

to a felony count. He raised over a million in illegal foreign-source contributions.

Finally, behind the Vice President and to his far right is Man Ho Shih a Buddhist Nun who admitted to another Committee of the Senate that she and others set about destroying documents relating to the temple fund raiser. According to one of her fellow monastics, those documents were destroyed because they "did not want to embarrass the Vice President." She also fled the country before she was scheduled to testify in a court of law, and is now under indictment, but evading custody.

Moreover, another key piece of evidence which could shed some light on this issue, the videotape of the event, has never been found. This is a serious matter. The rule of law is a serious matter. A legitimate investigation is required.

I make no suggestion that the Vice President is guilty of any crime related to this event and I sincerely hope that he is not.

I am deeply troubled that senior officials in the Justice Department have refused for four years to allow investigators the opportunity to ask the necessary questions of the Vice President and other senior administration officials so that this matter can be resolved one way or the other.

Indeed, we had testimony in our subcommittee, and we went over it two days ago with Mr. Mansfield the former Assistant United States Attorney in Los Angeles who started the initial investigation of the Buddhist temple fundraiser.

When this news broke late in the 1996 Presidential campaign, Mr. Mansfield, who had previously and successfully prosecuted a Republican Congressman for campaign fraud, was preparing his investigative plan for this event. He testified that in these kind of cases you need to move quickly to get records and documents and interview witnesses. But he was stopped by a political appointee, the chief of the Public Integrity Section in the Department of Justice, by written direction. And he was not allowed to proceed to interview witnesses, or to issue subpoenas for documents. And, indeed, the Department of Justice subsequently declared that no Independent Counsel was required, rejecting the suggestion of Senator MCCAIN, who previously talked on this floor and who wrote at that time calling for an Independent Counsel to be appointed. And five other Members joined in that letter.

But the Department of Justice attorneys who stopped Mr. Mansfield's investigation did not interview any witnesses or do any significant investigation.

That is why I believe it is important that Mr. CONRAD's request for the appointment of a special counsel should be granted. The Attorney General has

one more chance to do what I believe is her duty.

Mr. Conrad has a reputation as a man of integrity and a solid prosecutor who gets results. As the current chief prosecutor who has been in place for only a few months, has done a fine job in securing 5 convictions and guilty plea agreements in several key cases. One of these involved Pauline Kanchanalak, who was responsible for funneling approximately \$690,000 of illegal foreign money to the Democratic National Committee and 5 state Democratic parties. More than \$457,000 of this amount was related to one White House coffee on June 18, 1996, organized by John Huang and attended by President Clinton. Another case involved the conviction of Maria Hsia on March 2, 2000, which resulted, in part, from her involvement in the California Buddhist Temple fundraiser to funnel more than \$100,000 of illegal foreign money into the Clinton-Gore 1996 reelection campaign. Even after her conviction on five felony counts, Maria Hsia is still not in jail. In fact, Judge Friedman granted her request to have her passport returned so she can travel freely between China and the United States.

At any rate, some progress apparently is being made. And I commend the efforts of Mr. Conrad. I believe that his work has the potential to restore the integrity of the Department of Justice, and I believe Attorney General Reno should follow his advice and appoint a special counsel to conclude this matter.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

#### THE EXECUTION OF GARY GRAHAM

Mr. FEINGOLD. Mr. President, the Nation has been engaged in a raging debate in recent days on whether Gary Graham should be executed in Texas.

Supporters of the death penalty, including Governor Bush, have said there is no conclusive proof that Texas or any State has killed an innocent person. But apparently Gary Graham, who had the courthouse doors slammed shut on his claim of innocence, won't have a chance to prove that he is innocent.

I understand, at this moment, that all appeals have now been denied. Mr. Graham is scheduled to be executed before midnight tonight.

Mr. President, Mr. Graham's plight symbolizes some of the most serious concerns with the fairness and accuracy in the administration of the death penalty. Don't get me wrong, Mr. Graham is not a good guy. He is a criminal, and, in fact, a very serious offender who deserves very serious punishment.

But we need to realize what is about to happen. He is still a human being

who is about to be executed at the hands of the State of Texas. This is a capital matter.

Mr. Graham may not have committed a murder for which he is about to be executed. This case raised very serious issues of woefully incompetent trial counsel, eyewitness testimony that has never been heard by a jury, a conviction based on the sole testimony of just one eyewitness, and exculpatory ballistic testing data that was not shown to the jury.

Despite the claims of those who would support the death penalty, Gary Graham is not alone. There are other examples of people—in places like Virginia, Florida and even Texas—who have been put to death in the face of grave doubt about their guilt. We don't have absolute proof of their innocence. But some day soon, if we continue to let this system run amok, there will be a case where an irrefutably innocent person is executed.

One Governor got it right. Governor Ryan of Illinois called a halt to executions in his State and appointed a blue ribbon commission to study whether the system could be fixed. Some say, I think essentially with no basis, that, yes, that was the right thing to do in Illinois but that Illinois is an aberration. Mr. President, I don't believe for a minute that Illinois is an aberration when it comes to the problems with the administration of the death penalty in this country. Governor Ryan was right when he said that he wanted absolute certainty that the person scheduled to die is guilty. The same certainty should apply to the State of Texas this very evening.

A recent study by Columbia University documented that 52 percent of death penalty cases in Texas were overturned on appeal during the time period for which the study was done. Nationwide, the Columbia study found an average reversal rate of nearly 7 out of 10 capital cases.

What does the Governor of Texas say? He says he is certain that every single one of the over 100 people executed under his watch as Governor was guilty. I have heard him say this many times. He only considers two factors: Whether the person is guilty, and whether he or she had full access to the courts.

This is a matter of life and death. They found out in Illinois that it is not that simple. It is not just whether the person is guilty and whether they had full access to the courts. I have no doubt that the intense media and public scrutiny of Texas and Governor Bush's leadership is warranted in this case. The same kind of problems are arising in Texas that were discovered in Illinois and that forced Governor Ryan to take the action he did. In Illinois, it was not the criminal justice system that discovered its defects, it was undergraduate journalism students

at Northwestern University who uncovered some of the cases of actual innocence. One person was on death row 2 days from his execution and ultimately the students were able to prove he was actually innocent.

The Chicago Tribune, a newspaper in Illinois, was responsible for some of the other proof of innocent individuals on death row, some 13 in Illinois. It was college students. It was the press. They were parties outside the criminal justice system who had to point out the defects in the system.

Now the same thing is happening in Illinois tonight. The discussion should not end with media attention to this case. In fact, I was appalled this morning. I watch the Today Show every morning as I am getting up and reading the Washington Post. I felt I was watching the trial of a human being, a person who was about to be put to death, on a national television show in a brief segment between advertisements. This cannot be the way we administer justice in this country. In fact, I am very concerned about the way in which this is becoming almost a sideshow, somehow connected with the Presidential election.

In fairness to the Governor of Texas and in fairness to Vice President AL GORE, this should not be on their head as the Presidential election goes forward. They should not be put in the position of having to make these decisions as this country comes to the conclusion as to who will be the next President. It is a very unseemly environment in which to decide whether people should live or die. We have a special problem, and it happens that the State with the most executions occurring, the State with many of the executions coming up, happens to be the State of the presumptive Republican nominee for President.

It is a very uncomfortable situation when at the same time all of these questions about the death penalty are being raised. No one can say that this was somehow a partisan attempt to raise the issue because the person who really got this issue going, who really raised the question, is the Governor of Illinois, the chairman of Governor George Bush's campaign in Illinois.

I plead that we get this issue away from the Presidential election. The only way we can do that is to have a credible and honest review of the fairness and justice in the system by which our Nation imposes the sentence of death. We should do exactly what Governor Ryan did in Illinois throughout this country: have a moratorium, a pause, during which a blue ribbon panel of pro and anti-death penalty people and other experts examine the issue.

We need a temporary halt to executions throughout America. Support for this is growing. California, more than any other State, including Texas, has the most inmates sitting on death row

awaiting execution. In a poll of California residents released just today, almost two-thirds of Californians continue to support the use of capital punishment. But by a margin of nearly 4-1, the poll found that Californians favor a halt to executions while the death penalty is studied. I think that is very interesting. The vast majority still support the death penalty, but they do know that something is wrong and we need a pause.

I urge my colleagues to lead the American people and join me as co-sponsors of legislation that would put a temporary halt to executions and establish the National Commission on the Death Penalty, the National Death Penalty Moratorium Act.

This rush to judgment concerning Gary Graham is not in keeping with American traditions and values of fairness and justice. I ask my colleagues to join in urging a pause before an innocent person is executed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I appreciate the comments of my colleague from Wisconsin. I agree, innocent lives should not be killed. We should be looking at every possible degree of evidence we possibly can.

I wonder if we could also consider all the young, innocent lives that are killed at the same time, and somehow put together a blue ribbon commission to determine when life begins, and say we are not going to allow that to take place anymore, either.

I was just calculating. Across the country, we have every year about 1.2 million abortions that take place. So today there have been over 3,000 abortions. I agree that innocent life should not be killed and we should do everything we possibly can to review that evidence, look at DNA evidence, anything we can. We should remove any sort of barriers to time limits on tests for DNA evidence. That is an important and good thing we should do.

But can't we also consider at the same time, when does that innocent life begin? I think those are valid points that we should both pause and consider at this time.

#### NCAA GAMBLING AMENDMENT

Mr. BROWNBACK. Mr. President, the reason for me to speak this evening is to comment about an amendment that Senator MCCAIN and myself, along with two other Members have as well, that is pending on the DOD authorization bill. I am not raising the amendment tonight, but I want to talk about it because it has been one of some controversy. I want to put forward the issues of why I am so concerned about this issue. It is an amendment that Senator MCCAIN, myself, and two other Members sponsored, Senator EDWARDS and Senator VOINOVICH. It is about college gambling—specifically, legalized

gambling in America on college athletics, college sports.

We have currently in the country, banned everywhere in America betting on college sports, except one State—in Nevada it is allowed.

There is legalized betting on college sports. If someone wants to bet on a University of Missouri football game, if they want to bet on a University of Kansas basketball game, there is a legal scoreboard, there is a game spread on it, and there is money laid on the table. It is all legal.

The handle is about \$1 billion in Nevada each year betting on schools such as the University of Kansas, Kansas State University football, the Final Four. It takes place every year. That has been growing substantially at the level of the handle, and it is going to keep on growing.

The problem is it is tarnishing our amateur athletics. It is giving a black eye to college sports. We are getting more and more young people hooked into gambling because one of the key gateways to starting gambling is sports betting. A high number of young people start betting on college sports. Our athletes are being sucked into it, and we have seen more cases of point shaving in the decade of the nineties by college athletes than the entire record of the NCAA before that.

The famous case about Northwestern University that broke during the Final Four 2 years ago was a point shaving case. We had at a press conference Kevin Pendergast, a former Notre Dame placekicker, the mastermind who orchestrated the shaving case. He stated he would never have been able to pull off this scheme without the ability to legally lay a large amount of money on the Las Vegas sports books.

He said: If I do not have that, I have to pull off two shams. I have to get the athletes to shave the case, and I have to sham some bookie as well. This way, if I can get the athletes to line up and not lose the game—the point is not to lose the game, just do not make the spread. If it is a 10-point spread, just do not make it. It is easy to do. A player does not have to miss a shot. Unfortunately, we have been learning a lot about it. Where they usually do it is on defense. Let your man beat you: He got by me, coach; I didn't mean to.

You do not stand at the foul line and look at the shot and say: I am throwing a brick up there, when you do not normally. This is getting pretty sophisticated now. The player lets his opponent slip by, he jukes you one way, off you go: He scored on me, coach; I didn't mean for it to happen.

The points were not made, the money is shaved, and away we go.

Not only is it our athletes, but it is also our referees. This really should upset some people. Listen to this. I watch games and a lot of times I do not think the refs get it right. I would not

want to have their job, but I get pretty irritated, particularly when it is my team and the call goes against it.

A study conducted by the University of Michigan found that 84 percent of college referees said they had participated in some form of gambling since beginning their careers as referees. Nearly 40 percent also admitted placing bets on sporting events and 20 percent said they gambled on the NCAA basketball tournament.

It gets worse. Two referees said they were aware of the spread on a game, and it affected the way they officiated the contest. Some were asked to fix games they were officiating, and others were aware of referees who "did not call the game fairly because of gambling reasons."

Several weeks ago, newspaper articles from Las Vegas and Chicago detailed how illegal and legal gambling are sometimes connected. Even our referees are being pulled into this gambling situation.

This legislation by the four sponsors was a recommendation of the National Gambling Impact Study Commission that met for 2 years on the impact of gambling. They said this seedy influence should not be allowed to persist in college sports and on our athletes.

The Commerce Committee held hearings on this. I said at least provide a State opt-out; allow a way for the University of Kansas, Kansas State University, Wichita State University to get off the board so they can petition you so you do not bet on them.

Currently, no one can bet on the University of Nevada, Las Vegas. It is illegal in Nevada to bet on a Nevada college team. They said it might be unseemly or it might appear to be too much influence, to which I thought: All right. That sounds like a legitimate reason to me. Allow me to get the University of Kansas and Kansas State University off.

They said: No, we are not going to do that. We will not allow your legislatures to petition; we will not allow your Governors to petition or your presidents to petition; we are going to leave them on the book because if you want out, there will probably be others who will want out as well. We do not want to let you out of this. This is a \$1 billion handle for us, and we get a lot of business.

The problem is, it has given a black eye to college sports. Listen to what some of the coaches are saying about this.

I ask unanimous consent that a letter Senator McCAIN and I received and a list of organizations supporting this legislation be printed in the RECORD. They include, among others, the National Collegiate Athletic Association and the National Council on Education.

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

APRIL 24, 2000.

Hon. JOHN McCAIN,  
Hon. SAM BROWNBACK,  
U.S. Senate, Washington, DC.

DEAR SENATORS McCAIN AND BROWNBACK: The undersigned wish to express their full endorsement for the legislation you have introduced to eliminate all exceptions for legalized betting on high-school, college and Olympic sports. We are grateful for your enthusiastic support for the legislation and are hopeful that the United States Senate will follow the lead of the Commerce Committee by overwhelmingly adopting S. 2340 when it is considered on the Senate floor. We believe this legislation will send a clear, no-nonsense message that it is wrong to gamble on college students.

The proposed legislation is especially important to our community because it will:

Eliminate the use of Nevada sports books for gain in point shaving scandals.

Eliminate the legitimacy of publishing point spreads and advertising for sports tout services.

Re-sensitize young people and the general public to the illegal nature of gambling on collegiate sports.

Reduce the numbers of people who are introduced to sports gambling.

Eliminate conflicting messages as we combat illegal sports wagering that say it is okay to wager on college some places but not in others.

You have permission to use our association's name publicly in support of S. 2340. We stand ready to assist in any way we can to insure this important legislation's passage.

The National Collegiate Athletic Association; The American Council on Education; National Association of Independent Colleges and Universities; American Association of State Colleges and Universities; Conference Commissioners Association; National Association of Collegiate Directors of Athletics; National Association of Collegiate Women Athletics Administrators; National Association of Jesuit Colleges and Universities; American Football Coaches Association; National Association of Basketball Coaches.

American Federation of Teachers; U.S. Olympic Committee; National Federation of State High School Associations; American Association of Universities; Divisions I, II and III Student Athlete Advisory Councils; The National Football Foundation and College Hall of Fame; The Atlanta Tipoff Club Naismith Awards; The American Association of Collegiate Registrars and Admissions Officers; College Golf Foundation; College Gymnastics Association.

USA Volleyball; National Field Hockey Coaches Association; USA Track and Field; Team Handball; National Soccer Coaches Association of America; American Volleyball Coaches Association; American Association of Community Colleges; Golf Coaches Association of America; National Association of Collegiate Marketing Administrators; Intercollegiate Tennis Association.

College Athletic Business Management Association; U.S. Track Coaches Association; American Hockey Coaches Association; National Fastpitch Coaches Association; National Association of Gymnastics Coaches/Women; International Association of Approved Basketball Coaches; American Baseball Association; Women's Basketball Coaches Association.

Mr. BROWNBACK. Mr. President, one of the key coaches was Coach Calhoun from the University of Connecticut, U. Conn. He stated, while this legislation does not solve the problem, "it is a good starting point." That is exactly what the legislation is, a beginning that will send a clear message to our communities and, more importantly, to our kids that gambling on student athletics is wrong and threatens the integrity of college sports.

We are asking for a simple amendment on this authorization bill. We would agree to an hour of debate equally divided between both sides. I am willing to start tonight. I am willing to go through the night. I am willing to go tomorrow, Saturday to bring this issue before this body. It is an important matter, and it needs to come before this body. We seek an up-or-down vote on it.

Some people have raised questions about it. This is the time and place to do it. We are ready. It is time to do it. It was voted through the Commerce Committee with only two dissenting votes. Let's bring it up. That is why Senator McCAIN and I are pressing so aggressively to get this amendment considered on the DOD authorization. We will do it in a limited amount of time, whenever, an up-or-down vote. Let's just press this issue through and see what the will of the body is.

#### ADDITIONAL STATEMENTS

##### IN HONOR OF THE HONORABLE NEIL L. LYNCH

● Mr. KERRY. Mr. President, I am honored to rise today and pay tribute to a public servant who has selflessly contributed his legal knowledge and experience to the Commonwealth of Massachusetts and its residents for almost 50 years. Today, the Honorable Neil L. Lynch, Associate Justice of the Massachusetts Supreme Judicial Court, gathers with this friends and family to celebrate a career marked by military service, a devotion to family, and a true love of the law.

Beginning in 1952 with his service as a First Lieutenant Adjutant in the 42nd Air Rescue Squadron of the United States Air Force, Justice Lynch set a standard of achievement and professionalism that would carry him to the pinnacle of the legal profession. After working at Hale, Sanderson, Byrne & Morton, he began teaching at the new England School of Law. He served as Chief Legal Counsel and Secretary-Treasurer at the Massachusetts Port Authority, worked again in the private sector with Herlihy & O'Brian, then return to New England School of law as a Professor of Law.

Judge Lynch's skills and understanding of the law were well known in Massachusetts by the 1970's, and few