

This outlines, and it is a summary of the Specter-Hatch habeas reform bill. I hope our colleagues will realize that this is the time to finally face this issue that has involved just countless frivolous appeals throughout the history of jurisprudence in this country.

It is time to have some finality in these matters. We protect the constitutional rights and privileges of the individual defendants, but we say, "The game is over." There will not be any more of these ingenious appeals that are frivolous in nature that literally will not meet those two requisites that I mention.

We also say to the American taxpayers, we will not keep funding frivolous appeals by people on death row. We are not going to have another 10, 12, or 18 years, as is the Andrews case in Utah, the case called "hi-fi," where Andrews participated with another person in killing a variety of people, but only after they tortured them. They ran pencils through their eardrums, and in one case, poured Drano down the throat of one of the victims. For 18 years, there was no question that Andrews did the murder. No question he was guilty. No question of the heinous nature of the crime. There was no question that the jury was right in rendering the verdict it did. But those appeals went on for 18 years, and in each of these aspects of the appeal the victims and their families had to go through the whole unpleasant, vicious, terrible experience again.

Every one of the appeals was frivolous. For 18 years and 28 appeals. All the way up through the State courts, from the lower trial court, to the immediate appellate court, to the State supreme court. In this case, mainly the trial court and the State supreme court. All the way up through the Federal court, district court, circuit court of appeals, the Tenth Circuit Court of Appeals, and the Supreme Court of the United States of America. It made a mockery of the law.

I cannot blame anybody who hates the death penalty for trying to do everything in his or her power as a defense lawyer to try to deter somebody from going to the final date of execution, but the law is the law, and whether a person hates the death penalty or thinks it is the right thing, the fact is, it is the law.

I do not have any fault with any defense lawyer who has done his or her best to try and free these people or at least alleviate the death penalty. I do not have any problem with their efforts in that regard. I have a problem with the law that allows that type of frivolous repetitive appeals. This is the time to change that law.

By the way, this is the only thing we can do in this antiterrorism bill, it seems to me, that will do something about the Oklahoma City bombing. The only thing we can do, it seems to me, to bring swift justice, as the President has called for, to the perpetrators of the Oklahoma City bombing.

Frankly, it is something that we have to bite the bullet on, and get it done. We are willing to face the music on this and to fight this battle out on the floor. I would like it to be one of the later aspects of this matter. The fact is, it is time to face it.

When I talked to families of the victims, and the victims themselves just a few days ago, they begged me to make sure that we pass this bill and that we pass the habeas corpus reform that we have on the bill. Many of the State attorneys general, both Democrats and Republicans State attorneys general, want Congress to pass this habeas corpus reform bill.

I think most everybody wants Congress to pass the whole bill. The people out there are sick and tired of the problems.

Frankly, I assured those who have been suffering so much from the Oklahoma City bombing, and those who suffer all over this country, from the repetitive appeals that are frivolous in nature, and the need to continually go to all of those hearings, I have assured them we will face the habeas corpus problem on this matter, and that we will pass the Specter-Hatch habeas corpus bill.

We hope we can do that in this battle, and I will do everything in my power to see that it is done. It is no secret that there are some on the floor who do not like our changes in habeas corpus. It is going to be a controversial issue. I do believe that a majority of the Members of this body will vote for it.

There are many other things that I would like to discuss about the bill. It is a very complex bill. It is a very detailed bill. It is a bill that covers almost every aspect of antiterrorism. It is one that is long overdue. And we are going to handle this.

Let me digress for a minute, because my dear colleague from Pennsylvania is concerned about having hearings on Waco and Ruby Ridge. I have been in constant contact with the Justice Department, with the FBI, and with ATF, and they are willing to do this. They are willing to do this. Whether they are willing or not, they know we are going to do this, sooner or later.

They would prefer, as the FBI Director has requested in writing to me, that we defer the hearings until they have completed their investigation in Oklahoma City. They have also indicated that sometime this summer they feel that it will be all right, in any event.

So we do intend to press forward. We are putting our investigators on this issue. They have been on it. We will see what we can do.

I share my colleagues' deep concern over these incidents. I believe a thorough congressional review of these and related Federal law enforcement issues is warranted. I intend that these hearings will be held in the near future following Senate consideration of this comprehensive antiterrorist legisla-

tion, upon the completion of the department's investigation of the Oklahoma tragedy.

Notwithstanding my desire to have hearings on this matter, I have resisted doing so right at this time, and I believe doing so at this time would only serve to confuse these important issues. I do not believe that the Waco and Ruby Ridge incidents should be linked to the Oklahoma City incident or to the terrorist issues or hearings at this time.

The Senate could, if we held hearings at this time, inappropriately—albeit unintentionally—convey the wrong message regarding the culpability of those responsible for the atrocity in Oklahoma City. We simply must not do this. Indeed, the Senate went on record to this effect on May 11, 1995, by a vote of 74 to 23, when it tabled a sense-of-the-Senate resolution which would have set a date certain for these hearings. But I assure my colleague from Pennsylvania, we probably will hold these hearings before the end of this summer and before our August recess. We will do the best we can. If it does take more time than that, we will certainly state the reasons. But that is our firm intention and we hope we can get that done.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I ask unanimous consent to speak as in morning business for just a matter of 3 minutes so I can speak to a subject unrelated to what we are discussing now.

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

#### EDUCATION

Mr. BIDEN. Mr. President, in over 20 years in the Senate I do not think I have done this twice, but I will say, to be safe, I do not think I have done it a half dozen times. I would like to read into the RECORD a letter that I received yesterday from a woman who is graduating from high school in my State, a woman I have never met. Her name is Mrs. Judi Robinson. She lives in old New Castle, DE, which is a community over 350 years old, a beautiful place, in a place called Penn Acres. I would like to read it, if I may.

DEAR SENATOR BIDEN, I am a 48-year-old night student at William Penn High School in New Castle. I'm one of many students who recently wrote to you concerning adult education. Thank you for your letter. It helped me a little more to understand what it concerns.

I have been in the program since September 1994 and received my G.E.D. that June. Now I'm at Penn doing very well and will

graduate this June. It took me 31 years to get to this point in my life, so I thank God that there was a program available to me. Although my circumstances are different than some of my classmates, we're all there for the same reasons, to get our G.E.D. or better yet our diploma. Senator as far as I'm concerned, I wanted this very badly, but I have been married 27 years, have two children one of which also graduates this year from Penn. I never had to work so my education wasn't the top on my list. Because my husband worked and took care of us and the house. But most of the kids in the program need this educational program to continue to grow into productive adults. Our counselors and teachers are the best, they work very hard to keep things going well at school. These programs need to keep going and I know that you will do your best to keep it going.

Now to get to the second reason I'm writing to you. I would like to take this opportunity to invite you to my graduation on June 14 at 7:30 p.m. It will take place at Newark High School. Myself and I know all the other students and staff would be honored to have you there. I know you are a very, very busy man but if you could find it in your heart and schedule to make it, I would be happy to have you there.

Sincerely,

MRS. JUDI ROBINSON.

Mr. President, the reason I read that into the RECORD is I do not think we should lose sight of the fact that there are thousands and thousands and thousands of women and men like Judi Robinson who are going back to try to get the basic education that for whatever reasons they did not get when they were children. I think our reluctance to put as much emphasis on the educational needs in this country and the Federal responsibility to participate in that is a serious mistake. I am sure all of my colleagues, and I know the Senator in the chair, the Senator from Colorado, like everyone else in here, shares a sense of pride when there is someone in their State like Judi Robinson who goes through that effort.

I remember discussing with my friend from Colorado how his mother went back and her significant educational accomplishments and what she has done. I just thought it worthwhile to let people know that there are a lot of people like Judi Robinson still fighting hard, who still have faith in this operation, still have faith in the system, and still think they can better themselves through education.

I thank the Chair for this time and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. I ask unanimous consent that I may be permitted to speak for up to 5 minutes as if in morning business.

The PRESIDING OFFICER (Mr. COVERDELL). Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair.

#### NOMINATION OF DR. HENRY FOSTER

Mr. SPECTER. Mr. President, I compliment the Labor and Human Resources Committee for reporting out the nomination of Dr. Henry Foster to be Surgeon General of the United States.

Earlier this morning, the committee met and by a 9-to-7 vote recommended the confirmation of Dr. Foster for Surgeon General. Two Republicans joined with seven Democrats in favoring his nomination and thereby bringing the nomination to the floor.

It is my hope that we will take up Dr. Foster in this Chamber. It is my sense that there are sufficient votes to bring Dr. Foster to a vote in the face of what has been announced to be a prospective filibuster. There is at least one Senator on the committee as reported who favors bringing Dr. Foster to a vote even though that Senator voted against him in committee.

I had occasion to meet with Dr. Foster early on, and at that time I was convinced that the sole issue was the issue of whether Dr. Foster should be disqualified from being Surgeon General because he had performed abortions, a medical procedure which is legal and authorized by the U.S. Constitution. It seemed to me at that time that all the other matters which were brought up were red herrings, and that real opposition to Dr. Foster lay in the fact that he had performed abortions, a procedure authorized by the Constitution of the United States.

I said on the Senate floor early on that Dr. Foster was entitled to be heard by the committee, entitled to have his day in court, so to speak, in this Chamber for a vote, both out of fairness to Dr. Foster as an individual and really as a sign that nobody would be railroaded out of this town without having a day in court, a chance to have an up-or-down vote in the Senate.

There is a very important precedent beyond Dr. Foster as an individual as to what he is entitled to as a matter of fairness and that is to others who may be interested in coming to Washington, tempted to come to Washington to perform public service. And many would be discouraged if Dr. Henry Foster would not be entitled to fair treatment by the Senate of the United States.

I thought that reasons given by our colleague, Senator FRIST, in supporting Dr. Foster's nomination were very important; that Senator FRIST, a physician himself, emphasized Dr. Foster's commitment to try to combat teenage pregnancy, and that may be the No. 1 social problem in America today. If that can be brought under control, then there is no better person to try to do that than the Surgeon General of the United States. And also Dr. Foster's commitment to press for abstinence and to press for family values; those are positions which I think are

very appropriate for the Surgeon General.

So Dr. Foster has cleared a very significant hurdle in the affirmative vote of the Labor and Human Resources Committee. Some predicted he would never get that far.

From what I sense, the climate in our body is to favor his nomination coming to the floor for a vote. I think a filibuster will be defeated and I think ultimately Dr. Foster will be confirmed. That is a very positive sign of respect for the laws of the United States, as interpreted by the Supreme Court, that a woman does have a right to choose, that a nominee like Dr. Foster is not disqualified because he performed a medical procedure, albeit abortion, authorized by the Constitution, and that men and women of character and good will can come to this town and get a fair hearing and perform an important public service.

I thank the Chair and I yield the floor.

#### COMPREHENSIVE TERRORISM PREVENTION ACT

The Senate continued with the consideration of the bill.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I rise to speak on the bill before the Senate at this time, S. 735, the Comprehensive Terrorism Prevention Act of 1995.

Mr. President, let me say first how pleased I am that the leadership of both parties has reached agreement on so much in this bill and met President Clinton's challenge to reach a prompt and bipartisan consensus on counterterrorism legislation in the aftermath of the tragedy in Oklahoma City.

Most of the key provisions of the President's counterterrorism bill, offered earlier in the year by Senator BIDEN and others, are included in the measure before us. And I thank the majority leadership of the committee for doing so. But, as Senator BIDEN mentioned last night, there are a few provisions that have not been included.

That is why this morning I will offer two amendments which would restore two provisions from the original bill to this genuinely bipartisan effort, and I am hopeful that there is an opportunity here for bipartisan support for these two law enforcement measures, as well.

Mr. President, in my view, and in the view of those I have spoken to in the Federal and State law enforcement communities who are involved in the daily, difficult business of pursuing terrorists, these two provisions, which would increase law enforcement's capacity to be involved in surveillance through wiretapping of terrorists, would be extremely helpful to the law enforcement community's efforts to penetrate the highly secretive world of