

we need an administration that understands that we must trade globally, so we can prosper locally.

I urge the administration in the strongest possible terms to rise to this challenge.

DEDICATION OF PORTRAIT OF JUDGE DAN M. RUSSELL, JR.

Mr. LOTT. Mr. President, I rise today to honor Judge Dan M. Russell, Jr., U.S. Senior District Court Judge for the Southern District of Mississippi, on the occasion of national Law Day and Judge Dan M. Russell Day in Hancock County, Mississippi. I wish I could be with Judge Russell and his family, colleagues and friends today as they gather to dedicate a portrait of him which will hang in the Hancock County Courthouse in Bay St. Louis, Mississippi. I want to commend Judge Russell for his many years of service on the bench and praise him for his willingness to continue to serve the Gulf Coast community, the state, and the nation as a judge. I can think of no better way to mark Law Day than by recognizing Judge Russell's distinguished service in the law, and by commemorating this service with the dedication of a portrait of him. I have the deepest admiration for Judge Russell, and this commemoration indicates the high esteem that his colleagues in the Bar have for him as well.

VICTIMS' RIGHTS AMENDMENT OPPOSITION

Mr. LEAHY. Mr. President, because of the way in which the Senate last week ended its consideration of S.J. Res. 3, a proposed constitutional amendment on crime victims' rights, I did not have an opportunity to include in the RECORD a number of thoughtful editorials from across the country. I now ask unanimous consent to have a number of them printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Asheville Citizen-Times, Apr. 25, 2000]

VICTIMS' BILL SERIOUSLY FLAWED

Today, the United States Senate will vote on the joint Senate Resolution proposing that a victims' rights amendment be added to the U.S. Constitution. The amendment has been endorsed by some 39 Attorneys General, by organizations such as Racial Minorities for Victim Justice, as well as by the presumptive Republican Presidential nominee Gov. George W. Bush.

In effect, the amendment would offer victims the constitutionally guaranteed right to:

Be notified of proceedings in the criminal case;

To attend public proceedings in the case;

To make a statement at release proceedings, sentencing and proceedings regarding a plea bargain;

To have the court order the convicted offender to pay restitution for the harm caused by the crime.

Some of these provisions may indeed restore some balance to a system that leans

heavily in favor of protecting criminals' rights. Some of these provisions are already being enacted in certain jurisdictions and in certain cases on behalf of victims—the right to be present at hearings and to make statements for example.

Many prosecutors are opposing this amendment because of the unintended effects it could have, and the public should oppose it in light of many unanswered questions and concerns. For example, should rival gang members be notified of pending hearings and be invited to make statement against those rivals? What of convicted violent felons who are themselves victimized in prison—who are the true victims? Will prosecutors be compelled to notify thousands of victims in the case of a national telemarketing scam?

These are real questions that the Senate is grappling with. Without real answers, they should vote "No." We should not tamper with the U.S. Constitution when a statute will suffice in place of an amendment. That document is too important to who are as Americans.

[From the Baltimore Sun, Apr. 23, 2000]

DISTORTING VICTIMS' RIGHTS

Senate vote: A constitutional amendment could actually harm victims and rights of innocent.

It's an election year. You can tell by the flurry of votes on proposed constitutional amendments in Congress this month. The latest, set for the Senate this week, is perhaps the most deceptive and dangerous—a victims' rights amendment.

On the surface it seems reasonable, similar to rights adopted in 32 states. It would guarantee crime victims the right to speak at parole, plea-bargain or sentencing hearings, to be notified of an offender's release, to restitution, and a speedy trial.

But wait a minute: Isn't the defendant the one who has a constitutional right to a speedy trial? This amendment would change all that: Victims would have rights equal to a defendant.

That's just the start of the dangers. The amendment doesn't define who's a victim. Parents? Ex-spouses? Cousins? Boyfriends?

It would create a third party in trials intent on retribution, even though the defendant may not have committed the crime.

It would give victims the right to oppose plea bargains. One of the lead lawyers in the Oklahoma City bombing case says this would have made virtually impossible to convict Timothy McVeigh.

Victims also would have the right to demand a speedy trial—even if prosecutors say they need more time to build a winnable case. And what happens if the "victims" disagree? In the Oklahoma City case, there would have been thousands of "victims," many entitled to court-appointed lawyers.

This could lead to grotesque distortions. A battered wife who strikes back and maims her husband could wind up paying restitution to the "victim." So could a shopkeeper who shoots a robber—the "victim" becomes the robber.

We fear for the right to a fair trial. Crime victims' prejudgment of the defendant clashes with the notion that you're innocent until proven guilty.

Victims deserve certain rights. But not in the Constitution. Why hasn't Congress passed federal laws to assist them? It could be decades before a constitution-cluttering amendment is approved.

This is the wrong approach. The proposal could damage our court system and our fundamental rights.

We urge Senators Barbara A. Mikulski and Paul S. Sarbanes to vote against this ill-conceived constitutional amendment—and then

commit to drawing up more clearly defined laws giving crime victims a voice in court.

[From the Chicago Tribune, Apr. 20, 2000]

CRIMINAL ACT—THE FOLLY OF A VICTIM'S

RIGHTS AMENDMENT

(By Steve Chapman)

Some conservatives love Mt. Rushmore so much that they want to alter it, by adding Ronald Reagan. Likewise, many people think the U.S. Constitution is not so flawless that it couldn't be improved. Each group ignores the possibility that its revisions may turn something that is nearly perfect into something that is, well, not nearly perfect.

Recently, the Senate barely failed to approve a constitutional amendment to eliminate the terrible national scourge of flag-burning. Next week, it will vote on the Victims' Rights Amendment, which is based on the odd notion that the criminal justice system does too little for the victims of crime.

In fact, the nation spends enormous sums every year for the victims of crime. Legions of police, lawyers and judges labor every day to find, prosecute and punish people who aggress against their neighbors. We run the world's biggest correctional system, with 1,500 facilities devoted to the care and feeding of nearly 2 million inmates—and that's not counting more than 3 million lawbreakers on parole or probation. All of this is partly for the protection of everyone, but it's also an affirmation of our concern for crime victims.

So what oversight is the amendment supposed to address? Some victims feel their interests are not considered and their voices are not heard when criminal justice decisions are made. Asserts the Senate Judiciary Committee, "The victims of crime have been transformed into a group oppressively burdened by a system designed to protect them." Its remedy is to give victims of violent crimes the constitutional right to attend all proceedings, to make their views known about sentencing and plea arrangements, to be notified of an offender's impending release, to insist on a speedy trial and to get restitution from the victimizer.

But the claim of oppression is a vast exaggeration. In a country with 8 million violent crimes committed every year, the justice system is bound to cause some victims to feel dissatisfied and even angry. If 95 percent get satisfactory treatment, that leaves hundreds of thousands of people a year who are shortchanged.

Some of the supposed mistreatment stems not from callousness, but from efforts to provide the accused a fair trial. Amendment supporters want victims to be able to attend trials from start to finish, just as defendants do. But the only time they are barred is before they testify—to minimize the chance that they will (intentionally or not) tailor their testimony to match that of other witnesses.

The unassailable reason for the rule is that it improves the chances of finding the truth. This is not a favor just to suspects: A crime victim gains nothing if the courts punish the wrong person and let the guilty party go free.

Keeping victims informed about the proceedings, and letting them attend, could create huge problems in some cases. Take the Columbine High School massacre, where two students murdered 13 people and wounded 23 others before committing suicide.

Suppose Eric Harris and Dylan Klebold had lived to stand trial. Who would be entitled to attend and comment on any proposed plea bargain? The families of the 36 dead and wounded? The families of all the students who witnessed any of the shootings? The families of all Columbine students? Your