

now and myself. So I ask this: If, indeed, the main problem the administration has is our obligations, treaty obligations, defense and national security obligations in the Korean Peninsula, especially the defense of South Korea from a country that has proven its belligerence before, North Korea, a country that has an unstable political system today, faces drought, famine, and flooding—it is amazing it could have all those going on at once. It faces the consequences of its own secrecy and belligerence. If that is our main concern, they should look at the legislation we have before the Senate, similar legislation before the House of Representatives, the Leahy-Hagel bill in the Senate, the Evans-Quinn bill in the House.

I urge the administration, disappointing as it is that it has not joined the Ottawa process, disappointing as it is that it has lost this golden opportunity, to work with the Congress, the Congress which has driven the debate in this country on banning landmines—not the executive branch—the administration should now come and work with the Congress and continue forward, because, after all, the ultimate goal is to end the scourge of landmines. There is only one way to do that, and that is for the United States to join in the Ottawa Treaty. If not in December, then in the future. We need to get there, one way or another. There is no other treaty, and without the United States, we will never see the worldwide ban we all seek.

We are coming to the close of the bloodiest century in history. It is a century where we have seen the world torn by wars, great and small, but wars that more and more saw their greatest toll in innocent civilian populations. Whether in Rwanda, in Angola, in Bosnia, in Mozambique, in Central America, or anywhere else, it is usually the noncombatants who suffer the most. And more and more those noncombatants suffer from the scourge of landmines.

Peace agreements are signed at some time, and someday armies march away and someday the guns grow silent, but in more and more of these countries, after that happens, landmines stay in the ground and continue killing and continue maiming long after all hostilities have otherwise ceased. Sometimes long after people can remember what they were fighting about, a child walking to school is blown apart, a farmer going with his or her animals into a field is blown apart, a mother, following a child down a road, is blown apart; and nobody knows who put the landmine there. They may not even remember what the war was about. But they know—that person knows—that their life is changed forever.

We have used, now, for several years, the Leahy war victims fund. We spend \$5 million of our taxpayers' money each year for artificial limbs, for men, women, and children who have been injured by landmines.

My wife, who is a registered nurse, has gone with me to some of the clinics where we use the fund. We have seen people our age get their first wheelchairs, even though they lost their legs in wars long gone by. We have seen children who have lost half their body from a landmine. We have seen a child who went to pick up what she thought was a shiny metal toy on the side of the road and lost her face and her arm.

Mr. President, people talk about one type of landmine versus another type of landmine. They talk about the technical capabilities of one army or another. But what is often forgotten is the face of the victims. Some of those victims may no longer even have a face. When she was alive, I told the Princess of Wales that the greatest difference she made in the battle against landmines was to focus the world's attention on the faces of the victims. Because when she visited a hospital for landmine victims, the whole world visited that hospital with her. Those victims are still there. Just because the TV camera turns off, the victims don't disappear. They are still there. Their lives are still ruined. And in the time that I have been speaking, there have been two more victims of landmines. By the time we go home tonight, there will be a dozen more victims of landmines—26,000 this year alone.

I commend the effort begun by Canada, and Foreign Minister Axworthy. I commend those nations that came together in Oslo to sign the treaty. Not in my lifetime has there been an arms control issue that so many nations have moved so quickly on, to sign a treaty so comprehensive. Never before have so many nations responded so urgently, and so effectively, to a humanitarian problem such as this.

I regret very much that the United States was not among those who agreed to sign the treaty. Not because we are causing the problem. Other nations never even went to Oslo. Russia, China, Pakistan, India, others, who are part of the problem, they weren't even there. And that should be noted. But the United States is the most powerful nation history has ever known. The United States could be a moral beacon. Instead, the United States said: Notwithstanding our power, we want to keep our landmines, but you less powerful nations, you should give up yours.

We should join them. We should be willing to set an example. Not to pretend that we are giving up our landmines when in fact what we are doing is calling them by another name. Let us use the steps that we can, through congressional action, which will be taken, I am sure, because there is an ever-increasing number of Members in both parties who want to see stronger U.S. leadership.

Let us take that step here as a nation. But then let's give guidance to the rest of the world. Let's not have Russia, China, and others stay out of the process because the United States is staying out. Let us be whole-

heartedly a part of this process and put pressure on other nations to join us, until the day arrives when we do with landmines what we have done with chemical weapons, and make their use a war crime.

Throughout this process, the U.S. position has been driven primarily by the Pentagon; not by the State Department, not by the White House. I think back to the 1920's, to the First Geneva Convention, when Gen. Blackjack Pershing, no theoretical dilettante he, said we should give up poison gas. But the Pentagon said no, not so fast, because there are some instances when it could be very helpful in protecting our troops. Fortunately, our civilian leaders understood that the humanitarian disaster that could result from using poison gas outweighed whatever military utility could be got from using it. And so over time, poison gas was stigmatized so that anyone who used it risked being branded a pariah. And it was virtually never used, even though in the Korean war, or in Vietnam, there were any number of instances when it might have been militarily advantageous.

Today we have a similar situation, where many of our best known, most decorated generals say let's give up landmines. Again, we hear the Pentagon saying, as General Pershing heard, "No, there are instances when landmines can help us." Of course there are. There are instances when any nation would want to use landmines. But earlier this week, 89 nations made the moral decision to put the lives of innocent people first.

The balance of power throughout the world would still be the same as it is today. The only thing that would change is there would not be the thousands of innocent civilian casualties every single year.

Again, my prayer for the next century is that armies of humanity remove and disarm landmines, and no armies, no armies, put any new landmines down. What greater gift could we give to those in the next century, than a world without landmines?

PARTISAN ATTACKS ON THE INDEPENDENCE AND INTEGRITY OF THE JUDICIAL BRANCH

Mr. LEAHY. Mr. President, I think it is regrettable that this week the Senate has failed to consider and confirm judges necessary to fill vacancies that are leading to a crisis in the Federal courts. Instead, this is going to be remembered as the week that the Republican leadership in the House and the Republican leadership in the Senate talked openly about seeking to intimidate—their word—to intimidate the Federal judiciary.

I regret that any Senator or any Member of the House of either party would speak of a desire to intimidate the Federal judiciary. One of the greatest hallmarks of the United States of

America is that we have an independent Federal judiciary of the highest integrity. We are the envy of the world in that respect. To hear Republican leaders in the House and the Senate talk about intimidating that Federal judiciary was disheartening. It indicates our system of government showing disrespect to the intelligence of the American people and sends a signal of shame throughout the world.

These partisan attacks threaten the independence that the Founders created to insulate the judiciary from politics. These attacks threaten the checks and balances on the political branches of our Federal Government that have served us so well for over 200 years. These bedrock principles have helped preserve our freedoms for two centuries and has helped make this country a model for emerging democracies around the world.

Not since Congress and the American people rejected the Court-packing scheme over 60 years ago have we faced such a threat to our third branch of Government and its ability to act as the guardian of our constitutionally guaranteed rights.

On Sunday, Congressman DELAY of Texas was quoted in the Washington Post openly asserting that "The judges need to be intimidated." We have heard Republicans clamor for impeachment when a judge renders a decision with which a Republican Member of the House of Representatives disagrees. We have heard demands that Congress destroy the orderly process of appellate court and Supreme Court review and, instead, assume the role of a supercourt and legislatively review and veto decisions on a case-by-case basis as it may suit Congress' passing political whim and fancy.

We have seen proposals to amend the U.S. Constitution to eliminate the independence and tenure that the Founders understood were essential if judges were to act impartially and in the interest of justice in each case rather than worry about partisan intrigue.

This extreme rhetoric and outlandish proposals have contributed to a poisonous atmosphere in which the Federal justice system is overloaded. We have heard testimony in the Judiciary Committee from judges around the country who fear that the quality of justice they will be able to provide in our Federal courts will be adversely affected. More and more courts around the country are being forced to rely on senior judges, retired judges, and visiting judges to hear cases. The Second Circuit Court of Appeals expects to include an outside visiting temporary judge on 80 percent—80 percent—of its panels over this year.

Other appellate courts have had to forego oral arguments in more and more cases, and litigants, the people who are paying the bills, the taxpayers of the United States, are denied any opportunity to see the judges who are deciding their causes and to have any reassurance that judges are personally considering their arguments and con-

cerns. Court clerks and attorney staff are being used more and more extensively in the determination of cases as judges become overburdened and backlogs grow.

These are not the way to engender confidence in our system of justice or acceptance of the process and decisions being rendered or respect for courts and the Government.

The chief judge of the eleventh circuit has testified about "crushing workloads." He has noted that Federal courts are "no longer able to provide the public with the same standard of excellent service that [they] did in the past." The Chief Justice of the U.S. Supreme Court, William Rehnquist, has called the rising number of Federal judicial vacancies "the most immediate problem we face in the Federal judiciary." He warned at the end of 1996 that "filling judicial vacancies is crucial to the fair and effective administration of justice."

The second shoe dropped on Wednesday when it was reported that the Republican leader of the Senate echoed the sentiments of Mr. DELAY and defended the idea of Republicans plotting to intimidate the Federal judiciary and said, "It sounds like a good idea to me." I can only hope that the reports of this exchange with the majority leader of the Senate were in error. For the Republican leader in the Senate to join Republican leaders in the House in an acknowledged effort to undercut the independence and integrity of the Federal judiciary would be a sign of grave danger for the American people and would be a sign of danger for the system of government that has protected this democracy for over 200 years.

Wednesday marked the 210th anniversary of the signing of the U.S. Constitution. Rather than commemorating the principles that helped make this country great, the Republican leadership's statements this week undermined the separation of powers on which our charter is based.

Last Congress, the Republican leadership was bent on shutting down the executive branch of the Government. I remember being on the floor of the Senate arguing against that, but they shut down the Government. The American people rose up and rejected that effort outright, as the American people should. In my State, Republicans and Democrats alike roundly condemned what was done.

So now, these Republican forces have turned their fire on the branch of Government most protective of the people's rights but least equipped to protect itself from political attack.

They might not be able to speak up, but I will, because this year's continuing attack on the judicial branch, the slowdown in the processing of the scores of good women and men the President has nominated to fill vacancies on the Federal courts around the country, and widespread threats of impeachment are all part of a partisan ideological effort to intimidate the judiciary. Judges cannot take the floor of the U.S. Senate and defend themselves. I will.

I have felt privileged to serve in the U.S. Senate representing the State of Vermont for 23 years. I have served twice in the majority in the Senate and twice in the minority in the Senate. I have served with Republican and Democratic Presidents, and I have worked alongside great majority leaders, like Senator Mansfield, Senator BYRD, Senator Baker, Senator Dole and Senator Mitchell. I have never known a time when the leadership of the Senate would tolerate partisan and ideological politics so diverting this institution from its constitutional responsibilities with respect to the third constitutionally coequal branch of Government. If Wednesday's reports are accurate, sadly the American people must know that not only is the Senate leadership allowing these efforts, it is condoning them.

Mr. President, the United States is a great democracy, I believe the greatest democracy history has ever known. Something that sets our great country apart from virtually all others in the world is the independence of our Federal judiciary and the respect that it commands among all of us.

Every nation in this century that has moved from a dictatorship toward democracy has sent observers to the United States. Why? To see how they can emulate our judiciary.

Those working for democracy in countries that are still struggling to adopt democratic principles know that one thing that is holding them back, one thing that allows crime and corruption and economic breakdown, is a lack of a truly independent judiciary. They know that unless they can come close to something like our independent judiciary, they will never become truly great democracies or truly free.

We have the greatest judicial system in the world. We are the envy of people around the world who are struggling for freedom. Independence of our third coequal branch of Government helps allow it to act fairly and impartially. It is our judiciary that has for so long protected our fundamental rights and freedoms and served as a necessary check on overreaching by the other two branches that are so easily susceptible to the gusts of the political winds of the moment.

This is a sad week for America because it is a week in which a campaign to intimidate Federal judges was acknowledged and condoned.

Mr. President, I call upon the U.S. Senate to reject that effort and go forward to fulfil our constitutionally mandated duty to advise and consent on the nominations of judges that the President has sent to us. Vote them up or vote them down, but show that we are united, whatever party we belong to, in protecting the integrity and, most importantly, the independence of our Federal judiciary.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, September 18, 1997, the Federal debt stood at \$5,374,488,603,408.56. (Five trillion, three hundred seventy-four billion, four hundred eighty-eight million, six hundred three thousand, four hundred eight dollars and fifty-six cents)

One year ago, September 18, 1996, the Federal debt stood at \$5,193,857,000,000 (Five trillion, one hundred ninety-three billion, eight hundred fifty-seven million)

Five years ago, September 18, 1992, the Federal debt stood at \$4,036,814,000,000. (Four trillion, thirty-six billion, eight hundred fourteen million)

Ten years ago, September 18, 1987, the Federal debt stood at \$2,353,225,000,000. (Two trillion, three hundred fifty-three billion, two hundred twenty-five million)

Twenty-five years ago, September 18, 1972, the Federal debt stood at \$436,926,000,000 (Four hundred thirty-six billion, nine hundred twenty-six million) which reflects a debt increase of nearly \$5 trillion—\$4,937,562,603,408.56 (Four trillion, nine hundred thirty-seven billion, five hundred sixty-two million, six hundred three thousand, four hundred eight dollars and fifty-six cents) during the past 25 years.

SMITHSONIAN INSTITUTION AND THE BOY SCOUTS

Mr. ABRAHAM. Mr. President, I rise today to note a recent injustice done to one of America's most valuable associations, the Boy Scouts, by one of our most valued institutions, the Smithsonian. I also rise to express my appreciation to Smithsonian Secretary I. Michael Heyman for his assurance that such an injustice will not occur again in the future.

Mr. President, in January of this year the Smithsonian Institution denied an application from the Boy Scouts of America to use the National Zoo's auditorium for a Court of Honor ceremony for District of Columbia area Scouts.

Why would the Smithsonian deny such an application from a group known for its commitment to environmental conservation? According to Robert J. Hoage, Chief of the Smithsonian's Office of Public Affairs, the Smithsonian's policy prohibits co-sponsoring events with any organization that exercises bias on the basis of religious beliefs.

Asked about this decision, the Smithsonian's communications director, David Umansky, explained: "Our lawyers have documented cases of the Boy Scouts denying membership to

atheists, and that violates our non-discrimination code." The Smithsonian also claimed that the honor court event was not sufficiently relevant to the National Zoo's mission. But that claim stretches credulity because of the Boy Scouts' myriad programs devoted to environmental education and conservation. Indeed, the Scouts' highest honor, awarded to only about 1,000 Scouts since 1914, recognizes exceptional work for environmental conservation.

In a letter to my colleagues dated September 12, I expressed my dismay that the Boy Scouts, an organization that has helped literally millions of American boys reach responsible manhood, should be denied access to a federally supported institution because it exercises its constitutional right to free exercise of religion. I also expressed concern that the Smithsonian Institution should enforce a policy diametrically opposed to the principles on which our nation was founded. The Smithsonian, our premier teaching museum, is entrusted with, among other treasures, the Star Spangled Banner, the flag that Francis Scott Key saw flying when he penned our national anthem. I recently sponsored legislation appropriating \$8 million to the Smithsonian for restoration of that flag. I was frankly disturbed to see that the institution to which it has been entrusted was acting in this manner.

However, Mr. President, I am now relieved to report that Secretary Heyman, in a September 15 letter to my distinguished colleague, Senator FRIST, who serves as a regent to that Institution, has apologized for this action. Further, Secretary Heyman's letter expressed his conviction that "our special events policy clearly allows the sponsorship of events by all groups, including religious groups, that are consistent with the mission and tradition of the Smithsonian."

Recent events at the Smithsonian, including the proposed *Enola Gay* exhibit, with its misleading and inaccurate treatment of the Second World War, and a number of new exhibits distorting history to cast America and American values in a bad light, have caused me to worry about the future of this distinguished and crucially important institution. I thank Secretary Heyman for his courageous statement of fundamental policy and hope that it heralds a new, more positive era at the Smithsonian.

Mr. President, I ask unanimous consent that the full text of my September 12 letter to my colleagues and the September 15 letter from Secretary Heyman to Senator FRIST be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, September 12, 1997.
Smithsonian Snubs Boy Scouts

DEAR COLLEAGUE: I want to bring to your attention the latest in an unfortunate series

of decisions made at the Smithsonian Institution, America's premier teaching museum. It has come to my attention that in January of this year the Smithsonian denied an application from the Boy Scouts of America to use the National Zoo's auditorium for a Court of Honor ceremony for District of Columbia area Scouts. The application was denied on the grounds that the scouts require members to believe in God and that the event supposedly did not meet the "relevance requirement" needed for Smithsonian cosponsorship.

In a letter to T. Anthony Quinn, president for District Operations for the National Capital Area of the Boy Scouts of America, Robert J. Hoage, Chief of the Smithsonian's Office of Public Affairs stated that "the Smithsonian's policy prohibits co-sponsoring events with any organization that exercises bias on the basis of religious beliefs." Asked by a reporter from the newsweekly Human Events to explain this decision, David Umansky, communications director for the Smithsonian responded: "Our lawyers have documented cases of the Boy Scouts denying membership to atheists, and that violates our non-discrimination code."

I find it deeply disturbing that the Boy Scouts, one of America's most important private organizations, which has helped literally millions of American boys reach responsible manhood, should be denied access to a federally supported institution because it exercises its Constitutional right to free exercise of religion. I also am disturbed that the Smithsonian Institution, the repository of so many objects central to our heritage as a people, should enforce a policy diametrically opposed to the principles on which our nation was founded.

In an August 14 follow-up letter to Mr. Quinn, Smithsonian Under Secretary Constance Berry Newman failed to so much as mention the "anti-discrimination" motivation behind this rejection. Instead the Under Secretary detailed two Smithsonian events involving Boy Scouts, both of which took place several years ago. Her argument was that Smithsonian "policy emphasizes that the activity or event proposed by the outside organization should have some Smithsonian involvement and participation in the proposed activity or event." That an event put on by the Boy Scouts, an organization devoted to outdoor activities and knowledge of the natural world, should be found "irrelevant" to the National Zoo stretches credulity to the limit. Further, recent events at the National Zoo clearly have had little to do with that institution's mission. Events have included a naturalization ceremony by the Immigration and Naturalization Service and a Washington Singers musical concert.

I urge you to contact Smithsonian Secretary Michael Heyman and/or members of his staff to express your deep concern that the Boy Scouts, an institution of longstanding importance to our culture, traditions and public life, is receiving such inappropriate treatment. Further questions on this matter can be directed to Bruce Frohnen of my office at extension 4-8841.

Sincerely,

SPENCER ABRAHAM,
U.S. Senate.

SMITHSONIAN INSTITUTION,
Washington, DC, September 15, 1997.
Hon. WILLIAM H. FRIST,
U.S. Senate, Washington, DC.

DEAR SENATOR FRIST: As was discussed in this morning's meeting of the Board of Regents, and knowing of your concern on this issue, I am writing to apologize for an unfortunate decision that denied the use of facilities of the National Zoo to District of Columbia Boy Scouts last February. In a letter