

case was the most fatal terrorist atrocity in American history.

Since 1989, our Nation has joined the victims' families to bring the terrorists to justice and to compel the Libyan Government to acknowledge its responsibility for this terrible act. Today, after more than 13 years, a measure of justice has finally been achieved.

This verdict by the Scottish court is a victory for the families of the victims who have been tireless advocates for justice. Thirteen families from Massachusetts lost loved ones in the Pan Am flight 103 attack. Over these 13 difficult years, we have worked with them and the other families to bring about today's verdict.

From the outset, the families of the victims have translated their grief into action. They stood up to powerful interests of the oil industry, and they have kept the prosecution of those responsible for the death of their loved ones at the top of our Nation's agenda. This trial and this verdict would not have happened without their impressive and ongoing efforts.

Discussions between the American, British, and Libyan Governments regarding compliance with outstanding U.N. Security Council resolutions are underway in London.

Now that the legal case has run its course, diplomatic efforts will intensify to ensure that the Government of Libya fully and satisfactorily complies with Security Council resolutions before sanctions can be permanently lifted.

In Security Council Resolution 748, the United Nations required the Libyan Government to comply with requests addressed to Libyan authorities by the governments of France, the United Kingdom, and the United States. One of those requests clearly states that the British and American governments expect the Government of Libya to "accept complete responsibility for the actions of Libyan officials."

This requirement must be fulfilled completely, totally, and unequivocally. The United States Government has consistently maintained that the Libyan Government carried out this atrocity. Indeed, when two Libyan intelligence officials were indicted in 1991, State Department spokesman Richard Boucher said: "This was a Libyan Government operation from start to finish. The bombing of Pan Am 103 was not a rogue operation."

Although the explosion did not take place on American soil, America was clearly the target of this attack. The Scottish court concluded that Libya was responsible for the bombing, and the Libyan regime must accept that responsibility as well. As the London discussions proceed between our government, the British Government and the Libyan Government the U.S. must make it crystal clear that we will accept nothing short of an explicit acceptance of responsibility by Qadhafi's government to satisfy this condition.

Security Council Resolution 748 also requires the Libyan Government to

"disclose all it knows of this crime, including the names of all those responsible." The head of Libyan intelligence, Musa Kusa, has been participating in the trilateral discussions in London. At the time of the Pan Am bombing, Musa Kusa was the Deputy Chief of Intelligence, working under colonel Qadhafi's brother-in-law, and he should be able to provide a significant amount of information to satisfy this condition. I expect that the U.S. Government is asking Musa Kusa to provide this information with the goal of fulfilling this requirement.

Another clear requirement of Security Council Resolution 748 calls on the Libyan Government to "pay appropriate compensation." Discussions are underway between private attorneys and the representatives of the Libyan Government to address this condition. I am aware that the State Department is not directly involved in these negotiations. However, our government must ensure that any financial agreement is not considered a substitute for acceptance of responsibility accompanying the financial agreement.

Finally, the Security Council Resolution calls on the Government of Libya to "commit itself definitively to cease all forms of terrorist action and all assistance to terrorist groups and promptly, by concrete actions, demonstrate its renunciation of terrorism." Libya has in the past supported, trained, and harbored some of the most notorious terrorist groups in the world. Our Government must be convinced, beyond a doubt, that Libya has abandoned all support for terrorism before concluding that this requirement has been satisfied.

The Congress has consistently stated its view that the Libyan Government must fulfill all Security Council resolutions related to the Pan Am 103 bombing, most recently when it overwhelmingly approved a five-year extension of sanctions in the Iran Libya Sanctions Act.

I know the administration is working diligently on this matter, and I look forward to full and satisfactory compliance with Security Council resolutions. These brave families deserve no less.

Mr. President, this tragedy took place 13 years ago. It is instructive for all of us to understand that the only way we are going to be able to deal with terrorists is by developing the kind of hard-edge determination, resolution, persistence in pursuing justice that this case has followed over 13 years.

Too often, with the kinds of challenges we are facing, we find out that there is a flurry of activity, and then we find other forces come to bear to try to override the underlying issues which are basically at stake. We have seen the powerful interests of the oil industry trying to push aside the sanctions which we have had in effect. We have seen powerful interests in Europe as well try to discount these sanctions.

It is only because the United States has been resolute, determined, and per-

sistent over the period of 13 years, both in the area of sanctions as well as pursuing this in the international courts, that we have the judgment as we have seen today. That judgment is extremely clear in pointing out responsibility to the world. The Scottish court is pointing the world to the cause of the terrorism which took 13 families from my State, 67 members of the U.S. Armed Forces, and scores of other Americans. This is a victory for those families.

It is a very important step that has been taken. It is a reaffirmation in our system of justice, and it is a clear indication to countries around the world that the United States is going to be consistent and persistent to bring those who have created terror to justice, no matter how long it takes.

APPLAUDING THE JUSTICE DEPARTMENT FOR THEIR LEADERSHIP IN THE LAWSUIT AGAINST THE TOBACCO INDUSTRY

Mr. DURBIN. Mr. President, about 13 years ago I went to get on an airplane in Phoenix, AZ. I was a Member of Congress. I was late for my plane, as usual. I came running into the airport, went to the United ticket counter, and said: Can I still make the plane? And the lady at the counter said: Yes, I think you can. Hurry up. I said: Can you get me a seat in the nonsmoking section of the plane? It was too late. She said: The only seat I have left is a middle seat in the smoking section of the plane. So I said to her: Isn't there something you can do? She looked down at my airline ticket and at my title and said: No, Congressman. But there is something you can do.

So I got on that airplane and sat in a middle seat in the smoking section between two chain-smoking sumo wrestlers and thought to myself: There has to be a better way.

When I got off that plane, I decided to offer an amendment to ban smoking on airplanes across America, and was successful, to the surprise of myself and everybody else. No one had ever beaten the tobacco lobby on the floor of the House of Representatives. We did it by five votes. It was very bipartisan. It came over to the Senate. Senator Lautenberg of New Jersey picked up the cause. He was successful on this side. We put into law a ban on smoking on airplanes, which I think was the domino that triggered smoking being banned all across America, in restaurants, in office buildings, in hospitals, and not only on planes, but on trains and buses. There has been a real revolution in just 13 years.

But the battle against the tobacco companies goes on. I give credit to a lot of those who followed after that historic legislation, particularly the State attorneys general who filed lawsuits against tobacco companies and successfully brought in billions of dollars to States because of the fraud perpetrated on the public by the tobacco industry.

I was happy to support those State suits. But at the same time, President Clinton was President, and many of us said: Why isn't the administration in Washington doing the same thing? Why don't we bring a lawsuit on behalf of taxpayers across America who have had to pay out billions of dollars for medical care for tobacco-related disease and death? Why shouldn't they be compensated, as the States successfully prosecuted the tobacco companies for compensation at the State level?

To their credit, in the closing days of the Clinton administration, they prepared a lawsuit and started it against the tobacco companies by the Federal Government. And then, with the change in the administration, there was a question as to whether or not this new administration would still dedicate its resources and determination to successfully prosecute the same lawsuit.

We were concerned because initially there was criticism that the Department of Justice was putting too much money into this lawsuit. Attorney General John Ashcroft, as a Senator in this Chamber, was critical of this lawsuit against the tobacco companies. So many of us had justifiable concerns about whether or not the Federal Government would really vigorously pursue the lawsuit against the tobacco industry.

I am happy to report to you today that what has been disclosed within the last several weeks gives us great encouragement because we now have had disclosed documents that have been prepared by our Government, by our Department of Justice, demanding, in this lawsuit, changes in policy by the tobacco companies which could not be more encouraging.

Many of the things I am about to read to you have been proposed by people such as myself concerning the tobacco industry for years, and it has fallen on deaf ears in Congress. Congress is one of the worst places in the world to go and discuss the tobacco issue. The tobacco lobbyists are all over the Capitol. The tobacco interests fund campaigns right and left, and they make it very difficult for anything to be done on Capitol Hill. That is why the courts have been more successful.

But let me give you an idea of a number of the things this administration is asking for as part of their lawsuit which would really change the way tobacco products are going to be sold in America.

It would restrict all cigarette advertising to black and white print-only formats, with 50 percent of the space dedicated to graphic health warnings. In other words, all the glamour and glitz of the billboards, and all the other advertising on cigarette packaging and in magazines, would be replaced by very stark and clear black and white advertising with very graphic health warnings.

This is not a new idea. The Canadians have been in this business for a long

time. Other countries around the world, such as Poland, for example, have started doing things relating to tobacco advertising the United States should have done years ago.

It would require cigarette packaging, under this demand from the Department of Justice, to carry health leaflet inserts.

It would end trade promotions and giveaways.

It would ban all vending-machine sales, which is the avenue by which many underage smokers start their habit.

It would forbid "light," "low-tar," or "mild" labels, which are deceptive on their face.

It would require the industry to publicly disclose all ingredients, additives, and toxic chemicals.

It would require the industry to publicly disclose manufacturing methods and marketing research.

And it would eliminate the slotting fees paid to retailers for favorable placement of tobacco products.

This is an amazing array of remedies being asked for by the Department of Justice. I stand in this Chamber as someone who has been skeptical of their commitment. I applaud them for the real leadership they are showing in this lawsuit. If this is a change of heart in the administration, let this Democrat stand here and be the first to praise the administration for its leadership.

We need this. We need a commitment not just of resources, but a commitment of talent at the Department of Justice to make this legal action successful. Congress now needs to ensure, in our appropriation, that we adequately fund the Department of Justice to pursue this lawsuit. Give the Department of Justice the resources it needs to fight the tobacco industry. They are going to put together hundreds of lawyers to defend their miserable product and their practices. We need to have a team just as good and well funded on our side.

I can tell you as well, don't be deceived by the advertising from the tobacco industry. They have not changed. The Department of Justice uncovered documents that show, as recently as 1997, when the State settlements were being negotiated, the tobacco industry was conducting studies so that they could determine the brand preferences of young smokers between the ages of 12 and 20. Despite all of that beautiful advertising put on by Philip Morris and other companies on the television, which says: No we can't sell you these cigarettes, kiddo; you know what the law is. The fact is, this industry would die if they could not recruit teenage smokers. They are still trying to find ways to reach them.

As long as they are doing that, this insidious effort to make addicts of our children so that they ultimately become hooked and die from tobacco-related disease has to be fought every step of the way. It is time for us in

Congress to wake up to the need for the Food and Drug Administration to have new authority to regulate tobacco products. They have slipped through the cracks entirely too long when it comes to Government oversight. It is time to change it.

IN MEMORY OF TOM WINSHIP

Mr. KERRY. Madam President, I share a loss which many in New England, and Massachusetts particularly, feel today. Thomas Winship, editor of the Boston Globe from 1965 to 1984, and a champion of the role that the American newspaper plays in our lives and the lives of our country, died early this morning after a long and brave battle with cancer, leaving behind his wife Beth, a sister, Joanna Crawford; two sons, Lawrence and Ben; two daughters, Margaret and Joanna, and eight grandchildren.

Our condolences from all in the State of Massachusetts and all who knew him. Our prayers go out to them today as they grieve the passing of this very special man.

Their loss is also our country's loss. I can say without embellishment that Tom Winship was one of America's great newspapermen. He was an extraordinary editor, a giant among a generation of editors that includes people such as Ben Bradlee and Joe Lelyveld, and a host of others, all of whom were a band of brothers at that time, who sought to change the face of America, our politics, our culture, and our lives, in a positive way, using their power of the print to be able to reach the American people with what they thought were best interpretations and aspirations of our country.

Tom was a man who lived the word "citizen" to its fullest. He loved his family, his country, his community, and the newspaper business, all with a burning passion. In his years at the Boston Globe, he left an indelible mark on the newspaper lore of our Nation. It is not an exaggeration to say that through his efforts and the efforts of others, they made a real and a significant contribution, certainly to the history of Massachusetts, of New England, and, in the conglomerate of all of them, of the country.

I first met Tom Winship when I was a young veteran, recently returned from Vietnam. I went to see him to talk about the war, a visit which led to a friendship that lasted some 31 years. When we veterans came to Washington in the early 1970s to speak our minds about the war in which we had fought, as veterans who believed we had no other choice but to tell another side of the story, something we thought was not sufficiently reported, Tom Winship showed a special and personal interest. He understood the meaning of that effort. He insisted that his paper cover that story, our story, and I think, even fairly stated, America's story. He insisted that be covered when others were not so sure that was wise or that it mattered.