of failure. It really talks about one of the greatest failures of this administration, and that is to ignore and to not address the drug problem and plague that is facing our Nation.

Let me say that President Clinton really has abandoned America and failed miserably in the fight against drugs during his first 3 years in office. In fact, if we look at what he did, first of all he cut the drug interdiction budget.

Then we talked about cuts in the White House. He ended up cutting 85 percent of the drug policy staff in the White House. Then he cut funding for DEA agents. That is part of what is detailed in this record.

Mr. Speaker, his lack of leadership on this issue in fact is appalling. The results should be sobering to every American. Listen to these facts in this report: Under President Clinton's watch, drug prosecution has dropped 12.5 percent in the past 2 years. After 11 years of drug use declining among high school seniors, the number of 12th graders using drugs on a monthly basis has increased 65 percent just since President Clinton has taken office.

A September 1995 survey shows that drug abuse in kids 12 to 17 jumped 50 percent in just 1994. This report also shows that marijuana use among 12- to 17-year-olds has doubled from 1992 to 1994, and heroin use by teenagers is up. Emergency room visits by heroin users rose 31 percent between 1992 and 1993 alone.

We might say, why? And I say, it is no wonder, when we look at the leadership that has been provided here. First of all, what did the President do? He appointed Joycelyn Elders, and she did not make a drug use and drug abuse a priority. In fact, she talked about legislation. In fact Mrs. Elders said, ''I do not feel that we would markedly reduce our crime rate if drugs were legalized.'' This is outrageous.

Mrs. Reagan, when she was the First Lady, instituted the theme of just say no. The Clinton administration has a new message, and that message has been just say maybe. And it has created a disaster. Again, it is outlined by this.

The emphasis and the money have flowed to treatment. What is the end product of all this? It is people that are using drugs. So we are putting our emphasis and money on treatment. Even a Rand study that the administration in fact touted finds that only 4 percent of heavy cocaine users who go through the treatment cut back on their use of cocaine. So we find where the administration is spending taxpayer money, in fact it is not having results.

Mr. Speaker, this administration destroyed a drug interdiction program. We have cut funding, we have cut emphasis, and we made ourselves the laughing stock of the Andean region.

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With our drug control strategy already in disarray in 1994, the administration suddenly reversed its practice of sharing intelligence and radar equipment to attack narco-terrorist planes. Colombia, Peru, and Bolivia where almost 100 percent of the world's cocaine is produced was betrayed by this reversal of U.S. policy. Only after a chorus of Congress expressed its outrage did the administration change it policy, but the damage was done.

And then finally what did we do? We certified Mexico. I participated in drafting the certification language when I was a member of the staff of the other body, and this is a disgrace. DEA confirms that 70 percent of the cocaine coming into the United States comes from Mexico. So this is a record of disaster.

STOP PLAYING POLITICS WITH OUR NATION'S SCHOOLS

The SPEAKER pro tempore (Mr. HOBSON). Under a previous order of the House, the gentlewoman from California [Ms. WOOLSEY] is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, today the House averted another Gingrich Government shutdown by voting to fund the Government for 1 week. That is right, 1 week. In typical inside-the-Beltway lingo the Republican leadership called it a 1-week continuing resolution. But if you ask me, it amounts to nothing more than 1 more week of continuing madness, madness on Capitol Hill, and, more seriously, 1 more week of continuing uncertainty for our Nation's schools.

Let us talk about the continuing madness around here. I have been a member of the House Committee on the Budget since coming to Congress in 1993. Two years in a row we did our work, passed the necessary spending guidelines and met our deadlines. On top of that, we managed to cut the deficit in half in the process. We cut it by 50 percent. The new majority, however, wasted the beginning of 1995 trying to pass their Contract With America. As a result, we are halfway into the fiscal year, and the 1996 budget for most domestic programs has still, still not been set by this do-nothing majority. Instead, critical environmental protection, health care, and education programs have been funded on a month-to-month basis at a greatly reduced level. When you change that from a month-to-month to a week-to-week program, as the House did today, the new majority's piecemeal approach to governing means nothing more than continuing uncertainty for our Nation's schools.

In fact, today's continuing resolution leaves our schools and teachers with two main ingredients for disaster, too little time and too little money. Right now elementary schools, high schools, and colleges are beginning to plan for the 1996–97 school year, which in case my friends on the other side of the aisle do not understand, begins in September. Schools cannot wait until the new fiscal year to hire teachers, to buy books, and to plan for computers and to repair damaged buildings. They need to start planning now, and they simply cannot do it when the Gingrich Republicans, unlike their Republican colleagues in the other body, refuse to provide a fixed level of adequate education funding for the rest of the year. By leaving our schools in limbo and facing the prospect of receiving 13 percent less in education funds, less than they would normally expect from the Federal Government, elementary and secondary education—elementary schools will not know how many teachers they can afford to hire for the coming school year. Thus, students returning to school next fall could face larger class sizes and fewer teachers.

Schools are also faced with the respect of losing funds for crucial education programs because of the deep cuts that are contained in the majority's continuing resolution. For instance, schools in my home State of California would lose over $42 million in Goals 2000 funds. These are funds which help schools train teachers, increase parental involvement and meet higher standards. California schools will also lose $122 million in title I funds, funds for programs for students who need extra help in reading, writing, and math. Finally, programs aimed at protecting our children from crime and drugs and alcohol will be hurt because the Gingrich Republicans have voted to deny California schools $26.5 million in safe and drug-free school funding.

My friends, that is not how we should be treating our Nation's schools, that is not how we should be treating our Nation's students. Rather I believe, as the Democrats in the House believe, as the President believes and as a majority of the other body believes, that education must be our Nation's No. 1 priority.

Mr. Speaker, we can balance the budget, but it does not have to be on the backs of our children and their education.

CALLING FOR JUDGE BAER'S RESIGNATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. UPTON] is recognized for 5 minutes.

Mr. UPTON. Mr. Speaker, I would like to bring to the attention of this Chamber a rather disturbing element that I have learned about over the last couple of weeks and to share my thoughts with those in the Chamber with regard to an individual by the name of Judge Baer in New York. There is a Wall Street Journal editorial back in the end of January, and I will put all of these into the RECORD, but I just want to read a little piece of this article. It says:

> Winning the war on drugs won't be easy if the battles end up in courtrooms that like that of Harold Baer, Jr., of the Federal District Court in Manhattan. Judge Baer ruled

Wednesday that 80 pounds of cocaine and heroin that police found in a car in the drug-wracked neighborhood of Washington Heights could not be used as evidence.

It goes on to say that:

In his State of the Union address that Mr. Clinton gave here in this Chamber, he told Americans that 'Every one of us have to have a role to play on this team.' But the best anti-drug legislation and the best law enforcement won't work unless the judiciary is willing to enforce the laws.

In a New York Times editorial, the end of January; ''Judge Baer's Tortured Reasoning'' is the title. It goes on to say that:

What this judge managed to do through his sloppy reasoning was to undermine respect for the legal system, encourage citizens to flee the police and deter honest cops in drug-infested neighborhoods from doing their jobs.

It goes on to say that:

Consider the scene described by the officer. As he and his partner sat in their unmarked car, they saw four men approach the defendant's car. With team-like precision and without speaking to the driver, they opened the trunk, dumped two duffel bags in back, and then shut the door, running away when they spotted the officers. Surely these facts, taken together, present precisely the sort of suspicious circumstance police are supposed to be looking out for.

The police in this case saw these individuals put 80 pounds of drugs in the back of the car, 5:00 in the morning, that car. The driver admitted she was taking them to Michigan where the street value of these drugs was worth $84 million. Eighty pounds. And, lo and behold, the judge let them off the hook because it was not unusual for folks to run away from the police in New York.

Well, that is outrageous.

An article in today's Washington Post, page 3; the title says ''Accusations of Coddling Criminals Aimed at Two Judges in New York.'' The Speaker in a news conference last week is quoted as saying this is the kind of pro-drug dealer, pro-crime and police and anti-law enforcement attitude that makes it so hard for us to win the war on drugs.

Mr. Speaker, a number of us and my colleague from New York, Mr. FORBES, the chairman of the crime subcommittee, the gentleman from Florida, Mr. MCCOLLUM, and I circulated a letter among House colleagues this past week that asked the President to ask for Judge Baer's resignation, and I am proud to say that a majority of this House have now signed that letter, Republicans and Democrats alike. We are going to be sending that letter to the President on Tuesday next, and I would ask those of my colleagues that have not signed the letter to please find me between now and Tuesday so they can add their names to a majority of those in this House.

My colleague, the gentleman from Michigan [Mr. STUPAK] is a signatory; my colleague, the gentleman from Ohio [Mr. HOBSON], as well as the gentleman from Florida [Mr. FOLEY], are also signatories of that letter, so that we can let the President know that this man should not serve as a Federal judge for letting these folks on, and we merely ask the President to ask Judge Baer to step down based on the decision that he made.

The articles referred to are as follows:

[From the Wall St. Journal, Jan. 26, 1996]

THE DRUG JUDGE

Winning the war on drugs won't be easy if the battles end up in courtrooms like that of Harold Baer Jr. of the Federal District Court in Manhattan. Judge Baer ruled Wednesday that 80 pounds of cocaine and heroin that police found in a car in the drug-wracked neighborhood of Washington Heights could not be used as evidence. The drugs, which have a street value of $4 million, are ''tainted evidence,'' he said.

He ruled that the police had no good reason for searching the car, despite the fact that the four men putting duffel bags into the trunk took off running when they saw the cops. This, the judge ruled, was not suspicious behavior. Reason: the ''residents of this neighborhood tended to regard police officers as corrupt, abusive and violent.'' As a matter of fact: ''Had the men not run when the cops began to stare at them, it would have been unusual.''

The woman who was driving the car gave the police a videotaped confession. Carol Bayless, a 41-year-old Detroit woman, told police that she expected to be paid $20,000 for driving the drugs back home, and said that she had made a total of about 20 trips to New York to buy drugs. Judge Baer threw out the videotaped confession. Unless the ruling is overturned by the appeals court, the prosecutors say they no longer have a case; Ms. Bayless, who faced 10 years to life in jail, will be free to go.

The year's young, but we doubt Judge Baer will have any competition for this year's Judge Sarokin Award, named in honor of the federal judge in New Jersey who ruled for a homeless man who used to lurk inside the Morristown library, spreading his ''ambrosia.'' Liberalism manages to deliver us these rulings on a regular basis, so it's appropriate to raise a few concerns.

The first has to do with community standards. Aren't the mostly minority residents of Amsterdam Avenue and 176th Street, where the incident took place, entitled to the same level of protection as the mostly white residents 100 blocks south on Amsterdam in the heart of New York's Yuppiedom? We suspect the law-abiding residents of Washington Heights might take a different view about whether the bigger threat to their well-being is the police or fleeing drug runners.

The other issue raised by the Baer ruling is the politics of judicial appointments. Judge Baer is a Clinton appointee, named to the federal bench in 1994 on the advice of the Democratic Senator from New York, Patrick Moynihan. Now, certainly it is the case that Democrats have appointed first-rate jurists to the federal bench. But it's also the case that it is at the liberal end of the modern judiciary that communities find their interests trampled by overly expansive and even absurd legal claims for defendants.

If Mr. Clinton is re-elected, by the end of his second term he will have filled roughly half of the slots in the federal judiciary, including majorities on the federal appeals courts. And that he would get one, two or even three more appointments to the Supreme Court. Mr. Clinton no doubt would separate himself from decisions like Judge Baer's, but one then has to somehow believe that he would actually separate himself from the constituencies insisting that he pick from the same candidate pool that produces such judges.

As for the war on drugs, we commend Judge Baer's ruling to the attention of drug czar-designate, General Barry McCaffrey. In his State of the Union address Tuesday, Mr. Clinton told Americans that ''every one of us have a role to play on this team.'' But the best anti-drug legislation and the best law enforcement won't work unless the judiciary is willing to enforce the laws.

[From the New York Times, Jan. 31, 1996]

JUDGE BAER'S TORTURED REASONING

With his controversial ruling last week tossing out key evidence and a voluntary confession in a major drug conspiracy case, Federal District Judge Harold Baer Jr. apparently hoped to make a point about the serious problem of police corruption in New York City that he helped uncover as a member of the 1993 Mollen commission. What the judge managed to do instead, through his sloppy reasoning was to undermine respect for the legal system, encourage citizens to flee the police and deter honest cops in drug-infested neighborhoods from doing their job.

This is not to say that the judge was wrong to be concerned about Fourth Amendment issues and protections against illegal searches. But in this case he went badly overboard.

Like many Fourth Amendment challenges to police searches and seizures, the case turned on a question of whether officers had a ''reasonable suspicion'' to stop the defendant, a Detroit woman named Carol Bayless, whom police watched as she drove slowly up Amsterdam Avenue in Upper Manhattan in a car bearing Michigan plates at 5 A.M. last April 21. Judge Baer offers defensible, if not entirely convincing, reasons for believing the rendition of events provided by the defendant in her confession just after her arrest rather than the version provided by one of the arresting officers eight months later.

But even the somewhat less suspicious-looking circumstances described by the defendant would seem to meet the fairly low threshold of ''reasonable suspicion'' for stopping and questioning her. In a high-crime neighborhood, the police need reasonable leeway to question activity that seems unusual. Because the judge found no justification for stopping the car, he did not reach the issue of whether the officers had either the requisite consent from the woman or ''probable cause'' that criminal activity was afoot when they opened the trunk and seized 80 kilos of cocaine and heroin.

By far the most troubling aspect of the decision is the judge's superfluous finding that even if every detail of the police account were true, it would still not justify the investigatory stop. That is not just wrong, it is judicial malpractice. Consider the scene described by the officer. As he and his partner sat in their unmarked car, they saw four men approach the defendant's car. With teamlike precision and without speaking to the driver, they opened the trunk, dumped two duffle bags in back and then shut the door, running away when they spotted the officers. Surely the factors, taken together, present precisely the sort of suspicious circumstances police are supposed to be looking out for.

Judge Baer may be correct in observing that the corrupt scandal in upper Manhattan would have made it ''unusual'' had the men not run away. But that does not support a legal finding that flight is not a factor to be weighted in determining whether there is ''reasonable suspicion.'' Judge Baer's logic would guarantee that law-abiding citizens in minority neighborhoods, where tensions with the police are most strained, get a lower standard of policing.

[From the Washington Post, Mar. 1, 1996]

ACCUSATIONS OF CODDLING CRIMINALS AIMED AT TWO JUDGES IN NEW YORK

(By John M. Goshko)

NEW YORK.—Two recent judicial decisions here—one throwing out evidence in a big narcotics case and the other freeing a defendant who then killed his former girlfriend—have ignited a firestorm of outrage about alleged coddling of criminals.

The controversy has been so intense that many legal experts fear it could disrupt the dispensing of justice in local courts and spread beyond New York to become part of the election year debate about what ails America.

Several judges and legal scholars, while acknowledging that the decisions were controversial, nevertheless expressed concern that the abbreviated versions provided by much of the media have distorted the public's understanding of some very complex legal issues.

The unrelenting criticism directed against the two decisions, and the two judges, has put their colleagues at all levels here under heavy pressure to demonstrate in rulings and sentences that they are not soft on crime, these experts said. In an era of growing social conservatism, the rulings are providing fodder for those who think it is time for the courts to stop fine-combing evidence and simply lock up criminals.

Gov. George E. Pataki (R) recently fired the first salvo in such a campaign when he announced legislative plans to limit the powers of the state's highest court, the Court of Appeals, to impose what he called burdensome restrictions on the police and prosecutors. New York City's law-and-order police commissioner, William J. Bratton, also denounced ''the screwball Court of Appeals,'' saying it ''is living off in Disneyland somewhere. They're not living in the streets of New York.''

The two decisions at the heart of the controversy did not, in fact, emanate from the Court of Appeals, but from other, widely disparate levels of the criminal justice hierarchy.

First, in late January, Judge Harold Baer, Jr. of the U.S. District Court that serves Manhattan ruled that 80 pounds of cocaine and heroin found by police in a car could not be used as evidence. The fact that four men seen putting the narcotics in the car ran away when they spotted a police officer was understandable, given fear of the police in many inner-city neighborhoods, and did not constitute cause to search the car; the judge decided.

''As long as there are judges like that, criminals will be running wild in the streets,'' said Louis Materazzo, president of the New York Patrolmen's Benevolent Association. That actually was one of the milder comments in the chorus of criticism immediately sounded by Pataki, Bratton and even Mayor Rudolph W. Giuliani (R), an old friend and colleague of Baer from the days when Giuliani was the U.S. attorney in Manhattan and Baer was one of his aides.

By this week, the ripples from Baer's decision had spread to Congress, where 150 House members signed a letter to President Clinton calling on him to ask for the federal judge's resignation. Among the signers was House Speaker Newt Gingrich (R-Ga.), who told a news conference: ''This is the kind of pro-drug dealer, pro-crime, anti-police and anti-law enforcement attitude that makes it so hard for us to win the war on drugs.''

On Feb. 12, the dispute about what New York's raucous tabloids dubbed ''junk justice'' took a new turn. Benito Oliver, a convicted rapist with a history of domestic violence, walked into a car dealership where his former girlfriend, Galina Komar, worked, shot her to death and then killed himself. It quickly came out that three weeks earlier, Judge Lorin Duckman of the Criminal Court in Brooklyn, the lowest rung on New York's judicial ladder, had turned aside Komar's request for protection and allowed Oliver to go free while he awaited trial on charges of harassing her.

In transcripts of the court hearing Duckman sounded dismissive of the injuries Oliver had inflicted on Komar, noting that she had been ''bruised but not disfigured.'' The judge expressed repeated concern about the well-being of a dog that Oliver had left in Komar's care.

The uproar only intensified when it was further revealed that Duckman, in a similar case last summer, allowed a Brooklyn man, Maximino Pena, to go free hours after a jury had convicted Pena of attacking his former girlfriend. On Feb. 15, Pena was back in jail, this time charged with dragging the same woman down two flights of stairs and punching her in the face.

Duckman has since gone on an indefinite vacation. But his temporary retreat from the bench has not halted the torrent of denunciations from officials, women's rights advocates and newspaper editorialists. Giuliani said Duckman displayed ''a frightening lack of common sense'' that showed he ''should be doing something else for a living.''

Pataki, asserting that ''Judge Duckman is unfit to serve,'' called on the State Commission on Judicial Conduct to remove him from the bench. The governor added that if the commission fails to do so, he would ask the state Senate to oust Duckman, a punishment that it has administered only once before, in 1872.

The churning caused by these two cases has even been given a philosophical counterpoint by the coincidental publication of a new book, ''Guilty: The Collapse of Criminal Justice,'' written by state acting Supreme Court Justice Harold J. Rothwax. Rothwax argues that judges today often apply principles about evidence and defendants' rights so rigidly that the guilty go free.

However, there is real concern in legal circles that the fallout from these two cases is causing judges to protect themselves against charges of being excessively pro-defendant.

Judith Kaye, New York's chief judge, recently said she was worried that the castigation of Baer and Duckman could subtly affect the way cases are decided. And many lawyers say that, in contrast to just two or three months ago, they now see signs of defendants being subjected to higher bail, rulings that lean heavily toward the prosecution and tougher sentences when found guilty.

The most glaring example of how these pressures appear to be operating was the agreement by Judge Baer to permit a new hearing on the narcotics evidence that he earlier suppressed to such an outcry. A reconsideration like this is almost never done by federal judges. Moreover, many lawyers said they will not be surprised if Baer finds reasons to rule that the drug evidence is admissible.

''I have no idea what he'll do, but you'd have to be superhuman not to be affected by all the criticism and abuse that the man has taken over that ruling,'' said Albert Alschuler, a law professor at the University of Chicago.

The case turned on a judgment about whether police had a ''reasonable suspicion'' to stop and search a car at 5 a.m. in Washington Heights, a largely Hispanic enclave of Manhattan that is a known center of drug activity. Before becoming a judge, Baer had served on a commission investigating police brutality in that neighborhood. In his opinion, he noted that people there regard the police as ''corrupt, abusive and violent,'' and he said that under those circumstances it was not unusual for the suspects to run away.

''I'm a native New Yorker from the East Bronx,'' said Yale Kamisar, a University of Michigan law professor and a leading expert on criminal procedure. ''When we played stickball as kids and hit the ball through someone's window, everyone ran because you knew if the cops caught you, they'd give you a hard time. It's human nature to run from what you think might be trouble.''

Kamisar said Baer appears to have decided that the police used the flight as grounds for searching the car without following other procedures that might have safeguarded the legality of their actions.

Even in the Duckman controversy some lawyers think there were legal considerations involved that have been overlooked in the tragic aftermath of the case. ''He made what are undeniably some stupid and insensitive remarks,'' said one lawyer who asked not to be identified. ''But the facts are that this fellow, Oliver, had been in jail for 40 days and the Brooklyn district attorney's office failed to present any strong evidence that he posed a danger to the woman that justified holding him longer in what arguably would be a violation of his constitutional rights.''

The judge also appeared to be reacting to some ''sloppy handling'' of the case by the prosecutors, and the judge decided to ''teach them a lesson,'' the attorney said: ''The only problem with a judge doing something like that—trying to regulate the way a prosecutor's office works—was that the rights of the victim got overlooked.''

SHORT-TERM FUNDING OF OUR GOVERNMENT IS SHORTSIGHTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. STUPAK] is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, just one word before I talk about the continuing budget resolution we passed earlier today. My friend from the other side of the aisle, the gentleman from Michigan [Mr. UPTON], who I have great respect for, and I did sign his letter, when we fight drugs, and being a former law enforcement officer myself, the responsibility is with everyone from Judge Baer, to President Clinton, to the Speaker of the House, and that is why I am disturbed about the continuing budget resolution that was passed today in which the money for drug-free schools zones was deleted from the budget, so there will be no money for drug-free school zones. So, when the Speaker points to this as an example of merely words, I would have to remind the Speaker that his budget priorities have encouraged the use of drugs in drug-free school zones in schools across this country and not fight them. So, while we may ask for Judge Baer to resign, maybe we should ask the Speaker to renew the funding for drug-free school zones.

But, Mr. Speaker, funding of our Government on a week-to-week basis is shortsighted, destructive, and an irresponsible way that we could possibly manage the risks and the tasks of running the greatest country in the world.