

filed a lawsuit last year asking that all living commandos be paid \$2,000 a year for every year they served in prison—an estimated \$11 million. In 1996 the CIA decided to provide compensation to the commandos. Unfortunately, even after this decision was made, the CIA continued to invoke the Totten doctrine to avoid payment.

I have encountered numerous cases in which the CIA has reneged on commitments CIA agents made to foreign nationals who put their lives on the line to provide valuable intelligence to the United States. Absent Congressional action, the Totten doctrine allows the CIA and other intelligence agencies to ignore legitimate cases, and have these cases summarily dismissed without a trial.

In a paper published in the Spring, 1990 issue of the *Suffolk Transnational Law Journal*, Theodore Francis Riordan noted that "when a court invokes Totten to dismiss a lawsuit, it is merely enforcing the contract's implied covenant of secrecy, rather than invoking some national security ground." The bottom line: the U.S. government can, and has, invoked the Totten doctrine to avoid solemn commitments made to U.S. intelligence operatives.

Existing federal statutes give the Director of Central Intelligence the authority to protect intelligence sources and methods from unauthorized disclosure. I understand the importance to national security of preventing unauthorized leaks of information that could compromise U.S. intelligence sources and methods. That is why my bill directs the special judicial panel to take into consideration whether the information that would be disclosed in adjudicating an action would do serious damage to national security or would compromise the safety and security of U.S. intelligence sources. In addition, the bill provides that if the panel determines that a particular case can go to trial, it may prescribe steps that the court in which the case is to be heard shall take to protect national security and intelligence sources and methods, including holding the proceedings "in camera."

Supporters of the U.S. intelligence community have criticized court involvement in intelligence cases by noting that most federal judges do not have the expertise, knowledge and background to effectively adjudicate intelligence cases. In fact, in the United States versus Marchetti, the Fourth Circuit took the position that judges are too ill-informed and inexperienced to appraise the magnitude of national security harm that could occur should certain classified information be publicized. I must respectfully and strenuously disagree with this type of reasoning. Federal judges routinely adjudicate highly complex tax cases, as well as other tort cases involving highly technical issues, such as environmental damage caused by toxic chemicals. It's absurd to assert that judges can master the complexities of the tax code and environmental law, but somehow be unable to understand and rule on intelligence matters.

The U.S. intelligence community has become too insulated from the regulations and laws that apply to all other federal agencies. Mr. Speaker, the Totten doctrine has outlived its usefulness. There is no legitimate national security reason why U.S. intelligence

operatives should not be able to file a claim for breach of contract, and have the claim objectively reviewed.

I urge all Members to support my legislation. It's the right thing to do; it's the American thing to do.

HONORING FERNANDA BENNETT

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. ACKERMAN. Mr. Speaker, I rise today to honor Fernanda Bennett, whose dedication and perseverance has made the fifth district Annual Congressional High School Art Competition a resounding success year after year. This year marked the sixth year that the Nassau County Museum of Art generously hosted this noteworthy event, displaying the pieces entered into competition. As the Assistant Director and Registrar, Ms. Bennett directs the smooth installation and public display of these works.

Her enormous contribution to the art competition is indicative of her successful career at the museum. Fernanda Bennett started as an intern in 1983, and has since worked her way up through the staff. Over the years, she has helped plan, organize, and install over fifty exhibitions, ranging from Tiffany lamps to Picasso canvases. As the Registrar, Ms. Bennett handles the details on insurance, transport, and display of numerous, invaluable pieces of art. She also helps maintain records of all borrowed items by collecting photos and documenting their exhibition histories.

As Assistant Director, Ms. Bennett oversees the day to day operations at the museum. She ensures that the building is kept clean and that the gallery environment is properly maintained. In addition, she inspects the artwork to ensure that it is cared for in a manner benefiting its valuable status. Because of its location on a 145 acre preserve, The Nassau County Museum of Art exhibits a collection of monumental outdoor sculptures. Ms. Bennett oversees the preparation of the sites for sculpture installation, handles the removal and placement of these magnificent pieces, and administers the care needed to display the works at their finest.

Her commitment to the museum and years of service to the community have enabled the fifth district art competition to be one of the biggest and best in the country. Six years ago, only fifty students participated in this event. Due largely to Ms. Bennett's extraordinary dedication, over one hundred students took part in this year's competition. Therefore, I ask all of my colleagues to join me in honoring this remarkable individual, Fernanda Bennett.

TREATMENT OF FOREIGN VISITORS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. SMITH of New Jersey. Mr. Speaker, I have been disturbed by the stories which have

come to my attention from family and friends of constituents and from travelers from abroad, who have complained about the standard process for obtaining U.S. non-immigrant visas. I certainly understand the challenge faced by our consulates around the globe in considering and processing the immense number of visa applications, and I recognize that dedicated consular officers serve as the vanguard for orderly and legal transit across our borders. Coupled with the responsibilities of customs officers posted at ports of entry, these are the public servants who are often the first to offer words of welcome to foreign visitors. Some personal accounts that have been shared with me, as chairman of the Subcommittee on International Operations and Human Rights, paint a different picture. Rather than words of welcome, the messages are for some ones of harassment and seemingly prejudicial treatment.

One particular collection of incidents is that experienced by my friend and fellow parliamentarian, Romanian Member of Parliament Peter Dugulescu, who travels with a Diplomatic Passport. When we last met in person, I asked that he prepare a written explanation of the difficulties which he has faced. The track record of this one man's treatment at a combination of ports of entry represents a sad commentary on the soiled welcome mat which is sometimes laid out for our visitors. I would hope that greater attention would be given to treating our foreign visitors with respect and the dignity deserved by each.

For the record, I would ask that the recent appeal to the President made by the Honorable Peter Dugulescu be printed in the RECORD.

To: Mr. William Jefferson Clinton—United States President, United States Congress, United States Department of State.

From: Petru Dugulescu, MP, Committee on Foreign Affairs.

Honorable Ladies and Gentlemen, I am grateful for the opportunity I have been given to take part in the 1999 National Prayer Breakfast. My colleagues and I want to express our gratitude for the relations established between your country and ours, and for continuing to build on this foundation.

In the spirit that has made United States of America a model country for the world, for its democracy and for the opportunities it gives to its citizens and non-citizens living here, I come before you with my sincere appeal in matters that pertain to further advance the relationship between your country and ours, between your people and the people of Romania. Saddened by the situation, I kindly ask for your attention to this letter and take it in adequate consideration with measures that only you can decide to take as you may see fit.

Prior to the Romanian Revolution of 1989, because of my admiration for your country, for its social-political system and the religious freedom, for my religious and political beliefs, I have suffered persecution, mistreatment, and was subjected to mockery many times in Romania. Only God kept me and my family alive through the hard times. (Aspects of my persecution have been made known in United States by reputable author Charles Colson in his book "The Body") Numerous leaders, such as US representatives; Frank Wolf (VA), Tony Hall (OH), Christopher Smith (NJ), have showed their support and intervened in different ways to the

Romanian authorities. Former US Ambassador to Romania, Mr. David Funderburk, has visited our church and my family several times, and continuously showed his support, thus alleviating some of the pain.

Following the 1989 Romanian Revolution, I have been blessed with an invitation to take part in the 1990 National Prayer Breakfast, as a pastor, together with a Romanian delegation. I have been part of this magnificent event every year. Since 1990, I have visited the United States several times for meetings with diplomats and/or social-cultural and religious organizations. My colleagues are looking at me as at someone who truly supports relations with the United States by proven activity. However, I am saddened to say that not all of my visits have been pleasant. This last arrival in your country has been most uncomfortable, to say the least.

On January 7th 1999, I arrived in the United States with a Visitor's Visa and Diplomatic Passport, on board flight no. 120 (Route: Bucharest-Zurich-Atlanta) of Swissair, at Atlanta's International Airport, around 2:00 p.m. Upon the U.S. Immigration inspection service, I was asked by a female officer of the U.S. Customs if I was from Romania. As a result of my positive answer, she asked me to open my luggage and they started taking my personal belongings out in the open while laughing. When I saw the scene caused by this incident, I asked kindly to see what they were looking for. "Food", they replied. I told them I didn't have any. However, they continued to do the same thing. When they were done emptying my luggage, I started collecting my pajamas and other belongings attempting to pack as people were looking at me as to a criminal who just got caught smuggling something illegal into the United States. I can't explain my hurt and embarrassment caused by these officers who continued to joke. When they asked me what I was coming to the States for, I told them that I was invited to attend the National Prayer Breakfast with their President. They laughed again. I showed them the Diplomatic Passport and the invitation, which prompted them to laugh even harder and said: "Send our greetings to Bill Clinton from us, Tom & Jerry". . . . I was shocked by their arrogance.

Of all the custom inspection services in the world, this should have been the most painless and most comfortable, especially since I did not break the law in any way. If a U.S. citizen travelling to Romania would be subjected to such humiliation and mockery, would probably say that Romanians are barbarians and the country is still communist. I honestly hope that you can imagine my frustration.

The fact is that this incident with the opening and emptying of luggages in customs was not a first. In September 1996, at the International Airport in Portland, Oregon, I had another similar experience. Other colleagues and acquaintances have told me their experiences as well, leading me to the conclusion that some measures must be taken.

What is the conception or the mentality of the U.S. Customs Officers pertaining to us Romanians who come in the United States as visitors? Why are we treated as 2nd class citizens (or even worse)? Why can't we feel welcomed into this great democratic country? Why are we Romanians different than other travellers? Or, if not considered different, then why are we treated differently? As a representative of Romanian people both in the Romanian Government and abroad in foreign relations, it is my duty to ask these

questions and kindly appeal for your intervention to the proper departments in order to insure that the image United States is portraying to the Romanian tourists is a better one.

Another great concern that I have pertaining to travelling in the United States is the procedure that the U.S. Department of State has established for Romanian applicants for visitor's visas. I have raised this issue in conversations with U.S. Ambassador to Romania James Rosapepe and the U.S. Consul, Mr. Patterson, and was told that my concern was not uncommon but unfortunately procedures are set in Washington DC.

An application for a visitor's visa, which is, in fact, an interview tax, costs \$45. Apart from the fact that the applicant must demonstrate "strong ties" to the origin country and, therefore, for the U.S. Embassy to avoid the danger of a new immigrant, (demonstration that is not always taken into consideration on a consistent criteria basis), the applicant has to pay for the visa, for the travel to Bucharest in order to give an interview with the Consul, interview which occurs only 1 or 2 out of 10 applications, the rest being just useless conversations with some desk officer at the U.S. Consulate. A simple arithmetic shows that the applicant pays sometimes his or her monthly salary (an average salary in Romania is about \$120/month) just to learn that he or she has been rejected and thus is not allowed to travel to the U.S.

Should I mention to you also that rejected applicants never get back their money? Or is there a way to make money out of the sincere and legitimate desire of Romanians to travel to the U.S.? And when taking into consideration the original if not strange technique of the "visa lottery", one could picture a very commercial way to observe the universal right to free travel and circulation of any citizen of the world. I strongly believe that principles are to be observed not only by declarations, but also by facts. And people can feel the difference. I remember a demonstration in front of the U.S. Embassy when people were carrying slogans like: "The Berlin's walls were moved to the U.S. Embassy".

Few years ago, talking to the U.S. consul in Bucharest about visa issues, I told him that the U.S. Government was accusing Ceausescu about restraining the Romanian's right to travel free and he replied that "traveling to America is not a right, but a privilege".

U.S. citizens come to Romania without applying for a visa, nor paying for one (unless they stay longer than 30 days). I strongly believe that in the spirit of democracy, The United States Department should take measures to waive discriminating treatment and to envisage a reciprocal one.

As an advocate for the democratic system of United States who has not given up under the pressure of communism, I come before you urging you to take this appeal in consideration. People of Romania are not 2nd class citizens, they are not beggars, nor criminals. We have our dignity and would like to be treated accordingly. We look up to the United States, to Americans, to anything that carries a label "made in America" with open heart. Romanians want to be part of NATO and part of the Western culture, however, aspects of life such as ones mentioned here are making us believe that we are not welcomed. We are treated sometimes as we are not good enough to be worth a chance.

I close this appeal by saying that I will continue to believe and to preach the model of democracy that United States offers to

the world, while believing that these things are going to be dealt with properly.

I thank you all for listening or reading this letter, for understanding our feelings and for taking action.

Respectfully yours.

SALUTE TO NEWT

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Ms. DUNN. Mr. Speaker, at the "Salute to Newt" last Wednesday, our former Speaker of the House again proved that, in the words of TIME Magazine, he "belongs in the category of the exceptional." Newt Gingrich is a man who thinks both with a vision for our country and with compassion in his heart, and I bring his remarks from that special evening to your attention.

Joined by the Gingrich family and friends, the event was a wonderful tribute to Newt. Mary Tyler Moore, International Chair of the Juvenile Diabetes Foundation, said it best in her introduction of Speaker Gingrich. Moore said, "Newt Gingrich may be many things to many people, but to us he is a champion and a hero—and his leadership in Congress will be sorely missed." A portion of the proceeds from this event were donated to the Juvenile Diabetes Foundation.

As the man who led us in capturing and holding a Republican majority in Congress for the first time since 1928, his comments continue to offer each of us insight for the future.

In a very real way, I hope tonight does symbolize what America is all about. Jonathan as a person, not just a symbol for a cause. Mary Tyler Moore as a person, not just a symbol of a cause. But the fact that America is about 260 million real people of remarkable diversity, each of them with extraordinary God given talents, and each of them needing the help of their fellow American to use all those talents.

We were able, for a five-year period, to do a great job because of each of you. Because of those of you who are members, those of you who are on my staff, those of you who were supporters, donors, volunteers, friends; it was team effort.

Time magazine named me "Man of the Year" in 1995, but in fact, it should have been the "Team of the Year," because it was a very remarkable, collective effort, by an extraordinary range of people.

My daughters talked about me as a father, but the truth is, they're pretty good daughters. And they spent a lot of time on the phone with me, and now we're all into email so it's gotten even more chaotic. {laughter} and they and Marianne track me as much as I track them because I think life, in that sense, is a team effort.

Marianne recognized, and I was so grateful that she did so, and we talked about it earlier, but she recognized the Capitol Police. I think all of you, particularly those of you who go to the Capitol fairly often, who, as I often do, take them for granted, all of us were brought up short when Officer J.J. Chestnut and Detective John Gibson were killed. I think it was a reminder, a wake up call if you will, that these men and women literally risk their lives for their country, and in that case, two of them paid to protect