

HARVARD UNIVERSITY LAW SCHOOL,
Cambridge, MA, April 15, 2002.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

Hon. JON KYL,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATORS FEINSTEIN AND KYL: I think that you have done a splendid job at distilling the prior versions of the Victims' Rights Amendment into a form that would be worthy of a constitutional amendment—an amendment to our most fundamental legal charter, which I agree ought never to be altered lightly. I will not repeat here the many reasons I have set forth in the past for believing that, despite the skepticism I have detected in some quarters both on the left and on the right, the time is past due for recognizing that the victims of violent crime, as well as those closest to victims who have succumbed to such violence, have a fundamental right to be considered, and heard when appropriate, in decisions and proceedings that profoundly affect their lives.

How best to protect that right without compromising either the fundamental rights of the accused or the important prerogatives of the prosecution is not always a simple matter, but I think your final working draft of April 13, 2002, resolves that problem in a thoughtful and sensitive way, improving in a number of respects on the earlier drafts that I have seen. Among other things, the greater brevity and clarity of this version makes it more fitting for inclusion in our basic law. That you achieved such conciseness while fully protecting defendants' rights and accommodating the legitimate concerns that have been voiced about prosecutorial power and presidential authority is no mean feat. I happily congratulate you both on attaining it.

A case argued two weeks ago in the Supreme Judicial Court of Massachusetts, in which a woman was brutally raped a decade and a half ago but in which the man who was convicted and sentenced to a long prison term has yet to serve a single day of that sentence, helps make the point that the legal system does not do well by victims even in the many states that, on paper, are committed to the protection of victims' rights. Despite the Massachusetts Victims' Bill of Rights, solemnly enacted by the legislature to include an explicit right on the part of the victim to a "prompt disposition" of the case in which he or she was victimized, the Massachusetts Attorney General, to who has yet to take the simple step of seeking the incarceration of the convicted criminal pending his on-again, off-again motion for a new trial—a motion that has not been ruled on during the 15 years that this convicted rapist has been on the streets—has taken the position that the victim of the rape does not even have legal standing to appear in the courts of this state, through counsel, to challenge the state's astonishing failure to put her rapist in prison to begin serving the term to which he was sentenced so long ago.

If this remarkable failure of justice represented a wild aberration, perpetrated by a state that had not incorporated the rights of victims into its laws, then it would prove little, standing alone, about the need to write into the United States Constitution a national commitment to the rights of victims. Sadly, however, the failure of justice of which I write here is far from aberrant. It represents but the visible tip of an enormous iceberg of indifference toward those whose rights ought finally to be given formal federal recognition.

I am grateful to you for fighting this fight. I only hope that many others can soon be

stirred to join you in a cause that deserves the most widespread bipartisan support.

Sincerely yours,

LAURENCE H. TRIBE.

By Mr. CRAIG:

S.J. Res. 2. A joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget and protect Social Security surpluses; to the Committee on the Judiciary.

Mr. CRAIG. Mr. President, today I am reintroducing a Balanced Budget Amendment to the Constitution of the United States. When we were in deficit and when we were in surplus, I have always said, if we could adopt one fundamental reform to the way the Federal Government does business, this is it. The fiscal events of the last couple years have again demonstrated the need for this long-term, fundamental, permanent reform.

For many Americans, one of the signs of our deep respect for the Constitution is our acknowledgment that, in exceptional cases, a problem rises to such a level that it can be adequately addressed only in the Constitution, by way of a Constitutional amendment.

For four years in a row, a modern record, the first time since the 1920s, Congress balanced the Federal budget. The first Republican Congresses in 40 years made balancing the budget their top priority, and did what was necessary, working on a bipartisan basis, to run the kind of surpluses we need to pay down the national debt and safeguard the future of Social Security.

Then events intervened.

A return to budget deficits was caused by an economic recession and a war begun by a terrorist attack. Even before taking office, President Bush correctly foresaw the coming recession and prescribed the right medicine, the bipartisan Tax Relief Act of 2001, that has bolstered the economy and prevented a far worse recession.

Sadly, at least on the budget front, the Senate did not rise to the challenge. Last year, many of us were deeply disappointed by the Senate's failure to pass a budget resolution for the first time in the history of the Budget Act. That failure only made the need for fiscal discipline all the more evident, as we saw a return to deepening deficit spending.

The return to deficit spending can and should be a temporary phenomenon. We will rebound from the recent economic slowdown. And we must do whatever it takes to win the war, that's a matter of survival and of protecting the safety and security of the American people. Beyond that, we must keep all other Federal spending under control, so that we return, as soon as possible, to balancing the budget.

In other words, the return to deficit spending will be a temporary problem only if we make a permanent commitment to the moral imperative of fiscal responsibility.

We always did, and always will, need a Balanced Budget Amendment to our Constitution.

Even in the heady days of budget surpluses, I always maintained the only way to guarantee that the Federal Government would stay fiscally responsible was to add a Balanced Budget Amendment to the Constitution.

Before we balanced the budget in 1998, the government was deficit spending for 28 years in a row and for 59 out of 67 years. The basic law of politics, to just say "yes", was not repealed in 1998, but only restrained some, when we came together and briefly faced up to the grave threat to the future posed by decades of debt.

Now, the government is back to borrowing. And for some, a return to deficit spending seems to have been liberating, as the demands for new spending only seem to be multiplying again.

That is why, today, I am again introducing a Balanced Budget Amendment to the Constitution and calling upon my colleagues to send it to the states for ratification. The amendment I introduce today is the same one I cosponsored last year, which would not count the Social Security surplus in its calculation of a balanced budget. Those annual surpluses would be set aside exclusively to meet the future needs of Social Security beneficiaries.

It's a new day, a new year, and a new Senate. We have the opportunity of a fresh start and, hopefully, the wisdom of experience. On this first day of the 108th Congress, with the first piece of legislation I am introducing this year, I call on the Senate to safeguard the future, by considering and passing a Balanced Budget Amendment to the Constitution, a Bill of Economic Rights for our future and our children.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 1—INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

SENATE RESOLUTION 2—INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of

the Senate is assembled and that the Senate is ready to proceed to business.

SENATE RESOLUTION 3—TO ELECT TED STEVENS, A SENATOR FROM THE STATE OF ALASKA, TO BE PRESIDENT PRO TEMPORE OF THE SENATE OF THE UNITED STATES

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 3

Resolved, That Ted Stevens, a Senator from the State of Alaska, be, and he is hereby, elected President of the Senate pro tempore.

SENATE RESOLUTION 4—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 4

Resolved, That the President of the United States be notified of the election of Ted Stevens, a Senator from the State of Alaska, as President pro tempore.

SENATE RESOLUTION 5—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE OF THE SENATE

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 5

Resolved, That the House of Representatives be notified of the election of Ted Stevens, a Senator from the State of Alaska, as President pro tempore.

SENATE RESOLUTION 6—FIXING THE HOUR OF DAILY MEETING OF THE SENATE

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 6

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

SENATE RESOLUTION 7—ELECTING EMILY J. REYNOLDS OF TENNESSEE AS SECRETARY OF THE SENATE

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 7

Resolved, That Emily J. Reynolds of Tennessee be, and she is hereby, elected Secretary of the Senate.

SENATE RESOLUTION 8—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A SECRETARY OF THE SENATE

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 8

Resolved, That the President of the United States be notified of the election of the Honorable Emily J. Reynolds of Tennessee as Secretary of the Senate.

SENATE RESOLUTION 9—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A SECRETARY OF THE SENATE

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 9

Resolved, That the House of Representatives be notified of the election of the Honorable Emily J. Reynolds of Tennessee as Secretary of the Senate.

SENATE RESOLUTION 10—ELECTING DAVID J. SCHIAPPA OF MARYLAND AS SECRETARY FOR THE MAJORITY OF THE SENATE

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 10

Resolved, That David J. Schiappa of Maryland be, and he is hereby, elected Secretary for the Majority of the Senate.

SENATE RESOLUTION 11—ELECTING MARTIN P. PAONE AS SECRETARY FOR THE MINORITY OF THE SENATE

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 11

Resolved, That Martin P. Paone of Virginia be, and he is hereby, elected Secretary for the Minority of the Senate.

SENATE RESOLUTION 12—TO MAKE EFFECTIVE REAPPOINTMENT OF SENATE LEGAL COUNSEL

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 12

Resolved, That the reappointment of Patricia Mack Bryan to be Senate Legal Counsel made by the President pro tempore this day is effective as of January 3, 2003, and the term of service of the appointee shall expire at the end of the One Hundred Ninth Congress.

SENATE RESOLUTION 13—TO MAKE EFFECTIVE REAPPOINTMENT OF DEPUTY SENATE LEGAL COUNSEL

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 13

Resolved, That the reappointment of Morgan J. Frankel to be Deputy Senate Legal Counsel made by the President pro tempore this day is effective as of January 3, 2003, and the term of service of the appointee shall expire at the end of the One Hundred Ninth Congress.

SENATE RESOLUTION 14—COMMENDING THE OHIO STATE UNIVERSITY BUCKEYES FOOTBALL TEAM FOR WINNING THE 2002 NCAA DIVISION I-A COLLEGIATE NATIONAL FOOTBALL CHAMPIONSHIP

Mr. VOINOVICH (for himself and Mr. DEWINE) submitted the following resolution; which was considered and agreed to:

S. RES. 114

Whereas in 2002, the Ohio State University claimed its fifth undisputed Division I-A collegiate national football championship;

Whereas Ohio State captured its 29th Big Ten conference championship;

Whereas Ohio State finished the season with a perfect 14-0 record, its first unbeaten season since 1968;

Whereas on the way to the national championship, Ohio State defeated 5 ranked opponents, including a 14-9 triumph over the University of Michigan;

Whereas Ohio State is the first Big Ten team to qualify for and win the Bowl Championship Series national championship game;

Whereas seniors strong safety Mike Doss, middle linebacker Matt Wilhelm, and punter Andy Groom, along with sophomore placekicker Mike Nugent, have been named first-team All-Americans;

Whereas Jim Tressel has led Ohio State to a national championship in just his second year as head coach at Ohio State and has been recognized for his accomplishments as a finalist for the 2002 Football Writers' Association of America (FWAA)/Eddie Robinson Coach of the Year Award; and

Whereas the Ohio State University community, including the Ohio State University Athletic Department, the Ohio State University Marching Band, and the Ohio State cheerleaders, as well as the students, administration, board of trustees, faculty, and alumni, the city of Columbus, and the entire State of Ohio, are to be congratulated for their continuous support of the Ohio State University football team: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Ohio State University Buckeyes football team for winning the 2002 NCAA Division I-A collegiate football national championship;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping the Ohio State University win the 2002 NCAA Division I-A collegiate football national championship and invites them to the United States Capitol Building to be honored;

(3) requests that the President recognize the accomplishments and achievements of the 2002 Ohio State University football team and invite them to Washington, D.C. for a White House ceremony for national championship teams; and

(4) directs the Secretary of the Senate to make available enrolled copies of this resolution to the Ohio State University for appropriate display and to transmit an enrolled copy of the resolution to each coach and member of the 2002 NCAA Division I-A collegiate national championship football team.

APPOINTMENTS

The PRESIDENT pro tempore. The Chair, on behalf of the Democratic Leader, after consultation with the ranking member of the Senate committee on Finance, pursuant to Public