

bluster, we have been allowing North Korea to obtain benefits pursuant to agreements. Now they have admitted before the entire world, flat out, that the benefits they have been receiving pursuant to the agreement with the United States and the Clinton administration were built on a lie, that they were, in fact, in violation of the very agreement they signed.

The Economist magazine had an interesting piece recently that said, yes, agreements are good in the world. Multilateral agreements are good. Bilateral agreements are good. Peace agreements are good. But they said this: What happens when the country doesn't abide by it? What happens when they say they are going to do something and just don't do it? If there are no consequences for their failure to comply with solemn agreements that they have made, presumably for the good of the region and the world and their own nation, then what is going to occur here? Are we not creating a circumstance where a country may conclude that they may, indeed, gain by a lie, gain by cheating, gain by threatening and destabilizing and selling weapons around the world?

We need to reexamine our policy. We need to understand that this is not a normal regime in North Korea. This is an abnormal regime of the worst kind. It is hurting its own people more than anything else. It is threatening the stability of that region and the world. Something needs to be done about it. We cannot continue to ignore it.

One thing we cannot do, we cannot expect to sign an agreement with them and expect it to be honored because their history is not to honor agreements.

I support the legislation. We need to do something such as this and move it forward. We need to strengthen our relationship with South Korea. They have so much to offer to the world. We need to do what we can to change that regime in North Korea that is so unhealthy, a regime that is doing so much damage and threatening the stability and safety and security of the world.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act—a bill that would add new categories to current hate crimes law, sending a signal

that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred January 26, 2002, in Houston, TX. Hugo Cesar "Bibi" Barajas was found dead from multiple gunshot wounds to the neck, arm, and chest near a club that caters to the gay and transgender community. Barajas was dressed as a woman at the time of the murder. Police are investigating the murder as a possible hate crime and have investigated six similar murders of transgender women in the last 3 years alone.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### PERU AIRBRIDGE PROGRAM

Mr. LEAHY. Mr. President, since 1994, the U.S. Government has provided tactical aerial intelligence assistance to the Government of Peru, to help it stop the shipment of illegal drugs across its borders.

U.S. surveillance aircraft owned by the Defense Department and operated by contractors employed by the Central Intelligence Agency are tasked to locate potential drug flights, which Peruvian military jets then intercept. Occasionally, the Peruvian military has shot down those aircraft.

Unfortunately, the mistaken shoot-down on April 20, 2001, of a civilian missionary aircraft resulting in the deaths of two innocent Americans, including a young child, and the wounding of the pilot, revealed serious deficiencies in the procedures governing this program.

After a thorough investigation and revision of the procedures, the State Department has recommended that this program be reinstated in Columbia, and it is anticipated that it may also resume at some point in Peru.

I understand the motivation for this program is to stop the shipment of illegal drugs. That is a goal we all share, and we are spending hundreds of millions of dollars each year in the Andes to do so. However, a policy of shooting down civilian aircraft in such circumstances would not be lawful in the United States, and I am concerned that the foreign pilots are performing the role of prosecutor, jury and executioner, even when there may be no cause for self-defense and no proof that the operators of the targeted aircraft have broken any law.

This policy, in essence, presumed any civilian aircraft in drug-producing areas to be guilty unless proven innocent, and permitted the use of deadly force when there was only the suspicion of involvement of smuggling drugs.

I have read a report issued by the Senate Select Committee on Intel-

ligence in October of 2001, which describes the serious flaws in the aerial interdiction program in the Andean countries. I agree with many of the report's findings. The Intelligence Committee report I refer to was commissioned specifically to investigate the April 20, 2001 incident in Peru.

Despite the appearance of legitimacy, the missionary plane was singled out by a U.S. surveillance jet as a possible drug smuggling flight. The U.S. surveillance aircraft was participating in the joint U.S.-Peru counter-drug aerial interdiction program. The surveillance jet tracked the path of the missionary flight and a Peruvian military jet responded.

A confused and ultimately unsuccessful effort was made by Peruvian military and Peruvian civilian authorities to identify the missionary plane and to surmise the intentions of its crew, all of which are mandated by the standard operating procedures that govern operation of the aerial interdiction program.

That information was available to the Peruvian authorities. But due to the lack of access to records of flight plans kept by Peruvian aviation authorities; the failure of a Peruvian officer to check a list of aircraft tail numbers that would have identified the missionary plane as a legitimately owned and operated aircraft; and inefficient communications between the aircraft involved and ground personnel, a presumption of guilt, without supporting evidence, led to this avoidable tragedy.

This incident is a glaring example of the dire consequences resulting from attempts by law enforcement and military agencies to take the place of prosecutors and courts to mete out justice to suspected criminals.

I am sympathetic to the motivations for this policy. But absent an imminent, serious threat to human health or safety, I do not believe that deadly force of this type should be used against civilian aircraft. While I hope I am proven wrong, I worry that the new procedures, while well-intentioned, may not be adequate to prevent another tragic mistake. I am also concerned that we risk providing other countries with an excuse to shoot down civilian aircraft over their territory, whether to stop illegal drugs or for some completely different reason which they may deem to be legitimate.

I urge the administration to reconsider this policy. Yes, we want to stop drugs. Yes, we want to conduct aerial surveillance of suspected aircraft. But shooting civilian aircraft out of the sky, when there is no cause for self-defense, no imminent threat to innocent life, and not even proof of illegality, I believe goes too far. We have seen what can happen. Let us not repeat that mistake.