

Nothing could be more hypocritical and contradictory than the spectacle of a Republican governor demanding that his state's university system rely solely on the crude instrument of test scores to select 70 percent of its incoming students.

Republicans never tire of saying that what made America great are the virtues of honesty, courage, initiative and imagination, integrity, loyalty and fair play, all best demonstrated by a person's track record and especially his or her perseverance in the face of adversity. Why then are conservatives vilifying universities for taking these values seriously in selecting the next generation of leaders?

Race, we are told, should have nothing to do with the assessment of these virtues. Race, however, refers to several aspects of a person. It refers to physical appearance, and this, every African-American would agree with Senator Dole and Governor Wilson, should be a matter of no importance.

But for African-Americans, race also means surviving an environment in which racism is still pervasive. It has to be taken into account in assessing the content of any black person's character, and to assert that this amounts to a divisive glorification of race is as disingenuous and as absurd as claiming that we are divisively glorifying poverty and broken families when we take account of these factors in assessing a white student's character.

There is a third important meaning of race, and it is here that we enter tricky ground.

Blackness also connotes something positive: the subcultural heritage of African-Americans that in spite of centuries of discrimination has vastly enriched American civilization out of all proportion to the numbers, and treatment, of the group creating it. The University of California, like other great institutions of learning, rightly has seen the exposure of all its students to this important minority culture as part of its educational mission.

A POLICY THAT WORKS ONLY IN AN ECUMENICAL AMERICA

This is a noble goal, but it is fraught with dangers. What brought me around to support affirmative action after some strong initial reservations was not only its effectiveness as a strategy for reducing inequality, but also its possibilities for cross-pollinating our multi-ethnic communities. In the process, it could promote that precious, overarching national culture—the envy of the world—which I call ecumenical America.

But the promotion of diversity has done nothing of the sort, as Governor Wilson and Mr. Connerly were able to argue with devastating impact. To the contrary, both on an off our campuses affirmative action seems to have been distorted by its beneficiaries into the goal of balkanizing America both intellectually and culturally. One has only to walk for a few minutes on any large campus to witness the pervasiveness of ethnic separatism, marked by periodic outbursts of other chauvinisms and hostilities.

No group of people now seem more committed to segregation than black students and young professionals.

Their motto seems to be: separate, yes, but make sure there is equality, by affirmative action or any other means. To a lesser extent, the tendency of the new black middle class to segregate itself residentially and to scoff at the norms and values of the ecumenical mainstream is the off-campus version of this lamentable betrayal and abandonment of the once cherished goal of integration.

Ethnic separatism has also had deleterious academic consequences. In an experiment

conducted at the University of Michigan by two psychologists, Claude Steele and Richard Nisbett, a group of disadvantaged minority students who were encouraged to be part of the campus mainstream, and made to understand that the highest standards were expected of them, consistently performed above the average for white students and the student body as a whole. Members of a control group who took the familiar route of ethnic solidarity and consciousness-raising performed well below the average.

At its best, affirmative action compensates for one of the greatest disabilities of minority members: their lack of access to vital networks and other social capital which white men simply take for granted, whether it is the construction worker who mobilizes his neighborhood ties to get on a high-paying work crew, or the upper-middle class manager who draws on his grammar school and Ivy League contacts to land the vice presidency of some budding company.

Once in, however, too many minority workers and women felt entitled to automatic promotion and were too quick to use the accusation of racism or sexism when it was denied. Too many supervisors practice a patronizing racism or sexism. The cynical promotion of unqualified people, even if it happens only occasionally, damages the legitimacy of affirmative action since it takes only one such mistake to sour an entire organization.

Also damaging were clearly illegal practices like using blacks and women as entrepreneurial fronts to gain access to preferential contracts.

These are all correctable errors. Universities and businesses should return to the principle of integration, to the notion that diversity is not something to be celebrated and promoted in its own right, but an opportunity for mutual understanding and the furtherance of an ecumenical national culture.

The President should remain firm in his principled resolve to defend a corrected version of affirmative action. And if we give it a time limit of 10 years, it might still be possible to save this troubled but effective and badly needed policy. ●

HONORING RICHARD A. GRASSO, COOLEY'S ANEMIA FOUNDATION'S HUMANITARIAN OF THE YEAR

● Mr. D'AMATO. Mr. President, I rise today to congratulate Mr. Richard A. Grasso, chairman and chief executive officer of the New York Stock Exchange on his selection as the recipient of the first annual Humanitarian of the Year Award presented by the Cooley's Anemia Foundation. The Cooley's Anemia Foundation is honoring Mr. Grasso for his support, friendship, and tireless efforts on behalf of the patients and families who are impacted by this devastating blood disease.

As the father of young children himself, Mr. Grasso, I believe, has a keen understanding of the importance of supporting the efforts led by the Cooley's Anemia Foundation to find a cure for what the World Health Organization has identified as the most common inherited genetic blood disease in the world.

Mr. Grasso has had a distinguished career over the last 26 years at the New York Stock Exchange. He is the first member of the New York Stock Ex-

change staff to be elected to the position of chairman and chief executive officer in the exchange's 200-year history. He has exhibited what is best about the American spirit—he has given back to his community by working on behalf of many good causes.

Just consider the following. He is currently Chairman of the board of trustees of Junior Achievement of New York and he serves on the board of directors of the National Italian-American Foundation. Mr. Grasso is a trustee of the New York City Police Foundation, as well as a member of the board of directors of the Washington, DC-based police foundation. He also serves on the St. Vincent's Hospital Board of Trustees in New York City. He is the honorary chairman of the Friends of the Statue of Liberty National Monument-Ellis Island Foundation. He even finds time to serve his own local community, Old Brookville, NY, as police commissioner and village trustee.

His receipt of the Cooley's Anemia Foundation's Humanitarian of the Year Award adds to the many awards and honors he has already received, including the Humanitarian of the Year Award from the Tomorrow's Children's Fund, the Special Achievement Award in Business from the National Italian-American Foundation, the Ellis Island Medal of Honor from the National Ethnic Coalition of Organizations, the Good Scout Award from the Greater New York Councils for Boy Scouts of America, and the Brotherhood Award from the National Conference of Christians and Jews. Most recently, he was honored in 1994 as the Man of the Year by the Catholic Big Brothers organization. He is indeed a special person, having risen to the top ranks of his profession and still finding time to give back to these worthwhile causes.

His efforts on behalf of the Cooley's Anemia Foundation are particularly important and special to me. I know many of the families and patients who must deal with treating this disease every day of their lives. Every 2 weeks, Cooley's anemia patients require transfusions of red blood cells. Every day they must wear a special pump that painfully infuses a drug for 12 hours. But, because of research over the last several decades, treatment has been developed which prolongs the life of Cooley's anemia patients. Twenty years ago, most patients rarely lived past the age of 10; today many are living into their twenties and trying to be productive citizens. Now, promising new research is being conducted into Cooley's anemia, giving us all great hope that some day it will be curable.

That is why the efforts of people like Richard Grasso are so important. At a time when new research opportunities are before us, we must ensure that the resources of private philanthropic organizations, such as the Cooley's Anemia Foundation, are strengthened. Additionally, we must assure that the Federal commitment continues.

Again, I congratulate Richard Grasso on his receipt of the Cooley's Anemia Foundation first annual Humanitarian of the Year Award. With his continued support and assistance, I am confident that we will indeed live to see a cure. He is an example for us all.●

VICTIMS OF VENGEANCE

● Mr. SIMON. Mr. President, recently, I read in a denominational magazine, the Lutheran, an article by Judge Richard L. Nygaard on capital punishment.

It was of interest to me that the South African Supreme Court unanimously ruled against capital punishment, making South Africa join the large majority of modern, civilized nations that outlaw capital punishment.

The article has practical wisdom for all of us, coming from a judge who has no political agenda.

I ask that the article be printed in the RECORD at this point..

The article follows:

VICTIMS OF VENGEANCE

(By Richard L. Nygaard)

Perry Carris is dead. I doubt that many mourned him. Even among those who did not want him to die, most would readily admit that the world is a better place without him. He was a brutal killer. He and a friend entered the home of the friend's elderly uncle and aunt, then killed and robbed them. The uncle was stabbed 79 times and the aunt, who weighed only 70 pounds, 66 times.

But, you see, Carris didn't just die—we killed him. One night last year officers of the prison where he spent his final hours injected him with lethal chemicals, and, quietly, he met eternity. Many more are scheduled to die in like fashion. Moreover, the new federal crime bill imposes death as a penalty for 50 more crimes.

Is it not time to think about what society is doing? What we are doing? Carris' act was deliberate. So was ours. Carris' motivation was a cruel disregard for life. What was ours? The first killing clearly was criminal and unjustified—and sinful. But how about the second?

The death penalty as the ultimate sanction brings punishment sharply into focus. It is the surrogate for society's frustration with the failures of government to maintain order and protect them.

As a form of punishment, the killing of criminals is an issue with which Christians also must reconcile their beliefs. Many who are quick to condemn abortion because it kills an innocent being are just as quick to accept the death penalty, ostensibly because it kills a guilty being. Each is the killing of a human: The first is one whom Jesus said knows no sin; the second is one whose sin Jesus said could be forgiven. Is there a difference? Is this a paradox? Or can we reconcile our ambivalent attitudes about death?

WHY WE PUNISH

It is important first to know the purpose of our punishment. American penology is really quite simple. We have just three means of criminal punishment: probation, incarceration and death. And we rely upon only four justifications: rehabilitation, deterrence, containment and retribution. How does the death penalty serve these ends?

When we look at each possible justification, it becomes clear that both society's motivation and the penal system's justification for the death penalty is simply retribution: We are "getting even."

First, one can easily reject rehabilitation as the goal. The death penalty surely does not rehabilitate the person upon whom it is imposed. It simply takes his life.

The second purpose, deterrence, is more problematic. Statistics uniformly show that condemned criminals on death row did not consider the possibility that they might die for their crimes. Others, of course, may have thought of the consequences—and did not kill. But this possibility has been little-researched. We simply do not know much about this aspect of deterrence. Death, of course, is permanent deterrence. But the question is whether it is necessary. Life imprisonment will protect society from further criminal acts by the malefactor—and at less expense than execution.

Containment, the third justification for punishment, also poses a philosophical problem because it punishes a person for something as yet not done. We use the crime already committed to project, sometimes without further information, that he or she will do it again. Then we contain the person to prevent that.

Although killing the offender does, in a grim and final sense, contain and so protect society we must ask again: Is it necessary? It is not. Penologists recognize that an offender can be effectively and economically contained in a prison. They also reject containment to justify the capital punishment.

THE ULTIMATE PAYBACK

This leaves only retribution. Revenge—the ultimate payback. As a tool of retribution, death works wonderfully.

The desire for revenge is the dark secret in us all. It is human nature to resent a hurt, and each of us has a desire to hurt back. Before the time of law, the fear of personal reprisal may have been all that kept some from physical attacks upon others or property crimes against them. But with law, cultures sought to limit personal revenge by punishment controlled and meted out in a detached fashion by the sovereign.

Revenge between citizens is antithetical to civilized society. It invites a greater retaliation . . . which in turn invites counter reprisal . . . which invites more revenge. A spiraling escalation of violence between society and the criminal subculture results. By exacting revenge upon criminals, society plays on their terms and by their rules. We cannot win.

'ACCEPTABLE' REVENGE

Leaders know, and have for centuries, that civilization requires restraint. They know that open personal revenge is socially destructive and cannot be permitted. That, indeed, it must be renounced. Official revenge is not better, and the results are no less odious. By catering to the passions of society, government tells its citizens that vengeance is acceptable—it is just that you cannot do it.

Leaders today respond politically to the base passions of society rather than act as statesmen upon the sociological necessities of civilization. Vengeance requires a victim. In putting a criminal to death, our government gives us one. "Paying back," although destructive to culture and family alike, is politically popular. And so it is the law.

Christians also must confront what institutionalized killing is doing to our attitudes toward ourselves. As a judge, I have seen the defiant and unrepentant murderer. I know how easy it is to identify only with the innocent and injured. But should we not, as Christians, strive to exemplify the grace and mercy of Jesus? Should we not desire this quality also in our society?

On the eve of one execution last year, crowds gathered outside the prison to await a condemned man's death. And at the fateful

hour, they cheered. The Sunday before another execution, the newspaper printed a photograph of the stretcher upon which the offender was to die.

By urging vengeful punishment, society exposes its own desire for violence. Yes, the death penalty is constitutional. It is legal. But is it proper for government to give vent to this base desire of its citizens? I doubt that we, as a society, can kill without doing psychological damage to our culture.

Perry Carris, I know, received a fair trial and his full measure of due process on appeal. I know because I sat on the court that declined to stay his execution. What, however, does his death and the deaths of others executed mean—to me or to you, Christians who must decide whether or not to support death as a penalty?

We are a government of the people. We citizens are obliged to scrutinize the reason our society, and thus our government, kills. We who are Christians also must be satisfied that the reason is reconcilable with the tenets of our faith. Is it, when the reason is revenge?●

UKRAINIAN INDEPENDENCE DAY

● Mr. LEVIN. Mr. President, Ukrainian Independence Day, August 24, is a time to remember Ukraine's past and to look to its bright future. Since Ukrainian independence in 1991, much has been accomplished in all areas of the country.

The recent legislative and Presidential elections give cause for hope. The open and fair manner in which they were carried out is evidence that democracy has taken root in Ukraine. Ukraine exhibits signs of a healthy democracy, including the existence of multiple interests represented within the government.

In the economic arena, Ukraine has exhibited much potential. Its significant natural resource endowment, focus on heavy industry, and its most important resource, the innovative and hard-working people of Ukraine, can combine to transform the country into a successful economic player in the world. Ukraine has taken significant steps to alleviate the natural strains that a country experiences when changing from a centralized to a free-market economy. These economic problems are similar to those now being experienced by many of the other countries of the Commonwealth of Independent States.

Under the guidance of the International Monetary Fund, Ukraine is working to halt hyperinflation and to achieve other beneficial goals, such as securing an efficient and cost-effective source of energy for the country. President Kuchma's plan of tight fiscal and monetary policies, price liberalization, foreign trade liberalization, and accelerated privatization appears to be the right economic track for Ukraine. The recent partnership signed with the European Union is another step in the right direction. It will give Ukraine most-favored-nation status and other trade advantages, and opens the possibility of a free trade agreement after 1998.