and abused his office, and it is the duty and responsibility of this Congress to do the only thing we can, and that is to adopt a resolution that speaks clearly that we don't accept it, don't agree with it, and we deplore it. So I salute the Senator from Georgia for preparing that resolution and presenting it and bringing it forward this day.

There are thousands of people in Federal prisons today—thousands of them, tens of thousands, hundreds of thousands—who are more deserving of a commutation of their sentence, or a pardon, than these defendants in this case. There is no doubt about it.

I am quite confident, and I would be shocked if the pardon attorney who is required to do an evaluation of this approved and recommended that the President make these clemency actions. I just would be amazed if that happened. If they did, that pardon attorney needs to come before the Congress for hearings in this body and explain why they chose to have these terrorists' sentences cut and not someone else. If the person did recommend that, I don't see how they are fit to remain in office. I don't see how they can look in the eyes of the mothers and fathers, as I have, of people in prison who are asking for a break on their sentences, and you tell them no, no, no, no, no—and then you give a break to these people. It is a fundamental question of justice that is so deep that a lot of people don't understand it. But we must exercise the pardon and clemency powers in this country effectively, fairly, and judiciously. The President has not done that in this case.

I wanted to share with the Members of this body a letter to the Wall Street Journal from just a couple of days ago, written by Deborah A. Devaney, former assistant U.S. attorney. I once was an assistant U.S. attorney. I supervised some of the finest assistant U.S. attorneys this country has ever produced for 12 years as U.S. attorney. I want to read what she said about this case. It chills my spine. This is clearly what this is about. Make no mistake about it, when Deborah Devaney and her cohorts were prosecuting these terrorists, you better believe when they came home at night and talked to their families about it, they talked about their own personal safety because these were terrorists, murderers, who suggested

they would kill the judge if they had a chance to do so. This was a courageous prosecution, and this person deserves to be heard on this subject. This is what she said:

As one of the FALN prosecutors, I know too much. I know the chilling evidence that convicted the petitioners—the violence and vehemence with which they conspired to wage war on all of us.

I am quoting her exact words:

I know, too, the commitment and sacrifice it took the FBI and the U.S. Attorney's Office to convict these terrorists in three separate prosecutions.

In the first prosecution, some of the petitioners were captured in the back of a van loaded with weapons to be used to commit armed robberies to fund the FALN operations.

Now, we have a President who is always talking about some new gun law to apply to some innocent American citizen. Here we have people with a van full of weapons designed to conduct armed robberies to get money to create bombs to kill American citizens, and he cuts their sentences.

In the second prosecution, three of the petitioners were caught on videotape in safehouses—

That is where they thought they had a safe house—

making bombs that they planned to plant at military installations.

So they had a house set aside to make bombs to blow up a military installation, and the FBI penetrated it, apparently, and videotaped it. Now, I will tell you, there are a lot of people in the Federal penitentiary today who deserve clemency a lot more than these, but only four others have gotten it since this President has been in office, apparently. She goes on to note:

Through determination and luck, the FBI was able to obtain search warrants allowing them to surreptitiously disarm those bombs at night.

They went in the place and disarmed the bombs as part of the undercover effort.

In the third prosecution, the imprisoned leader of the FALN, (whose sentence President Clinton has drastically reduced) led a conspiracy of cooperating radical groups to obtain C-4 explosives to be used to free him from Leavenworth Penitentiary—

He was already in jail and they were going to free him—

and to wage war on the American people. Most of the petitioners were convicted of seditious conspiracy, a prosecution reserved for the most serious conspiracies, that of opposing by force the authority of the United States.

Yet the President has seen fit to reward these conspirators simply because they were unsuccessful in their murderous attempts.

Well, he said, "I pardon them because nobody was hurt." Now you know why nobody was hurt by this bunch. It was because they were caught in the act before they completed their crime. They were caught with a van load of guns to commit robberies, apparently, before they were able to commit the robberies.

They penetrated the bombmaking enterprise and caught them before they

could make the bombs. Morally they are as responsible as if they had been able to carry out their intentions. There is no basis to suggest they deserve a lesser punishment or should be relieved of the just sentence that was imposed on them by a Federal judge and had it affirmed by the courts of appeals in full appellate review.

It goes on to note that when the news of the clemency petition broke, the White House spun the tale that Mr. Clinton was freeing only those who harmed no one. A few dedicated agents are the only people who stood in their way.

That is what Ms. Devaney says. Only a few dedicated agents were there, or they would have harmed someone at the risk of their very lives, I submit to you. The conspirators, she says, made every effort to murder and to maim. It is no small irony that they should be freed under the guise of humanitarianism.

Then she goes on.

Since the granting of the clemency petition, we have been subjected to the spectacle of convicted terrorists objecting to the conditions precedent to their release.

Isn't that a spectacle? Isn't she correct about that? He has given them a pardon—letting them out of jail. And now they are not happy because he asked them not to do violence in the future. That is too much of a burden on them, they say.

That is really an embarrassment to this Nation. This Nation is a great nation. The Presidency of the United States is an august office of power and prestige, and the President needs to exercise that power carefully. The world will be laughing at us over this. The world is laughing at this.

We ought not to be. We ought to be outraged.

Contrast those protestations, she says, with a poignant message of the Connors whose lives were forever diminished by the political murder of their father. There is little anyone can say to give solace, but I would like the Connor family to know that there were those who cared about the victims and fought for them, Ms. Devaney—and those FBI agents—being one of them who fought for them and who believed these crimes were the precursors to heightened domestic terrorism, and who tried very hard to protect the American people.

In fact, I will add that this series of prosecutions and tough sentences that were imposed by a courageous Federal judge broke the back of these terrorist acts. We have a safer country today because of it and because of the courage of the people who brought these cases successfully.

Then she finished. All of America ought to hear this. This is her last line.

I would like the Connor family to know that the American justice system did not fail them. The President did.

This is a real serious issue. Justice in this country is extremely important.

Out of all the people who are in jail today—all over America in Federal jails, many of them convicted and serving long sentences, some of them might deserve a sentence to be cut every now and then. For some of them maybe their offenses were not so serious that a pardon after some period of time in private life living a good life would be justified.

I have supported, in 15 years as a Federal prosecutor, two or three pardons for people who I believe justified it. These were pardons after they had served their time—not letting them out of jail before their time was over—after they had led a good life for a number of years, and only after I thought, after fully evaluating their case, that the offenses were not so serious that a pardon would be improper. Many of those offenses may have been technical offenses, paperwork offenses, or things that were less serious.

But to take a terrorist, a person with a truckload of guns, C-4 explosives, and plans to blow up military bases, and give them a pardon over everybody else in the prison system in America—that doesn't make sense to me. There is something afoot here.

I think it is important that the First Lady rejected this after the storm blew up. I think we need to know where the Vice President stands on this and what his views are on this. The President has apparently acted. I hope it is not too late for him to change his mind. But if it has been done, it has been done. It is his power. He can do it. And we can't do anything about it.

Let me show you what the Department of Justice U.S. Attorneys Manual, section 1-2.108 under the Office of the Pardon Attorney rubric notes about how you determine who deserves clemency.

With respect to commutation of sentence—that is what we are talking about here—appropriate grounds for considering clemency include disparity of sentence. Have they received a lot more sentence than somebody else of the same offense? A terminal illness—we don't have that here—and meritorious service on the part of the petitioner in some fashion.

Pardons after completion of the sentence usually are granted on the demonstration of good conduct for a significant period of time after release from confinement.

The seriousness of the offense, it goes on to say, are factors that should be considered in whether to grant clemency.

I think we have a number of things that we need to know about. I hope the Senator from Georgia will be having some hearings about it. We need to know. What did the Attorney General do? Did she recommend for or against this?

Frankly, I cannot imagine the Attorney General recommending these pardons. I am going to be shocked if she recommended it.

We need to know whether the pardon attorney recommended them or not. He

has a duty in this case. Did they even bypass him?

You will notice one other thing that is most unusual about how this process was conducted. Here it is in the Code of Federal Regulations—referring to the same subject—petitions and recommendations: Executive clemency, says the Attorney General, shall review each petition and all pertinent information developed through the investigation.

It says “shall review each petition.”

Is there a petition in this case? From what we have seen in the papers, there was not. These people never even asked for a pardon. They never even petitioned for a pardon to set forth why they are entitled to one.

According to the U.S. attorney’s manual, the petition initiates a background investigation to see if it is worthwhile to go forward.

That, again, is an extraordinary event—the President pardoning 16 convicted terrorists sentenced to a very long time in prison who have not even petitioned for it.

I can’t imagine that. That is beyond my comprehension. It is a threat and a diminishment to the rule of law in this country. It is an embarrassment to the justice system of our country.

I hope we will continue to look into it. We will find out what basis there was for it. We know the FBI opposed this clemency. We know the Federal Bureau of Prisons opposed it. Indeed, the Federal Bureau of Prisons, it is reported, have audio records indicating that some of these 16 have vowed to resume violent activities—recordings made while they were still in prison. And he has pardoned these people?

That is beyond my comprehension.

Mr. President, I hope that we will proceed with it carefully. It is not a matter that is insignificant. If this is what we call politicizing justice in America, it is sad, and we need to know if that is true. We need to stand up as a nation and as a Senate, reject it, and say we will not condone politics when it comes to justice; we will not do so; we will protect the lives of Americans; we will validate the personal risk this young prosecutor and those FBI agents expended in order to apprehend these criminals and the risk and damage and suffering of the victims throughout the procedure. I hope we can do that, get to the bottom of it, and that the truth will come out.

To pardon somebody is so serious, if I were the pardon attorney of the United States and I recommended against these pardons, and then the President of the United States pardoned them, I don’t believe I could continue to serve in that administration. I believe I would submit my resignation.

Every year there are thousands of requests for pardon and clemency. A lot of them are so much more deserving of this. And the President comes along, for some unknown reason to me as pardon attorney, and grants these pardons to terrorists, and I am supposed to for-

get that and continue to deny every day young men and women who have served sentences who are so much more deserving of a pardon. What kind of justice system is that? What kind of right and wrong is that?

I say to the pardon attorney who is presidentially appointed and confirmed by this Congress: We want to know your position on this. This goes for the Attorney General. We want to know what the Attorney General’s recommendation was on this before it got to the President.

As someone who loves justice and the legal system of America, as someone who cares about its faithful execution and the laws being fairly and objectively enforced, equal justice under law, I believe we have to talk about this. We cannot let this slide.

I congratulate the Senator from Georgia. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I commend both the Senator from Alabama and the Senator from Texas who preceded him on their remarks regarding this subject.

I am particularly taken with the personal experience the Senator from Alabama brings to this as a former prosecutor. He raises a point in conjunction with the exchange that occurred between the majority and minority leader about the timeliness of this. The minority leader suggested we can’t really affect the President’s decision—that is correct—and therefore we are under no mandate to speak hurriedly—wrong.

The Senator from Alabama talked about the duty and the honor of the law enforcement officials who put their lives on the line to stop this terrorist activity. He alluded to victims, two sons who lost their father in the tavern in New York.

The Senator from Alabama is making the case that there must be a voice in our Government that says to these people and the world that this divergence from policy about how the United States handles terrorism is not universally accepted here. In fact, there is massive objection. It is setting the record straight. Because of the speed with which the President has proceeded with this, a speed must occur that responds to it. There is no terrorist in the world, no law enforcement official, no living victim who does not understand what U.S. policy is with regard to terrorism, even if there is confusion in the White House.

The U.S. State Department has a report entitled “Patterns of Global Terrorism in 1998” which is exceedingly pertinent to this discussion. Before I read from this paragraph, terrorism is now a component of strategic warfare. It is not a passing fad as we might have thought in the 1980s. It is a permanent tool of forces throughout the world that would destabilize large free societies such as the United States. It is here. It will become even more perfected. Therefore, this issue requires massive attention of our Government.

The introduction to this chapter reads:

The cowardly and deadly bombings of the U.S. Embassies in Kenya and Tanzania in August of 1998 [just a year ago] were powerful reminders that the threat of international terrorism still confronts the world.

This is our State Department telling all Americans that this issue is dynamic, it is large, and we had better be paying attention.

It goes on to list the number of casualties and wounded. It says:

It is essential that all law-abiding nations [the rule of law to the Senator from Alabama] redouble their efforts to contain this global threat and save lives.

That is a correct statement coming from our State Department in this administration.

It says:

The United States is engaged in a long-term effort against international terrorism. [These are international terrorists we are talking about.] To protect lives and to hold terrorists accountable we will use the full range of tools at our disposal, including diplomacy backed by the use of force when necessary as well as law enforcement and economic measures.

In other words, no stone unturned in terms of recognizing the threat of terrorism to the United States and to the free world and our resolve to contain it.

Obviously, this clemency is a contradiction with policy. It is incongruous. It is illogical.

Let me go on to the summary of the policy:

The United States has developed a counter-terrorism policy that has served us well over the years [Republican and Democrat administrations] and was advanced aggressively during 1998.

First, make no concessions to terrorists and strike no deals.

I repeat the one sentence: “Make no concessions to terrorists and strike no deals.”

Second, bring terrorists to justice for their crimes.

Now, a tortured editorial in the New York Times endeavors to give some credence to this action, although they say it is a bit difficult. The President has been totally silent. He has not defended his actions. He hasn’t given reasons for them. He is just quiet, so it makes it a little complicated here.

They say in closing:

At a time when the United States must be vigilant against terrorism [that is certainly true] all over the world, the administration cannot afford mixed signals about its tolerance of violence. At the same time, justice demands the sentence fit the crime as proved in a court of law. The long sentences of the men in this case resulted at least in part from their declining even to contest the charges. They accepted the case presented against them and even threatened the life of the judge presiding over the case.

I have to say that if you commute, pardon, the sentences of 16 convicted terrorists who did not dispute the facts, who had arms in their vans, who were planning these bombings, who created 130 bombings in the United States, 70 wounded—we have heard certain personal descriptions about it: 6

dead and, by the grace of God and these law enforcement officers, not more—how clear a case must we have?

I repeat our policy, the United States policy:

First, make no concessions to terrorists and strike no deals.

Not only was there clemency offered here but the standards of it were made known: If you will just promise not to associate with that kind of crowd anymore and tell us you are going to be OK and you won't do this anymore, we are going to let you out. What an absurd condition, relating to people who have been convicted for international terrorism.

My point here is that the New York Times editorial is hopelessly lost because there is no way to achieve anything other than a mixed signal. If the policy is "make no concessions to terrorists and strike no deals," and the President makes a deal with 16 terrorists and says you can get out because you didn't throw the bomb, what kind of message is that? Does that mean bin Laden is some lesser problem to the United States because he did not personally throw the bomb in Kenya and Tanzania? Is he, therefore, less of a threat to the United States just because he planned it, less than the person who threw it? Would anybody in their right mind believe that?

So we do have a mixed signal. And, therefore, we need these resolutions to be adopted by the people's branch of Government that says to these terrorists wherever they are, whatever their plans, our policy is: Make no concessions and strike no deals, and if you are arrested and caught by these law enforcement officers, you are going to face the harshest form of justice. It is the only way we will be able to stabilize the threat of terrorism in the United States.

I am going to conclude by just noting that the House resolution on this subject, H. Con. Res. 180, has just been agreed to. There were 311 Members of the House who voted "aye," 41 voted "no." But here is the shocker: 72 only voted "present." That is pretty remarkable.

I have always said the best barometer of where the American people are is the House. It is a great barometer. This says the American people do not accept this incongruity in our pursuit to throttle terrorism. The message that has been sent by the President is a wrong message, and the responsibility of the people's branch is to get the message straight and fast.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, one of the key things in any pardon is that

the individual is presumed to be guilty of the offenses, and when they review a pardon or a clemency it normally does not even deal with the question of guilt or innocence. It is assumed since the jury has convicted them and the case has been affirmed—and I don't think there is any doubt about these defendants. They have never even denied their involvement in these offenses. But I would like to point out that before you have clemency for individuals, they really should renounce, clearly and unequivocally, the acts which they have done.

You would think that would mean some of these prisoners would say that violence in these circumstances was terribly wrong, I wish I hadn't done it, I am sorry for the lives, I apologize for the destruction and devastation it has caused. But that is not the case.

I am reading here from the Washington Post, a newspaper here in Washington known for its pro-Clinton leanings. This is what Michael Kelly has written about this very subject, about whether or not they have renounced their wrongdoing. He says:

... none of the 16 prisoners has ever admitted to complicity in any fatal bombings or expressed specific remorse for those bombings. No one has ever apologized to the families of those murdered. The statement signed by the 12 who have accepted commutation does renounce the use of violence, but it expresses no contrition or responsibility for past actions.

And these selected statements distributed by the White House did not fully and honestly represent the views of the 16. Not included, for instance, was a 1998 [just last year] statement by one of the FALN leaders, Oscar Lopez Rivera, in which Rivera rejected the whole idea of contrition.

I am quoting here Michael Kelly in the Washington Post:

I cannot undo what's done. The whole idea of contrition, atonement, I have a problem with that.

So I will just say that is a sad event we are now proposing, to offer clemency to persons with that type of mentality. I believe this has been a colossal error, a great stain on the integrity and consistency of the Department of Justice pardon and commutation procedures. It cannot be explained to any rational person. It represents an aberrational, unfair, and unjust act that I can only conclude was driven by some forces, probably political, outside the realm of justice. It is a terrible thing.

I agree with the Senator from Georgia, it is important that at least this branch of Government, the Senate and the House, speak out clearly and deplore it.

I thank the Senate for its time and attention and I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

RUSSIAN STATEMENTS REGARDING THE ANTI-BALLISTIC MISSILE TREATY

Mr. COCHRAN. Mr. President, the National Missile Defense Act makes it

the policy of the United States to deploy a limited national missile defense system as soon as the technology to do so is ready. This act was passed by large margins in both Houses. Because the Anti-Ballistic Missile or ABM Treaty prohibits such a system, that treaty must be modified.

That point was made in the debate on the National Missile Defense Act in the Senate, and it is the reason why administration officials have engaged the Russian Government in discussions on modifying the treaty. These discussions began last month in Moscow, and I am pleased that staff members of the Senate's National Security Working Group were able to attend and be briefed on the progress of those talks. Deputy Secretary of State Strobe Talbott is in Moscow for further negotiations on this and other important issues.

But I am very disturbed by reported comments of Russian officials on this subject. Today, for example, it was reported that Mr. Roman Popkovich, Chairman of the Defense Committee of the Russian Parliament, said that if the United States builds a missile defense system, Russia may respond by "developing an entirely new kind of offensive weapon." Mr. Popkovich was also quoted in this story as saying, "No anti-missile defense will be able to stop our new missiles."

His are not the first such comments we have heard about modifying the ABM Treaty. The lead Russian negotiator, Grigory Berdennikov, said the mere raising of the issue meant "the arms race could now leap to outer space." Gen. Leonid Ivashov, head of International Cooperation in the Russian Ministry of Defense, said that modifying the treaty "would be to destroy the entire process of nuclear arms control."

I don't know the motivations for such statements, but I believe they deserve a response. There should be no misunderstanding of our Nation's intentions with respect to national missile defense. We face a real and growing threat of ballistic missile attack from rogue states or outlaw nations. That threat is advancing, often in unanticipated ways. The U.S. Government has a duty to protect its citizens from this threat.

It is our policy, which is now set in law, to deploy a system to defend against limited attack by ballistic missiles as soon as technologically possible. The system we intend to deploy in no way threatens the strategic retaliatory force of Russia. The ABM Treaty, an agreement between two nuclear superpowers engaged in an arms buildup in 1972, prohibits such a system and must be modernized. I am sure Russian officials know all of this. They have been briefed repeatedly on the U.S. assessment of the threat. They have been briefed repeatedly on U.S. plans for national missile defense and know as well as we do that the system we contemplate is not directed at Russia and poses no threat to its forces.