[From the Washington Post, April 23, 2000]

(By George F. Will)

TINKERING AGAIN

Congress's constitutional fidgets continue. For the fourth time in 29 days there will be a vote on a constitutional amendment. The House failed to constitutionalize fiscal policy with an amendment to require a balanced budget. The Senate failed to eviscerate the First Amendment by empowering Congress to set ''reasonable limits'' on the funding of political speech. The Senate failed to stop the epidemic of flag burning by an amendment empowering Congress to ban flag desecration. And this week the Senate will vote on an amendment to protect the rights of crime victims.

Because many conservatives consider the amendment a corrective for a justice system too tilted toward the rights of the accused, because liberals relish minting new rights and federalizing things, and because no one enjoys voting against victims, the vote is expected to be close. But the amendment is imprudent.

The amendment would give victims of violent crimes rights to ''reasonable'' notice of and access to public proceedings pertaining to the crime; to be heard at, or to submit a statement to, proceedings to determine conditional release from custody, plea bargaining, sentencing or hearings pertaining to parole, pardon or commutation of sentence; reasonable notice of, and consideration of victim safety regarding, a release or escape from custody relating to the crime; a trial free from unreasonable delay; restitution from convicted offenders.

Were this amendment added to the Constitution, America would need more—a lot more—appellate judges to handle avalanches of litigation, starting with the definition of ''victim.'' For example, how many relatives or loved ones of a murder victim will have victims' rights? Then there are all the requirements of ''reasonableness.'' The Supreme Court—never mind lower courts—has heard more than 100 cases since 1961 just about the meaning of the Fourth Amendment's prohibition of ''unreasonable'' searches.

What is the meaning of the right to ''consideration'' regarding release of a prisoner? And if victims acquire this amendment's panoply of participatory rights, what becomes of, for example, a victim who is also a witness testifying in the trial, and therefore, not entitled to unlimited attendance? What is the right of the victim to object to a plea bargain that a prosecutor might strike with a criminal in order to reach other criminals who are more dangerous to society but are of no interest to the victim?

Federalism considerations also argue against this amendment, and not only because it is an unfunded mandate of unknowable cost. States have general police powers. As the Supreme Court has recently reaffirmed, the federal government—never mind its promiscuous federalizing of crimes in recent decades—does not. Thus Roger Pilon, director of the Center for Constitutional Studies at the Cato Institute, says the Victims' Rights Amendment is discordant with ''the very structure and purpose of the Constitution.''

Pilon says the Framers' ''guarded'' approach to constitutionalism was to limit government to certain ends and certain ways of pursuing them. Government, they thought, existed to secure natural rights—rights that do not derive from government. Thus the Bill of Rights consists of grand negatives, saying what government may not do. But the Victims' Rights Amendment has, Pilon says, the flavor of certain European constitutions that treat rights not as liberties government must respect but as entitlements government must provide.

There should be a powerful predisposition against unnecessary tinkering with the nation's constituting document, reverence for which is diminished by treating it as malleable. And all of the Victims' Rights Amendment's aims can be, and in many cases are being, more appropriately and expeditiously addressed by states, which can fine-tune their experiments with victims' rights more easily than can the federal government after it constitutionalizes those rights.

The fact that all 50 states have addressed victims' rights with constitutional amendments or statutes, or both, strengthens the suspicion that the proposed amendment is (as the Equal Rights Amendment would have been) an exercise in using—misusing, actually—the Constitution for the expressive purpose of affirming a sentiment or aspiration. The Constitution would be diminished by treating it as a bulletin board for admirable sentiments and a place to give special dignity to certain social policies. (Remember the jest that libraries used to file the French constitution under periodicals.)

The Constitution has been amended just 18 times (counting ratification of the first 10 amendments as a single act) in 211 years. The 19th time should not be for the Victims' Rights Amendment. It would be constitutional clutter, unnecessary and, because it would require constant judicial exegesis, a source of vast uncertainty in the administration of justice.

MORNING BUSINESS

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

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

85TH ANNIVERSARY OF THE 1915 GENOCIDE OF THE ARMENIAN PEOPLE BY THE TURKISH GOVERNMENT

Mr. ABRAHAM. Mr. President, I rise today to commemorate the 85th anniversary of the 1915 Genocide of the Armenians by the Turkish Government. As so many of you are aware, between 1915 and 1923 more than one and a half million Armenians perished from atrocities committed against them. Yet the brave Armenian people persevered.

As the grandson of Lebanese immigrants, I am, of course, very familiar with the historic ties that have bound Armenians to the Lebanese. We have sheltered and strengthened one another in time of need. As peoples we have become close because the experience of being forced from one's home and homeland is not new to either of us.

Through mass deportations, starvation, disease, and outright massacres, Armenians have carried their heads high, as they carried on their way of life or carried their culture to new lands. The strength and pride in Armenian heritage have kept alive the memory of those who perished in the genocide. I rise today to pay tribute to that strong, proud heritage.

As a constant symbol of the strength and perseverance through which oppressed peoples survive, the Armenian genocide must serve as a reminder that we must never forget the atrocities of the past, lest they be repeated.

The Senate Immigration Subcommittee, which I chair, recently held hearings on the status of Albanian refugees in Kosovo. I must say that I was impressed with the strength and faith of these people in the face of the great hardships visited on their people. And I was reminded of another people ''cleansed'' from its homeland by brutal invaders.

But too few Americans are in a position to make that comparison. In the 85 years since the massacre of Armenians began, another great crime has been committed—the crime of keeping the truth from the world.

This was a crime against all people, because it denied them the lessons to be learned from that tragic tale. But most of all it was a crime against all Armenians, alive and dead. For even the dead have at least one right—that of having their story told.

The 1.5 million Armenians who died deserve to have the truth of their suffering known. Only when we know the horror that they went through can we comprehend the gravity of the crime. Only then will the rights of the dead be fulfilled. This is why we must make sure younger generations understand what happened and ensure that it never happens again.

Eighty-four years ago the world had the opportunity to prevent the Armenian holocaust. But the world did not act. While there was much talk, there was no real help for the Armenians. If only we had known then that tyranny must be opposed early and steadfastly, perhaps this and future acts of genocide could have been prevented.

But the world does not learn easily. Even today, massacres take place around the world, with people murdered not for what they have done but for whom they are.

And we must wonder about the final goals of those who continue the blockade of Armenia and Nagorno Karabagh. We must make known to the world our opposition to such policies. We must fight to defend Section 907, cutting off American aid to those enforcing the embargo. And we must not allow the lure of cheap oil from the Caspian, an illusion, really—lead us away from the path of truth and justice.

To do justice to the memory of those who died we must see to it that justice is done to the living, to those who survived them. That means doing justice to Armenia, as well as to Armenians and other refugees.

Today, I would like to join the Armenian-American community in remembering the horrors of the Armenian Genocide. We all would profit by reflecting on the strength of the Armenian people to persevere through this awful period in history.

But today is not only a day to mourn those lost in this genocide but also a day to celebrate the resilience of the people of Armenia as they build a new democracy. Finally freed from communist imperialism, Armenia has quickly become one of the most democratic of the former Soviet Republics and has made great strides to adopt a market economy. I am gratified at the many cultural exchanges taking place between our two nations.

As chairman of the Immigration Subcommittee I also am gratified at all the wonderful examples of success through hard work that have been provided by Armenian immigrants. Such stories make the argument for a kind and open policy toward refugees, victims of latter-day massacres, much stronger.

I salute all Armenians today, I salute their predecessors who suffered so grievously, and I salute their struggle to let the truth be known.

Mrs. FEINSTEIN. Mr. President, yesterday, April 24, marked the 85th anniversary of the beginning of the Armenian genocide. I rise today to acknowledge and commemorate this terrible crime and to help ensure that it will never be forgotten.

On April 24, 1915, the Ottoman Empire launched a brutal and unconscionable policy of mass murder. Over an eight year period, 1.5 million Armenians were killed, and another 500,000 were driven from their homes, their property and land confiscated.

As Americans, we are blessed with freedom and security, but that blessing brings with it an important responsibility. We must never allow oppression and persecution to pass without condemnation. By commemorating the Armenian genocide, we renew our commitment always to fight for human dignity and freedom, and we send out a message that the world can never allow genocide to be perpetrated again.

Even as we remember the tragedy and honor the dead, we also honor the living. Out of the ashes of their history Armenians all across the world have clung to their identity and have prospered in new communities. My State of California is fortunate to be home to a community of Armenian-Americans a half a million strong. They are a strong and vibrant community whose members participate in every aspect of civic life, and California is richer for their presence.

Let us never forget the victims of the Armenian genocide; let their deaths not be in vain. We must remember their tragedy to ensure that such crimes can never be repeated. And as we remember Armenia's dark past, we can take some consolation in the knowledge that its future is bright with possibility.

Mr. LEVIN. Mr. President, I rise today to commemorate the 85th Anniversary of the Armenian Genocide. Each year we need to remember and honor the victims, and pay respect to the survivors we are blessed to have with us today.

During the 8-year period from 1915 to 1923, approximately 1.5 million Armenians were killed and hundreds of thousands were driven from their homes. April 24, 1915 serves as a marking point for the government-orchestrated carnage that took place under the Turkish Ottoman Empire. On this date, over 5,000 Armenians were systematically hunted down and killed in Constantinople. This number includes some 600 Armenian political and intellectual leaders who were taken to the interior of Turkey and systematically murdered.

A Polish law professor named Raphael Lemkin was the first to call the atrocities committed upon the Armenian people during period of 1915 to 1923 the ''Armenian Genocide.'' Lemkin is also credited with coining the word ''genocide'' and making genocide a crime under international law. In 1939, Professor Lemkin escaped Poland during the Nazi invasion. Lemkin would ultimately lose 49 members of his family during the Holocaust. Until his death in 1959, Lemkin worked for the adoption of the U.N. Convention on the Prevention and Punishment of the crime of Genocide, which was ratified by the United States in 1988. Through this individual, these dark periods of Jewish and Armenian history have been joined in the important cause of remembrance.

Each year we vow that the incalculable horrors suffered by the Armenian people will not be in vain. That is surely the highest tribute we can pay to the Armenian victims and a way in which the horror and brutality of their deaths can be given redeeming meaning. I ask my colleagues to join me in remembering the Armenian Genocide.

FAIR PAY FOR LOW INCOME WORKERS

Mr. KENNEDY. Mr. President, as we continue to wage our ongoing battle in Congress for a fair increase in the minimum wage for millions of workers across America, it is important to understand that low-income workers in all parts of the country are doing all they can themselves to obtain fair increases in pay from their employers.

One of the most important examples in recent weeks has been the strike by janitors in Los Angeles, who were seeking a long overdue reasonable increase in wages during this time of remarkable prosperity for most Americans.

At the beginning of last week, an excellent column by respected journalist David S. Broder appeared in The Washington Post and many other newspapers across the country, calling national attention to the strike, and emphasizing the issues of fundamental fairness at the heart of this dispute. Mr. Broder noted recent reports of the lavish salary and bonus packages totaling millions or even tens of millions of dollars a year available to the top executives of major firms across the country, and he compared these extraordinary benefits with the low salaries of the janitors in this dispute, whose lives ''are lived on the ragged edge of poverty.''

I had the opportunity to meet with many of the striking workers and their union leaders on a visit to Los Angeles during the recess, and to express my support for them in their battle and to commend them for their courage.

Fortunately, a tentative agreement on the issues in the strike was reached over the weekend, and a settlement granting a significant pay increase and other benefits was overwhelmingly approved by a vote of the workers yesterday. The President of the local union called the agreement ''the beginning of a new era for organized labor.''

Justice for these janitors means progress toward justice for all working men and women across America. Their cause was just, and because of timely and important articles like David Broder's, more and more people across America are becoming aware of these fundamental issues and their extraordinary importance for our society.

I commend Mr. Broder for his eloquent analysis and insight, and I ask unanimous consent that his column in The Washington Post on April 16, entitled ''Of Janitors and Billionaires,'' be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Post, April 16, 2000]

OF JANITORS AND BILLIONAIRES

(By David S. Broder)

LOS ANGELES—The janitors on strike at the office buildings near the downtown hotel where I stayed for a couple days last week were the most polite picketers I have ever seen. The largely Latino groups of men and women standing on the plaza from which several of the city's highest office towers rise greeted visitors with elaborate courtesy and seemed genuinely grateful when anyone accepted one of their handouts explaining why they had stopped using their brushes and brooms.

It was about money, they said, about struggling to support their families and themselves at a pay scale ranging from $7 to $8 an hour—about $300 a week before taxes.

The Service Employees International Union, representing about 8,500 janitors, called the strike to back up its demand for raises of $1 an hour each year for the next three years. If granted, that would allow members of these overnight crews to make the magnificent sum of about $21,000 a year in 2003.