

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

DEPARTMENT OF DEFENSE APPROPRIATIONS CONFERENCE REPORT

Mr. BUMPERS. Mr. President, there were five votes against the conference report on Defense appropriations. I was one of those five. I do not presume to speak for any of the others. I speak only for myself, and I will speak at length on my reasons next week.

But I just want to say tonight that by adopting that conference report we are embarking on the building of a fighter plane called the F-22, which is going to be twice as expensive as any fighter plane ever built. My guess is that it will cost somewhere between \$70 and \$100 billion when it is finished, for 339. We are embarking on a \$4 billion cost of retrofitting the Pacific fleet with D-5 missiles on ships which are already equipped with C-4's, and the C-4's will outlive the ships they are on. And for a lesser reason, of course, the \$331 million in the bill on the B-2 bomber.

Mr. President, if you want to spend this for new bombers, be my guest. If you don't, put it in spare parts. If they need spare parts for B-2's, let's appropriate the money to do it. But let's not use that kind of shenanigan to get \$331 million in here and hope we can crank up the B-2 program again. We are talking about ringing up new expenditures of close to \$100 billion in this. I will elaborate more extensively next week.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent the pending amendment be set aside so I can make some brief remarks about the judge that we just confirmed here in the Senate.

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

CONGRATULATIONS TO KATHARINE SWEENEY HAYDEN

Mr. LAUTENBERG. Mr. President, I am very pleased that the Senate has so promptly taken up the nomination of Katharine Sweeney Hayden to serve as a Federal district court judge for the District of New Jersey.

I had the high honor and privilege of recommending Judge Hayden to President Clinton this past February. After review, the President nominated her for this position on June 5, 1997. Judge Hayden's nomination was approved by the Senate Judiciary Committee just weeks later, on July 10, and now we have her nomination before the full Senate. Judge Hayden's nomination has moved this quickly, I believe, because she is a superb candidate who will make an outstanding judge.

Mr. President, recommending candidates to the President for the Federal judiciary is one of the most important aspects of my job as a U.S. Senator. In

making these recommendations, I know that I am helping to place someone on the Federal bench who will hold the law and the lives of thousands of Americans in her hands. This is an awesome responsibility and the bedrock on which our Government is founded—a system of justice based on the law. It is incumbent upon us in confirming a judge to know that she has a deep love, respect, and knowledge of the law, an intellect equal to the task, the temperament to preside fairly in the courtroom and treat all with the respect they deserve, and the skill to manage her cases and dispense justice with deliberation but also expedition. Judge Hayden meets all these tests and more.

Mr. President, the respect and admiration for Judge Hayden among those who know her in New Jersey is unanimous. She possesses all of the skills and attributes needed to successfully shoulder the responsibilities of a Federal judge. Her experience in the U.S. attorney's office in New Jersey, in private legal practice, and as a State court judge provide a solid foundation for her upcoming Federal service.

Mr. President, I can also tell the Senate that Judge Hayden possesses a sharp intellect and a keen analytic ability, exceptional courtroom demeanor, and a strong work ethic. She is held in high regard by all segments of the New Jersey legal community, and is strongly supported by her peers on the State and Federal bench. This high evaluation is shared by the litigants and lawyers whom she has represented, worked with, or have appeared before her.

Katharine Sweeney Hayden will bring a breadth of experience—from the courtroom and elsewhere—to the Federal bench. She is currently a judge of the Superior Court of New Jersey—Criminal Division, sitting in Essex County.

Judge Hayden received her undergraduate degree from Marymount College in 1963, and attended graduate school at Bowling Green State University and Seton Hall University, where she earned a master's degree in English literature in 1972 and served as adjunct professor of English.

She received her law degree from Seton Hall University School of Law cum laude in 1975. Upon graduation, she clerked for the Justice Robert Clifford of the New Jersey Supreme Court.

Upon completing her clerkship, Judge Hayden worked in the U.S. attorney's office in New Jersey, before establishing a private practice, which she pursued for 13 years. In recognition of her contribution to the legal profession and the esteem in which she is held by her colleagues, Katharine was elected as the first woman president of the Morris County Bar Association. She was appointed to the New Jersey bench in 1991.

Mr. President, I am pleased to report that Judge Hayden has received a "well

qualified" rating from the American Bar Association. This is the highest rating for a judicial nominee.

In recognition of her talent, organizational skills, and knowledge of the law, Judge Hayden has been selected to undertake special assignments by the judiciary and State Bar Association of New Jersey. These assignments include service on professional committees on ethics as well as judicial committees on administrative, professional, and substantive matters. Most recently, she was chosen to develop and preside as the first judge of a drug court soon to be established in Essex County, NJ.

Mr. President, I would also like to report to the Senate that Judge Hayden has stressed to me her view that a judge has a responsibility to be fair, to cherish the law and our Constitution, and to treat every lawyer and litigant before her with respect. She has also expressed to me her honor at being nominated for this appointment, and her deep commitment to serving the public and to administering justice fairly for all who appear before her.

Mr. President, Katharine Sweeney Hayden has all of the personal attributes and professional qualifications one could wish for in a judge. And then some.

So, Mr. President, I commend Katharine Hayden to the Senate and, anticipating her confirmation, congratulate her on her appointment, and wish her all the best in her new position. I am very proud to have recommended her to President Clinton. I hope she will serve on our district court for many years. I know she will serve with distinction, dispensing justice to each person who appears before her with compassion, fairness, and wisdom.

Mr. President, I close by saying the country will be well served by the services of Katharine Sweeney Hayden on the bench. We look forward to having her on the court in New Jersey, and I am sure we will continue to hear only the finest about the work she has done and the character that she has brought to her decisions as part of the court.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that I might be permitted to speak as in morning business.

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

THE IMPORTATION OF SEMIAUTOMATIC ASSAULT RIFLES

Mrs. FEINSTEIN. Mr. President, about 2 weeks ago it came to my attention that several countries may be exporting semiautomatic assault weapons into this country despite the 1968 Gun Control Act, which limits the importation of these weapons.

When I asked the ATF to explain why these weapons were granted import permits, I learned that ATF, in the last few years, has not applied—or at least

has not been consistent in applying—a standard of review for importation of weapons set by Congress under the 1968 Gun Control Act, a standard which has been specifically applied to semiautomatic rifles and shotguns since 1984.

The Gun Control Act of 1968 allows importation of only those types of firearms “generally recognized as particularly suitable for, or readily adaptable to, sporting purposes.”

DEFINITION OF SPORTING PURPOSES

In 1984, ATF conducted a comprehensive analysis of the sporting purposes of rifles and shotguns. They looked at the legislative history, studied the available literature, made a technical evaluation of the weapons, and conducted a wide-ranging comprehensive survey and determined that there were clear differences between semiautomatic assault rifles and semiautomatic rifles used in traditional sports.

The term “sporting purposes” refers to traditional sports such as target shooting, skeet and trap shooting, and hunting.

In 1989, with the support of President Bush, ATF announced the import ban of more than 40 semiautomatic assault weapons. ATF subsequently ruled most of the weapons not legal for importation, stating that “There is nothing in the law to indicate the term ‘sporting purposes’ was intended to recognize every conceivable type of activity or competition which might employ a firearm.”

A June 30 ruling by the Eleventh Circuit Court of Appeal heard that: “The Secretary of the Treasury had implied authority under the Gun Control Act to order temporary suspension.”

Further, the Court’s decision stated that arguments against the suspension of these weapons “places too much emphasis on the rifle’s structure for determining whether a firearm falls within the sporting purpose exception. While the Bureau must consider the rifle’s physical structure, the Act requires the Bureau to equally consider the rifle’s use.”

I do not believe that ATF is currently applying the sporting purposes test based on their own analysis in approving import permits for semiautomatic assault rifles.

As a result of this inconsistency in the standards of review, tens of thousands of military-style assault weapons may, in fact, be coming in to the country from all over the world.

I have spoken directly to President Clinton about this—and I am joined so far by 30 of my colleagues in this request—and that is that he temporarily suspend importation of specific semiautomatic weapons until a determination can be made as to the suitability of these weapons for sporting purposes as required by this Federal statute.

Let me point out that the 1994 assault weapons legislation was not intended, nor do I believe it does, supersede or conflict with the 1968 law.

I have requested from ATF a list of all semiautomatic weapons granted im-

port permits in the last 2 years and the specifications for those weapons, where they are going and to whom, and whether the manufacturer is state or privately owned. They indicate it will take 4 more weeks to provide it.

As of this moment, though, one particular case stands out. It involves a munitions manufacturer owned by our friend and ally, the Government of Israel. The reason we know this is because Israel was up front and indicated to the ATF what weapons they were planning to export. The Los Angeles Times reported the pending export as a part of a recent investigation. That is how I found out, and I now believe and am concerned that a flood of weapons may be taking place into this Nation.

Israel Military Industries, a Government-owned munitions manufacturer, has been granted permission to export to the United States for commercial sale tens of thousands of semiautomatic assault weapons. The weapons, the Uzi American and the Galil Sporter are modeled after weapons used and created for the Israeli military.

The Uzi, because of its reliability and accuracy, has been used by the armed forces of over 20 nations, including the U.S. Secret Service. It features a large pistol grip that extends beneath the center of the body of the weapon. The Uzi is touted as “lethality in a tiny package” by a reference book called “The World’s Greatest Small Arms.” The author of that manual explains that the Uzi grip “is positioned roughly at the point of balance of the gun which makes the weapon much easier to control when firing bursts.”

The text goes on to explain that the ammunition feed is through the butt and magazines are inserted from below the grip, “a system that helps the firer replace magazines quickly, especially in the darkness.”

The Uzi American planned for export, according to ATF, is based on the Uzi minicarbine. Except for the shorter length and changes to the stock, again according to the reference book, “is virtually, in all other respects, identical to the Uzi carbine” which was barred from importation in 1989 by the ATF under President Bush’s order.

The Galil was created in Israel subsequent to the Six Day War in 1967. The Israeli military, looking for a lighter, more convenient weapon, enlisted a design team to combine the best features of the AK-47 and the M-16 rifle. The weapon was finished in 1972 and was used in the 1973 Yom Kippur war.

The modified version of the Galil now planned for export, as it has been described to me, in addition to being designed for semiautomatic fire, is modified as follows:

The bayonet mount was removed. The threaded muzzle for attaching a flash suppressor was removed. And the folding stock, designed for concealability, is replaced by a fixed wooden stock.

The protruding pistol grip, which enables the weapon to be held at the hip

to spray fire, was modified by essentially attaching a wood bridge that connects the pistol grip and the stock, called a thumbhole grip. A key point that the ATF ruled is that the grip, as redesigned, protrudes conspicuously and, therefore, still constitutes a pistol grip, an assault weapon characteristic under the 1994 Federal law.

Both the Uzi and Galil, as modified, would be exported with a standard 10-round ammunition clip as required by U.S. law.

However, these weapons are capable of accepting 30-, 50-, and 100-round magazines, millions of which are available and still legally sold in this country and still imported, although they are banned from importation.

Now, even as modified, the Uzi and Galil are capable of firing bullets as fast as the operator can pull the trigger. They each possess a grip that allows the weapon to be fired from the hip, and ATF indicates that with a few alterations, they are able to be made fully automatic.

In short, these are the same type of weapons that many Americans are trying to keep off our streets and out of the hands of criminals. I believe that the permitted importation of tens of thousands of these weapons is a terrible mistake on the part of the ATF. Assault weapons, like the Uzi and the AK-47, which is similar to the Galil, are weapons often used against police, often with deadly results. Let me give you some examples.

A case with which I am very familiar—and I have talked to the commanding officer of this officer who hails from my city, and the incident took place a few blocks from my home—a San Francisco police officer by the name of James Guelff was on duty one November night in 1994. A young father, he was usually the first to arrive on the scene of a crime.

That night, a call came in about a sniper firing at civilians at Pine and California Streets. The perpetrator was armed with several assault rifles and pistols, including a 9-millimeter Uzi semiautomatic pistol, 30- and 50-round clips and more than a thousand rounds of ammunition. He had more firepower than the entire complement of 104 police officers responding to the scene combined.

Officer Guelff, a highly decorated 10-year police veteran, was the first to arrive on the scene. He was immediately pinned down by assault rifle fire. He was struck while attempting to reload his police-issue revolver. He bled to death while his fellow officers and rescue team tried in vain to reach him. Because the suspect was wearing body armor and a Kevlar helmet, officers had to try to angle their shots under the helmet to bring him down. Several other people were shot and injured before the suspect was killed.

Following that incident, I authored legislation which increases criminal sentences for using body armor in the commission of a crime. Thanks to you,

Mr. President, as you know, that legislation, called the James Guelff Body Armor Act, is currently included in S. 10, the juvenile crime bill now before the Senate, and I should say thanks to the chairman of the committee, Senator HATCH.

Less than 1 month ago, police in Tacoma, WA, faced a man with an SKS assault rifle. The man fired on police and struck Officer William Lowry twice, killing him. The rifle, police say, was modified to carry a high-capacity magazine and to fire automatically.

Last February, in Los Angeles, two would-be bank robbers took on approximately 350 police officers from 5 agencies in a major shootout in Hollywood, Los Angeles. The criminals were armed with three fully automatic Norinco assault weapons, modeled after the AK-47, an import from China, a fully automatic HK-9 imported from Germany, a fully automatic Bushmaster assault weapon modeled after the banned AR-15, and a semiautomatic Berreta 9-millimeter pistol. These weapons had all been altered to be made fully automatic.

The perpetrators wore body armor from their neck to their ankles, even going so far as to duct tape body armor to any part of their body that could possibly be exposed. They fired 1,100 rounds of ammunition from high-capacity magazines that could hold as many as 50 bullets, taping them together in a unique way so that they can be replaced quickly in a style used by soldiers in combat. They wounded 11 police officers and 7 civilians before being shot and killed.

This has been shown on many television shows. There is footage of it from beginning to end. I can tell you, the streets resemble a war zone. Police on the scene were so outgunned that they had to go to a nearby gun store and "borrow" assault-type weapons in order to match the gunmen's firepower. Governor Wilson has now provided weapons to police departments which are fully automatic, again escalating the battle on our streets.

In addition to Officers Guelff and Lowry, Officer William Christian of Washington, DC, was killed with a MAC-11 in 1995;

Officer John Novabilski of Prince Georges County, MD, killed with a MAC-11 in May 1995;

Officer John Norcross of Haddon Heights, NJ, killed with an AK-47 in April of 1995;

Officer Timothy Howe of Oakland, killed with an AK-47, April 1995;

Officer Daniel Doffyn of Chicago, killed with a TEC-9, March 1995;

Officer Henry Daly, Washington, DC, killed with a TEC-9, November 1994;

Officer Michael Miller of Washington, DC, killed with a TEC-9 in November 1994.

Officer Martha Dixon-Martinez of Washington, DC, killed with a TEC-9 in November 1994.

Officer Julio Andino-Rivera, of Puerto Rico, killed with an AR-15 in September 1994;

Officer Dan Calabrese of Winslow Township, NJ, killed with an Uzi in June of 1994;

And a case I often use, a rookie police officer in Los Angeles on her first call, the top rookie of her class, Christy Hamilton, killed with an AR-15 responding to a domestic violence call.

These weapons are not designed for sporting purposes. They are not designed for hunting. They are the weapons of choice for grievance killers, for gangs, and for those who go up against the police.

They are designed to kill large numbers of people in combat, just as the Uzi and the Galil were designed for the Israeli military to do just that. They have no place on the streets of a civilized society.

Israel has been a friend and an ally to the United States, a friendship I and other Members of this body have strongly supported. It is my personal hope—and I have written to Prime Minister Netanyahu and expressed this—that a nation that understands, perhaps better than most, the paramount importance of any government's responsibility to ensure the safety and security of its people will understand that there is a moral issue at stake here that far outweighs any commercial value the sale of these weapons holds for their country.

There is a munitions manufacturer owned by the State of Israel. And by advancing this export, the Israeli Government is putting the official imprimatur of its people on the commercial sale of weapons designed, not for hunting but for combat, not to protect but to kill.

It is my earnest hope that the Israeli Government will respond to these importunings and will lead the way in and set an example for others to follow.

More than 4,000 people were killed by gang violence in Los Angeles alone in one 5-year period—1991 to 1995—gangs that all too often use these kinds of weapons to terrorize and control neighborhoods.

We do not need more of these weapons on our streets.

As I said, I have asked Prime Minister Netanyahu to personally intervene to stop the export of these weapons to the United States.

I have personally had the opportunity to discuss this with the Israeli Ambassador to the United States. Once again, I appeal to the Prime Minister's sense of what is right and, in the best interest of our continued friendship and the mutual security of our two people, to please prevent this sale.

It is important also to understand that we are not singling out only those weapons being exported by Israel. I have requested information on semiautomatic rifles that have been approved for importation from more than 17 other countries that may have similar military features which distinguish them from the traditional definition of a sporting rifle.

To the extent that any other such weapons are discovered, and if such

weapons are manufactured by Government-owned entities as is the case with these weapons, I will be making the same request of those government leaders as well.

In the meantime, 30 of us now urge President Clinton to use his executive authority to temporarily suspend this importation of weapons and to direct the ATF to use the traditional sporting purposes standard in determining whether any semiautomatic assault weapons should be approved for importation to the United States.

I thank the Chair, and I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

MORNING BUSINESS

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

CASTRO'S CUBA IS A CRUEL AND FULL-BLOWN PURGATORY

Mr. HELMS. Mr. President, I have at hand an impressive article detailing the oppression that the people of Cuba have long suffered, and still suffer to this day. It was written by Carrol Fisher of Salisbury, NC, and I decided that it should be made available to all Senators—and to others who are concerned about the dictatorship 90 miles off our shores.

Carrol Fisher is a World War II Navy veteran whose first visit to Cuba was in 1944. He fell in love with the island and its people, including the young lady who became his wife 40 years ago. He and Mrs. Fisher [Sonia] returned to Cuba recently to visit his seriously ill sister-in-law. During that visit, he observed the degrading state of affairs in Cuba, the results of Castro's oppressive military government.

When he returned to Salisbury, Mr. Fisher wrote a detailed account of what he had witnessed in Cuba. The article, published in the Salisbury (NC) Post, counsels that the United States under no circumstances should yield in its opposition to Fidel Castro's brutal regime.

Mr. President, I ask unanimous consent that Mr. Fisher's article be printed in the RECORD and the conclusion of my remarks.

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

[From the Salisbury (NC) Post, Aug. 12, 1997]

CASTRO'S CUBA IS A CRUEL AND FULL-BLOWN PURGATORY

(By Carrol J.W. Fisher)

[EDITOR'S NOTE: Carrol J.W. Fisher and his wife, Sonia, who had not seen her native Cuba for 38 years, were recently granted special permission to visit Sonia's seriously ill