

give victims and their families the right to be heard at all critical stages of the trial. This amendment could allow victims to sway the trial against a defendant before they have been convicted, thus seriously compromising the presumption of innocence.

The amendment could also compromise a defendant's right to a fair trial. Judges have enormous discretion in determining which witnesses should be able to attend the proceedings in their courtroom. Many times, a witness' testimony could be compromised if that witness hears the testimony of others. For example, if the victim is allowed to hear the testimony of the defendant, the victim could change his or her testimony based on what the defendant said. Even worse, if a victim attends the testimony of the accused, the trauma or intimidation they experience could damage their subsequent testimony.

The judge should have discretion over who can be excluded from the courtroom at particular stages of the trial to ensure that the defendant has a fair trial. This amendment would give victims the right to attend the entire criminal trial regardless of whether the judge believes their presence could taint the fairness of the proceeding. Judges help ensure that defendants have a fair trial. This amendment would jeopardize that protection.

The amendment could also affect defendants and the prosecutors' ability to present their case. The amendment would give victims a right to intervene and assert a constitutional right for a faster disposition of the matter. In many cases, the defendants and prosecutors need time to develop their arguments. This amendment could force a premature conclusion to cases that may require additional deliberation.

In some cases, the victims are actually defendants. This happens many times in domestic violence cases when the abused victims finally defend themselves from their attacker. In these cases, the abuser could actually be granted special rights that could place a domestic violence victim at greater risk. Why should the abuser get special rights? This is one reason why many domestic violence victims' advocates oppose this amendment.

Finally, the proposed victims' rights amendment could hurt effective prosecutions and would place enormous burdens on the criminal justice system. The amendment gives victims the right to be notified and to comment on negotiated pleas or sentences. More than 90 percent of all criminal cases do not go to trial but are resolved through negotiation. Giving victims a right to obstruct plea agreements could backfire by requiring prosecutors to disclose weaknesses in their case. It could also compromise the ability of a prosecutor to gain the cooperation of one defendant to improve the chance of convincing others. In the end, guilty defendants could better present their case if they are privy to strategy and

details of the prosecutions' case. The rights of notification could also result in large burdens on the criminal justice system, compromising resources to effectively prosecute criminals.

An amendment to the Constitution is not the right approach. We should continue to do the things that have worked in the past without taking this drastic step. Current State and Federal laws give victims extensive rights at trial.

For these reasons, I have cosponsored a proposal by Senators LEAHY and KENNEDY. This statutory change would give crime victims the right to be heard and be notified of proceedings and the right to a speedy trial. It would also enhance participatory rights at trial and do other things to give victims and their families a greater ability to get involved in the prosecution of the criminals that harmed them. All of these rights would be subject to the judge's discretion. We in Congress should not be in the business of telling judges how to balance the rights of the accused and those of the victims.

I urge my colleagues to support the Leahy/Kennedy compromise and reject the constitutional amendment that may do more to compromise the rights of Americans rather than expand them.

Before, I close, I want to make one final point. If we really want to do something for crime victims, we should reauthorize the Violence Against Women Act, VAWA, which expires this year. If we do not act, we jeopardize funding and we miss a vital opportunity to strengthen this historic act.

Even using conservative estimates, one million women every year are victims of violent crimes by an intimate partner. We know that one in three women can expect to be the victim of a violent crime at some point in her life. The chance of being victimized by an intimate partner is ten times greater for a woman than for a man. Domestic violence is statistically consistent across racial and ethnic lines—it does not discriminate based on race or economic status. Eighty-eight percent of victims of domestic violence fatalities had a documented history of physical abuse and 44 percent of victims of intimate homicide had prior threats by the killer to kill the victim or self. These are frightening statistics and show us that violence against women is a real threat. How will a Constitutional amendment prevent these crimes or even provide safety and support to the victims?

VAWA changed the entire culture of violence against women and empowered communities to respond to this devastating plague. Since 1995 we have provided close to \$1.8 billion to address violence against women. VAWA funding supports well over 1,000 battered women shelters in this country. The National Domestic Violence Hotline enacted as part of VAWA, fielded 73,540 calls in 1996 alone, and in 1998 the hotline fielded 109,339 calls. We have many

success stories and we know what works.

There is no reason to delay reauthorization. We still have so much more to do. We know the demand for services and assistance for victims is only increasing. As a result of more outreach and education, women no longer feel trapped in violent homes or relationships. Domestic violence is no longer simply a family problem but a public health threat to the community. While we have seen an explosion in funding for battered women's shelters, we also know that hundreds of women and children are still turned away from overcrowded shelters. We have heard reports that individual states had to turn away anywhere from 5,000 to 15,000 women and children in just one year. I know that limited safe shelter space is a growing problem in Washington state. What can we do for these victims? What rights do they have? The reauthorized legislation, S. 51, provides much greater hope to these victims than even federal and state laws to protect the rights of victims in the court process. The bill currently has 47 cosponsors.

If we are concerned about victims and the rights of victims we should be acting to reauthorize and strengthen VAWA.

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#### SUPPORTING THE CAPITOL HILL POLICE OFFICERS

Mr. WELLSTONE. Mr. President, I have decided now to start speaking about this subject again on the floor of the Senate. I think I will devote only 10 minutes a week on it. But I am going to do it every week. I must say, though, if we continue to operate the way we have been operating, I might as well speak about it much more because while we are dealing with a very serious question now, we are not about the business of legislating. I call on the majority leader to start getting legislation out and going at it on amendments. Let's bring some vitality back to the Senate.

I do want to, one more time, say to my colleagues that most all of us attended a service for Officers Chestnut and Gibson. These were two police officers who were murdered. They were murdered in the line of duty. They were protecting us. They were protecting the public.

I say to my colleagues one more time, I believe Senator BENNETT and Senator FEINSTEIN on the Senate side are very supportive of doing whatever they can. But up to date, including today again, we have stations here where you have one police officer for lots of people coming through. That police officer is not safe. That police officer cannot do his or her job.

We made a commitment to do everything we possibly could to make sure we would never experience again the loss of a police officer's life. We can never be 100 percent sure, but we ought to live up to the commitment to have two police officers at every station.

I say this on the floor of the Senate—and I will pick up the pace of this later—if we cannot do that, then we ought to start shutting these doors, really. If we cannot have two officers per station and give them the support they deserve—I am talking about appropriations—then we basically ought to just close the doors.

I think on the Senate side we have bipartisan support. I do not know what is happening on the House side. I must say, today I am pessimistic, in terms of what I have heard, that we might even be looking at cuts. But whatever we need to do, whether it be paying overtime or hiring additional officers, we need to do it so we do not lose any lives and we give the Capitol Hill police officers the support that we promised to give them.

I say to my colleagues that I am worried that on the House side, in particular, we are not going to get the support. I think it should be bipartisan. I do not think anybody should have any question about this. Everybody says they are for police officers, and everybody says they are for protection and safety, and everybody says they will never forget the two fine officers whose lives were lost, and yet when it comes to digging in our pockets and doing it through appropriations, we are not there. Something is amiss.

I will try to keep bringing this up every week and hopefully we can get this work done.

I thank my colleagues and yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will be very brief because my good friend, the distinguished Senator from Florida, is on the floor. I know he wishes to speak as in morning business. I do not want to hold him up on that.

Mr. President, I ask unanimous consent to proceed as in morning business.

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

#### TREATMENT OF FEDERAL LAW ENFORCEMENT OFFICERS

Mr. LEAHY. Mr. President, I have to take issue with the extreme rhetoric that some are using to attack our Federal law enforcement officers who helped return Elian Gonzalez to his father.

For example, one of the Republican leaders in the House of Representatives was quoted as calling the officers of the U.S. Immigration and Naturalization Service, the U.S. Border Patrol, and the U.S. Marshals Service: "jack-booted thugs." The mayor of New York City, a man who is seeking election to this body, called these dedicated public servants "storm troopers."

I know both men who made these remarks. I hope they will reconsider what they said because such intemperate and highly charged rhetoric only serves to degrade Federal law en-

forcement officers in the eyes of the public. That is something none of us should want to see happen.

Let none of us in the Congress, or those who want to serve in Congress, contribute to an atmosphere of disrespect for law enforcement officers. No matter what one's opinion of the law enforcement action in south Florida, we should all agree that these law enforcement officers were following orders, doing what they were trained to do, and putting their lives on the line, something they do day after day after day.

Let us treat law enforcement officers with the respect that is essential to their preserving the peace and protecting the public. I have said many times on the floor of this body that the 8 years I served in law enforcement are among the proudest and most satisfying times of my years in public service.

Thus, this harsh rhetoric bothers me even more. I do not know if I am bothered more as a Senator or as a former law enforcement official. But I am reminded of similar harsh rhetoric used by the National Rifle Association. In April 1995, the NRA sent a fundraising letter to members calling Federal law enforcement officers "jack-booted thugs" who wear "Nazi bucket helmets and black storm trooper uniforms."

Apparently, the vice president of the NRA was referring to Federal Bureau of Investigation and Bureau of Alcohol, Tobacco and Firearms agents involved in law enforcement actions in Idaho and Texas.

President George Bush, a man who is a friend of ours on both sides of this aisle, was correctly outraged by this NRA rhetoric, and he resigned from the NRA in protest. At the time in 1995, President Bush wrote to the NRA:

Your broadside against federal agents deeply offends my own sense of decency and honor. . . . It indirectly slanders a wide array of government law enforcement officials, who are out there, day and night, laying their lives on the line for all of us.

I praised President Bush in 1995 for his actions, and I praise him again today.

President Bush was right. This harsh rhetoric of calling Federal law enforcement officers "jack-booted thugs" and "storm troopers" should offend our sense of decency and honor. It is highly offensive. It does not belong in any public debate on the reunion of Elian Gonzalez with his father.

We are fortunate to have dedicated women and men throughout Federal law enforcement in this country. They do a tremendous job under difficult circumstances, oftentimes at the risk of their lives and, unfortunately, too often losing their lives. They are examples of the hard-working public servants who make up the Federal Government, who are too often maligned and unfairly disparaged. It is unfortunate that it takes high-profile incidents to put a human face on Federal law enforcement officials, to remind everyone

that these are people with children and parents and friends, spouses, brothers and sisters. They deserve our respect. They don't deserve our personal insults.

In countless incidents across the country every day, we ask Federal law enforcement officers who are sworn to protect the public and enforce the law to place themselves in danger, in danger none of us has to face. These law enforcement officers deserve our thanks and our respect. They do not deserve to be called jack-booted thugs and storm troopers. I proudly join the Federal Law Enforcement Officers Association in condemning these insults against our Nation's law enforcement officers. The public officials who used this harsh rhetoric owe our Federal law enforcement officers an apology.

I also want to note the misplaced swiftness in those calling to investigate the law enforcement action needed to reunite Elian Gonzalez with his father. The same congressional leaders who broke speed records calling Attorney General Reno to Capitol Hill and now call for Senate Judiciary Committee hearings to investigate this law enforcement action are the same congressional leaders who stalled the juvenile justice conference for nearly a year. With just a word, these congressional leaders can order politically charged meetings and hearings, though they remain silent when it comes to moving a comprehensive youth crime bill toward final passage into law. Unfortunately, we are in a Congress that is quick to investigate but slow to actually legislate a solution that could improve the quality of our constituents' lives. I think this is a misplaced priority on politics over commonsense legislation. I hope we will calm down the rhetoric.

There are those who feel strongly about where Elian Gonzalez should be, either with relatives in Miami or with his father. I am one who has stated from the beginning that the little boy should be with his father. The fact is, he is with his father. I hope we can all just let them be alone, let them reestablish the bonds that a father and child naturally have. Let him enjoy the company of his new brother. Let him be out of the TV cameras. Let's stop seeing this little boy paraded out several times a day before crowds, even adoring crowds. Let him be a normal little 6-year-old. Let him hug his father. Let his father hug him back. Let them read stories. Let them do things together.

I ask his family, his relatives in Miami—I have to assume they love him—let them have this time alone. Back away. Don't let your own egos or feelings get in the way of what is best for this little child. Let him be with his father. There will be a time where all of them will be together again. Right now, this little boy needs his dad.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.