

CONGRESS OF THE UNITED STATES,
Washington, DC, October 30, 1997.

Hon. ORRIN G. HATCH,
Chairman, Senate Committee on the Judiciary,
Washington, DC

DEAR MR. CHAIRMAN: We, the undersigned members of the California Congressional delegation, wish to express our deep concern regarding the confirmation of Mr. Bill Lann Lee as the Assistant Attorney General for Civil Rights. This confirmation is of particular concern to California.

California Governor Pete Wilson said, "All of the relevant evidence suggests that Mr. Bill Lann Lee will not enforce the civil rights laws as defined by the courts but as desired by special interest advocates of unconstitutional and unfair preferences. It is time we had a civil rights enforcer who enforced the law, not distorted it."

We find it very disturbing that Mr. Lee has actively advocated quotas and preferences. He attempted to force through a consent decree mandating racial and gender preferences in the Los Angeles Police Department. The Washington, DC-based Institute for Justice issued a twenty-page report on Lee's litigation for the NAACP Legal Defense Fund, which has furthered legal action challenging the California Civil Rights Initiative and supported racial preferences and forced busing. The study's author and Institute director Clint Bolick stated, "Lee's assault on Proposition 209 and his support of racial preferences raises serious questions about his suitability as the nation's top civil rights official." Mr. Bolick further stated, "Unless Lee makes clear he will not transfer his personal agenda to the Justice Department, the Senate should not confirm him."

It appears to be fundamentally incompatible for the Senate to confirm as the Assistant Attorney General for Civil Rights an individual with a record of advocating racial discrimination through quotas and preferences. We respectfully urge the Senate Judiciary Committee to carefully and thoroughly review Mr. Lee's philosophy on basic civil rights issues before voting on his confirmation.

Sincerely,

HOWARD "BUCK" MCKEON.
DANA ROHRBACHER.
KEN CALVERT.
JAMES E. ROGAN.
ED ROYCE.
FRANK RIGGS.
ELTON GALLEGLY.
DAVID DREIER.
JERRY LEWIS.
WALLY HERGER.
RON PACKARD.
SONNY BONO.
JOHN T. DOOLITTLE.
BRIAN BLBRAY.
TOM CAMPBELL.
"DUKE" CUNNINGHAM.

AMERICAN CIVIL RIGHTS COALITION,
Sacramento, CA, October 23, 1997.

Hon. ORRIN G. HATCH,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH: I watched with interest yesterday's hearing on the nomination of Bill Lann Lee as Assistant Attorney General for Civil Rights. Prior to the hearing, my organization hesitated in taking a formal position on his nomination.

However, his comments of yesterday—namely, that he believes Proposition 209 is "unconstitutional" and that he disagrees with *Adarand v. Pena*—lead us to believe the most powerful civil rights law enforcement position in the United States belongs not to Mr. Lee, but to a nominee who respects the law of the land.

As of today, the American Civil Rights Institute is formally opposing Mr. Lee's nomi-

nation to this post and encourages your leadership in rejecting this nomination. An individual who neither understands or respects the people's and the court's commitment to race-neutral laws and policies does not deserve this important position.

Sincerely,

WARD CONNERLY,
Chairman.

STATE OF CALIFORNIA,
GOVERNOR'S COMMUNICATIONS OFFICE,
September 25, 1997.

[Memorandum]

To: John Kramer, Institute of Justice.

From: Kim Walsh.

Subject: Statement from Governor Wilson.

Summary: Below is a statement from Governor Pete Wilson regarding the nomination of Bill Lann Lee as Assistant Attorney General:

"All of the relevant evidence suggests that Mr. Bill Lann Lee will not enforce the civil rights laws as defined by the courts but as desired by special interest advocates of unconstitutional and unfair preferences. It is time we had a civil rights enforcer who enforced the law, not distorted it."

UNITED STATES PAN ASIAN
AMERICAN CHAMBER OF COMMERCE,
Washington, DC, October 28, 1997.

Re: Nomination of Bill Lann Lee as Assistant Attorney General for Civil Rights.

Hon. ORRIN HATCH,
Chairman, Senate Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH: Please vote against the nomination of Bill Lann Lee as Assistant Attorney General for Civil Rights. I enclose a copy of the actual testimony I gave at Mr. Lee's nomination hearing before the Senate Committee on the Judiciary Last week.

Mr. Lee believes the California Civil Rights Initiative (Proposition 209) is unconstitutional. Thus, he is the wrong person to hold the nation's top civil rights enforcer position.

Proposition 209 mirrors the language of the Civil Rights Act of 1964. Mr. Lee's latest assertions during his nomination hearing, of his opposition against Proposition 209, adds to our apprehension that he will further divide America along racial lines because of his conviction that civil rights are not for all Americans, but select Americans based on their race and gender. Should he become the nation's top civil rights enforcer, he will have 250 lawyers to help him do the job. This must not happen. America cannot afford it.

I ask you to vote against his nomination as the Assistant Attorney General for Civil Rights.

Sincerely,

SUSAN AU ALLEN.

Mr. HATCH. Mr. President, I yield the floor.

Mr. ROBERTS addressed the Chair.
The PRESIDING OFFICER (Mr. INHOFE). The Senator from Kansas is recognized.

WAIVING MANDATORY QUORUM IN RELATION TO
H.R. 2646

Mr. ROBERTS. Mr. President, I ask unanimous consent, pursuant to rule XXII, that the mandatory quorum in relation to H.R. 2646 be waived.

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

UNITED STATES PRESENCE IN
BOSNIA

Mr. ROBERTS. Mr. President, yesterday those who cover national security

policy and issues within our Nation's press reported the best-kept nonsecret in Washington; namely, what has already been discussed or leaked or trial ballooned or decided upon and reported for weeks in the United States and the international media has finally become public—sort of.

In the last days of this session, the administration apparently will now consult with the Congress and today announce what has been obvious, and that is, Mr. President, that the United States has no intention of leaving Bosnia by the once stated deadline of the 8th of June of next year.

President Clinton has not said this outright. The position to date is that he has not ruled out staying beyond June 8. However, given the overall goals of the Dayton accords in juxtaposition with the ongoing ethnic apartheid reality in Bosnia, the concern of our allies, the coming of winter in Bosnia, and the crucial and obvious need for U.S. and allied commanders to have enough time for central planning have all forced the administration's hand.

Simply put, the clock is moving toward the stated deadline to have the SFOR mission in Bosnia completed. And simply put, whatever that mission is and despite recent and obvious changes under our stated mission, it is not complete.

It is long past the time for the President and his national security team to simply tell it like it is. Despite the past promises to limit our engagement to 1 year, and then 2 years, and now indefinitely—I might add, promises that should not have been made and could not be kept—we are in Bosnia, for better or worse, for the long haul.

First of all, our commanders and troops in the field know there are many actions that need to take place now or should have already taken place if, in fact, we are serious about ending the commitment in Bosnia in June 1998. From a military point of view, we have established significant infrastructure in Bosnia to support the SFOR troops, and unless we just intend at great cost to abandon what we have established—and we are not going to do that—the military needs a plan and time to remove equipment, to disassemble buildings, to conduct the environmental cleanup and a myriad of other tasks.

Several months ago, I visited Bosnia, and I saw firsthand the extent of our involvement and developed an understanding of the complexity required to extract the SFOR troops should that decision be made. On that same trip, I visited Tazsar, Hungary, the staging base for U.S. troops going into and coming out of Bosnia. Tazsar also provides operational support for logistics in Bosnia.

I asked the commanding general in Tazsar, what is the drop dead time to support an orderly withdrawal from Bosnia and fully restore the facilities in country? And his answer was, 9 to 10

months to do the job right. Guess what? We are already past that deadline. We should have already made the decision and started to work. But apparently we have not because the President has not publicly admitted what is obvious to most people—we have no intention of leaving Bosnia in June 1998. All I am asking of the President and the administration is to be candid, come before the people and explain his intention concerning our commitment in Bosnia.

Even a casual reading, Mr. President, of U.S. and European newspapers reveals numerous stories spelling out the need for continued presence of NATO forces past June 1998. These stories frequently quote U.S. administration and NATO ally decisionmakers. Let me give you an example of what I am talking about.

New York Times, just last week: "Policymakers Agree on Need to extend U.S. Mission in Bosnia."

The Clinton administration's top foreign policymakers have reached a broad consensus on the need to keep some American troops in Bosnia after their mission ends in June of next year.

The article further quoted the White House National Security Adviser, Sandy Berger: "We must not forget the important interests that led us to work for a more stable, more peaceful Bosnia" including European stability and NATO's own credibility, he said at Georgetown University. "The gains are not irreversible, and locking them in will require that the international community stay engaged in Bosnia for a good while to come."

In the Great Britain Guardian, also last week; "Bosnia forces await US Green light."

Although the multinational NATO-led Forces are supposed to disband next June, plans for a follow-on force—unofficially the Deterrent force (D-Force)—

We are going from IFOR to SFOR to DFOR—

have already begun.

The article continues:

But senior military officials are reluctant to talk openly—

Let me repeat this, Mr. President—

But senior military officials are reluctant to talk openly until a skeptical United States Congress has been convinced there is no alternative to staying on.

The Financial Times as of Tuesday, October 14: "Solana plea over Bosnia support."

Javier Solana, the NATO secretary general, made his strongest plea to date for "a long-term commitment" by the alliance to peacekeeping in Bosnia.

Continuing, the article states:

Following the lead of US administration officials who have recently started to prepare public opinion for some residual US role in Bosnia after the middle of next year, Mr. Solana said: "NATO troops cannot and will not stay indefinitely, but NATO has a long-term interest in and commitment to Bosnia."

The French Press Agency, 3 weeks ago: "A 'dissuasion' force to replace SFOR in Bosnia."

A "dissuasion" force will take over from the NATO-led Stabilization Force in Bosnia. . . . Defense Minister Volker Ruehe told the weekly Der Spiegel. The new "Deterrent Force" will be significantly smaller than SFOR, which [now] numbers 36,000 men. . .

These, Mr. President, are but a few examples of reports of a debate and subsequent decisions that apparently have taken place on future actions in Bosnia involving NATO and United States forces. But the sad commentary is that the Congress and the American people have been left out of this important discussion.

All I am asking, Mr. President,—I am referring to President Clinton—is for you to be candid. Let us have straight talk. Come clean. Come to the Congress. Tell us your plan. Let us know what your thoughts are and the forces required after June 1998.

It is my understanding that this afternoon, at approximately 4:30, that many Members of Congress, the Senate, will go to the White House to enter into a discussion finally on the administration's decision in regard to Bosnia.

I have tried to understand why the President is reluctant to directly engage the Members of this body on this vital foreign policy matter. Perhaps it is because there has been some misunderstanding or maybe even he has misled us on his intent in Bosnia for the past 3 years.

"We'll be out in just 1 year." That was the first statement that is starting to ring a little hollow on the Hill. Does he think that we are so naive that we will not notice that the term "SFOR" has been replaced by "DFOR," and we will think he has kept his commitment to end SFOR in June 1998? I think not. Mr. President, the issue is not the name of the commitment but the commitment itself. The use of United States forces in Bosnia is what we are concerned about.

Some have suggested that the reluctance on the part of the President is the concern of two events: NATO enlargement and the decision on Bosnia will happen at about the same time next year and that both will be negatively impacted in the debate in Congress. That certainly could happen.

He could be right, if an examination into the commitment in Bosnia and the debate on enlarging NATO occurs at the same time—that debate should take place at about the same time—and there will be troubling questions raised.

But the fact remains that we are in Bosnia, SFOR ends in June 1998, and the administration has done much work on the follow-on forces in Bosnia. Again, however, the administration has failed to include the Congress in its decision process. That time is now.

These questions are not difficult. They are challenging, but they are obvious.

I would like to review the requirement added to the defense appropriations bill that requires the President to provide certain information on our

Bosnian policy. This is a matter of law. These provisions are about being honest with the American public.

I want to thank the distinguished chairman of the Senate Appropriations Committee for referring to these amendments as the Roberts amendment. We have had long talks about the need to become candid.

Specifically, these provisions require the President to certify to Congress by May 15 that the continued presence of United States forces in Bosnia is in our national security interest and why. He must state the reasons for our deployment and the expected duration of deployment.

He must provide numbers of troops deployed, estimate the dollar costs involved, and give the effect of such deployment on the overall effectiveness of our overall United States forces.

Most importantly, the President must provide a clear statement of our mission and the objectives.

And he must provide an exit strategy for bringing our troops home.

If these specifics are not provided to the satisfaction of Congress, funding for military deployment in Bosnia will end next May. Let me repeat: We are requiring the administration to clearly articulate our Bosnia policy, justify the use of military forces, and tell us when and under what circumstances our troops can come home.

I do not think that is asking too much.

In my view, events of recent weeks make this an urgent matter, Mr. President. It has become increasingly clear that in the wake of the Dayton accords this administration has, to some degree, lost focus and purpose in Bosnia.

Just consider the following:

After drifting for months, and with elections on the near horizon, and the crippling winter only days away, I believe the mission has been changed. We have gone from peacekeeping, which is the stated goal, to peace enforcement with very dubious tactics.

Item. Troop protection, refugee relocation, democracy building, and economic restoration and, the other policy goal, "Oh, by the way, if we run across a war criminal, well, let's arrest him"—that has all been replaced.

Today, we see increased troop strength—we are not revolving the troops home—have picked a United States candidate for president of Bosnia—we are no longer neutral—we have embarked upon aggressive disarmament and the location, capture and prosecution of war criminals.

Is this mission creep or long overdue action? We do not know.

The world was treated to the spectacle of American troops, the symbol of defenders of freedom, taking over a Bosnian television station in an effort to muzzle its news. And the troops were then stoned by angry citizens.

In our new role as TV executives in Bosnia, we actually suggested what kind of programs could be run and what kind of programs could not be

run. We ordered TV stations to read an apology concerning their inaccurate and unfair broadcasting. We wrote the message for them and required they read it every day for 5 days.

Gen. Wesley Clark is now a new TV executive in determining what goes on television and what does not.

The Washington Times reported United States troops have become the butt of jokes in Bosnia because of pregnancies. It seems the pregnancy rate among our female soldiers is between 7.5 to 8.5 percent. The Bosnia media joked that the peacekeepers are breeding like rabbits while turning a blind eye to war criminals on the lam.

In a country where any benevolent leader is very scarce, we have chosen up sides, we have picked our candidates, supporting the cause of one candidate over another. I might add, that candidate has lost support as a result.

Elections were conducted, but to cast ballots, many citizens had to be bussed back to their homes, which they now cannot live in or may never occupy, and then bussed out.

NATO forces, which include U.S. troops, have been cast into the role of cops on the beat, chasing war crimes suspects. Just to arrest Mr. Karadzic, we are told, try him for war crimes and our problems will be solved. But as the New York Times recently pointed out: "[Mr.] Karadzic reflects widely held views in Serbian society." If you bring him to trial in The Hague, somebody else will take his place.

Do these events reflect a sound and defensible Bosnian policy that is in our national interest? Or do they sound an ominous alarm as America is dragged down into a Byzantine nightmare straight out of a Kafka novel?

Ask the basic question, "Who's in charge and where are we heading?" and to date there has been silence from the administration. But that silence speaks volumes, Mr. President, about the lack of direction and focus of our Bosnian policy.

If the provisions of the defense appropriations bill do nothing else, they should force a major reexamination of our Bosnian involvement from top to bottom.

As Chairman STEVENS, the distinguished chairman of the Senate Appropriations Committee, will tell you, our involvement in Bosnia has come at a large price. There are approximately 9,000 American troops in Bosnia. That is closer to 15,000 today. That is nearly one-third of the NATO troops involved.

Dollar costs are escalating. From 1992 until 1995, the United States spent about \$2.2 billion on various peacekeeping operations in the Balkans. From 1996 through 1998, costs are estimated to be \$7.8 billion. That figure, too, is escalating.

In justifying our policy in Bosnia, the administration must include a plan to fund the costs. Do they intend to take these rising costs out of the current defense budget, money we need for

modernization, procurement, quality of life for the armed services to protect our vital national security interests? Or is the administration prepared to come clean and ask for the money up front?

Finally, I offer these thoughts, Mr. President. All of us in this body desperately want lasting peace in Bosnia. I know it is easy to criticize, but we want the killing to stop. We all want that. We want stability in that part of the world. We do not want a Palestine in the middle of Central Europe. Permanent peace, permanent stability, but wishing—wishing—it does not make it so.

Richard Grenier, writing for the Washington Times, put it this way:

... generally speaking, Serbs didn't love Croats, Croats didn't love Serbs, nor did either of them love Muslims. Reciprocally, Muslims loved neither Croats or Serbs.

What happened to the lessons we're supposed to have learned in Beirut and Somalia? What happened to our swearing off of mission creep? In Beirut we were intervening in Lebanese domestic affairs, which led to the death of 241 U.S. Marines. Our mission in Somalia, originally purely humanitarian, expanded like a balloon as we thought, given our great talent, we could build a new Somali nation. [We all saw] what happened.

But here we go again in Bosnia. Once again our goal was at first laudably humanitarian: to stop the killing.

We have done that, thank goodness.

But it expanded as we thought how wonderful it would be if we could build a beautiful, tolerant, multi-ethnic Bosnia, on the model of American multiculturalism. . .

Gen. John Sheehan, a Marine general, just stated in the press—and a remarkable candidate interviewed just this past week—we can stay in Bosnia for 500 years and we would not solve the problem. It is a cultural war. It is an ethnic war.

The Bosnian situation is complex. And it is shrouded by centuries of conflict that only a few understand. They have had peace and stability and order and discipline only a few times in their history—the latest being with an iron fist by Marshal Tito.

Is that what NATO is going to be all about? What we have seen in recent months is a lull in the fighting, unfortunately not its end. It is a fragile peace held together only by continued presence of military force. How long can that continue? Are we prepared to pay the price?

National Security Adviser Sandy Berger said the United States must remain engaged in Bosnia beyond June of next year, but that continued American troop presence has not been decided.

This afternoon, when Members of Congress meet at the White House, it is time to decide what the specifics of our Bosnian policy will be.

Compare that statement of our National Security Adviser, Sandy Berger, with that of the advice of former Secretary of State Dr. Henry Kissinger, who wrote just this past week: "America must avoid drifting into crisis with

implications it may not be able to master" and that "America has no [vital] national interest for which to risk lives to produce a multiethnic state in Bosnia."

Mr. President, no more drift. It is time for candor and clear purpose. Let the debate begin when the White House meets, finally, with Members of Congress this afternoon.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Connecticut.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Mr. DODD. Mr. President, I know we have a vote at about 11 o'clock and my colleague from Georgia wants to be heard before that time. I will try and move this along.

Mr. President, the vote around 11 o'clock is on a cloture motion dealing with a proposal that has been offered by my colleague from Georgia, whom I respect greatly and agree with on many issues. On this one we disagree, not because of his intent at all, but rather because I am concerned it is not the best use of scarce resources. Even though our budget situation is vastly improved from what it was even a few months ago—with the deficit now down around to unimaginably low levels—still we must make careful decisions about how to best invest those dollars.

When you are trying to help out working parents with the costs of raising children, the question becomes one of priorities in allocating resources. As I understand it, if the cloture motion that will be offered shortly were to be agreed to, an amendment that I would like to offer would be foreclosed because it would probably not pass the procedural test of being germane. I am concerned about that, and for that reason will oppose the cloture motion.

The amendment I would offer, Mr. President, would propose a substitute to what our colleague from Georgia has offered. My proposal would allow for a refundable tax credit for child care. As it is right now, we have some 2 million American families—working families; not on welfare, but working—who don't have any tax liability at all and, therefore, cannot claim the current child care tax credit.

The affordability and quality of child care, Mr. President, is an area in which most Americans are developing a growing sense of concern. The recent tragedy in Massachusetts that we have all been witness to over the last several days, highlights the concerns that millions and millions of American families have today about who will care for their children and whether they can afford to place them in a quality environment.

In contrast, when we are talking about education, choices do exist for parents. There are 53 million American children who are in our elementary and secondary schools at this very hour. About 90 percent of them are in public