

General Barry McCaffrey for sending “the wrong message” when he expressed concern about the high percentage of African-Americans being imprisoned for drug offenses. Earlier this year, he categorically dismissed the view that the criminal justice system unjustly punishes African-American men as one of “the great urban myths of our time.”

Racial discrimination is offensive and unacceptable in all its aspects. The need to eliminate it continues to be one of the nation’s important challenges. It is undisputed that even though blacks and whites use illegal drugs at the same rate, blacks are incarcerated for drug offenses at a much higher rate. Mr. Walters was asked to justify his “urban myth” statement, but he only cited unrelated statistics on murder rates. We need a Drug Czar who has, at the very least, an open mind about the possibility of racial bias in drug sentencing.

Mr. Walters’ supporters contend that despite his longstanding opposition to increased treatment funding, and his very recent criticism of drug therapy, he is the right choice to revitalize our drug-control efforts and close the country’s treatment gap. I hope that they are right, and that those of us who oppose him are wrong. I am concerned, however, that by approving this nomination today, we are losing our best opportunity to develop a more balanced and more effective national strategy on drug abuse.

Mr. DURBIN. Mr. President, I join with several of my colleagues in opposing the nomination of John P. Walters to be Director of the Office of National Drug Control Policy—the Nation’s Drug Czar.

As much as anyone here, I am mindful of the need to unify behind the President during these times. Let me emphasize that I share the President’s goals in combating the problem of drug abuse, and I applaud his commitment of greater resources to drug treatment and prevention efforts. My fear, however, is that Mr. Walters is not the person to meet these goals.

John Walters is a seasoned veteran of the Drug War, someone with a long and established track record on many controversial issues. Too often in the past, he has adopted divisive stances on these issues. His views, and his certitude in advocating them, send a fair warning to this body as it debates his nomination. His controversial and often incendiary writings on drug-related issues have been red meat for the right-wing of the Republican Party.

Let me focus on a couple topics. Like many of my colleagues, I am very troubled by the considerable evidence that our prosecution of the drug war disproportionately targets racial and ethnic minorities. African-Americans represent 12 percent of the U.S. population, 11 percent of current drug users, but 35 percent of those arrested for drug violations, 53 percent of those convicted in state courts, and 58 per-

cent of those currently incarcerated in state prisons. In my home State of Illinois, African-American men end up in State prisons on drug charges at a rate 57 times greater than white men. These disparities, whatever their cause, demand the attention of the Nation’s Drug Czar. Aside from the injustice of this situation, there is stark evidence that drug offenders who are not minorities escape the same scrutiny and enforcement as those who are. Our war on drugs must be fair and balanced.

With the exception of the last few weeks, Mr. Walters has spent most of his career being dismissive of the subject of racial disparities in drug enforcement. As recently as this April, he characterized as “urban myth” the sincere concern of many, including myself, that young black men receive excessive prison terms under the current sentencing regime. He has accused the nonpartisan federal Sentencing Commission of being “irresponsible” for proposing adjustments to the 100-1 disparity between federal prison terms for crack cocaine and powder cocaine offenses, offenses which divide starkly along color lines.

It has become a cliche for public officials to lament racial profiling in law enforcement. What matters is action, not words. But even now, when Mr. Walters has experienced a “change of heart” on many issues, he will only concede that there is a “perception” of disparate treatment in the criminal justice system. As someone committed to using the Drug Czar’s office to promote criminal law initiatives, he has exhibited little sensitivity for the role that race plays in the criminal justice system. Given the important law enforcement role filled by the Drug Czar, I cannot overlook this weakness.

Another source of real concern is the nominee’s record on drug treatment and prevention. Early in my congressional career, I worked to pass legislation to improve substance abuse treatment programs for pregnant and postpartum women. We know that treatment programs can work. A study by the RAND Corporation a few years ago found that for every dollar that we invest in substance abuse treatment, the American taxpayers save \$7.46 in miscellaneous societal costs.

The Nation’s drug crisis demands that we supplement law enforcement efforts with effective treatment and prevention programs. While Mr. Walters has voiced his support for a balanced and coordinated approach, his long paper trail belies his real intentions. He has a long record of hostility towards, as he put it, the “notoriously under-performing drug treatment system,” and towards those who implement it. He has criticized those who approach drug addiction as a disease as “ideologues.” He has condemned the Drug-Free Schools Act, which created many of the same types of prevention programs he takes credit for now.

Let me say a few brief words about the John Walters who came to visit the

Senate Judiciary Committee. Judging by his answers to the Committee’s questions, he has been doing a lot of reflection lately. He now believes that “the consideration of addiction as a disease has wide application.” A man who once defended harsh mandatory minimum sentences today professes support for “second and third chances” and tempering justice with mercy. A harsh partisan critic of President Clinton now wishes to “transcend traditional political and party boundaries.” The same person who wrote “[t]here is no question that supply fosters demand” stands beside President Bush’s pledge that “[t]he most effective way to reduce the supply of drugs in America is to reduce the demand for drugs in America.”

Mr. Walters assured the Committee that he has not undergone what we refer to as a “confirmation conversion.” That is precisely what concerns me—that he has not moderated his views at all, but has merely rethought his public relations strategy. Over the course of his career, Mr. Walters has made a conscious choice to polarize rather than advance the public debate. Accordingly, I cannot provide my support for his nomination.

#### ADDITIONAL STATEMENTS

##### LIFE AS AN AMERICAN

• Mr. DURBIN. Mr. President, I rise today to share with you and the rest of my colleagues the thoughts of one of my younger constituents, for I think they are noteworthy for their insight, their honesty and their prescience.

Stephanie Kaplan, who lives in Highland Park, IL, is a junior at Highland Park High School. Stephanie recently submitted her writing to the Jewish Press in Omaha, NE, in response to their request for essays about patriotism. Out of all the responses that arrived at the newspaper, the editors deemed Stephanie’s the best among them.

Perhaps most remarkable is that this essay, in which Stephanie explains what life as an American means to her, was written in August, before Osama bin Laden became a household name and when the top news stories did not mention Afghanistan.

Our enemies have attacked us for who we are and what we believe. The very freedoms we love inspire their hatred. As our freedoms are the source of this conflict, we cannot allow them to become its casualties.

Stephanie’s writing is a timely reminder of what it is we value and what it is we are defending.

Her essay follows:

##### WHAT BEING AN AMERICAN MEANS TO ME

(by Stephanie Kaplan)

Ice cream for dinner. Sitting on the bleachers through a muggy afternoon, cheering heartily for a favored team or player. An early-morning walk, as the trees that line the street wave their green leaves in the

wind, scintillating drops of dew falling down to join their brethren on the glistening grass. Air conditioning with the twist of a knob.

This is America!

But luxuries, the majority of which can be purchased by money, do not define what being an American means to me.

Freedom. Yes, there are rules and regulations, a moral code, and systems of punishment for those who infringe and sever them. They are in place to protect the people, however, and are not oppressing as some governments, which implement so many restrictions that the citizens are suffocated by the layers upon layers of laws.

I can keep my lights on through the night, if I so wish. No policies prohibit me from befriending a Jew, a Muslim, or a person of color. And only my own predilections will rule my summer afternoon activities, be it in-line pick-up hockey on the basketball court down the street, or a lazy afternoon perched before my computer, like a dog passing away the hours chewing on rawhide.

Being a United States resident, to me, translates into the simple joy that I can ride my bike to the places that defined my care-free youth, mainly the elementary school's playground. And if I so wish, I'll stray from the paved trail and take the long route, or cut across the grass.

Most importantly, I possess no fear when being out alone. For I feel safe, in this country, that I will not be a victim of hostility based on any outward appearance. And I'd never really noticed how wonderful and rare that is until I spent three weeks on a teen tour with students from 21 different countries.

My best friend became a girl from Hong Kong, and, as we were walking along one overcast afternoon, she stated, "I hate the Beijing government." Then, she added, "If I said that in Hong Kong, in a casual conversation, I might be okay. But if I was in Beijing, I could get shot. That's why I like America, it's free for opinions."

Never experiencing any sort of political oppression, it's difficult for me to grasp what she must feel, or the fear of a simple slip translating into death.

And this country is not perfect.

But as the anthem states, this is ". . . the land of the free." Sovereignty is a daily part of life. What may have seemed like a burden—all the decisions one must make, and the consequences that can only be blamed on an individual—now seems liberating.

Existing in America means much to me, but the most poignant example is that I can pray, out loud, in Hebrew, with the shades drawn up and the door gaping, invitingly open.

On the trip, while occupying a dorm room, I prayed every morning, just as I do at home. The glaring difference was that the people who passed by my open doorway were not all Jewish. Openly, I expressed my faith and reinforced my beliefs to myself, my dedication to the Hashem.

How far we've traveled, in place, time, and pure progression, since my grandmother hid below ground in Germany, with but one dress, and could not even talk, let alone pray aloud, for fear of SS men. And the advances since my grandfather fought for survival in the same foreign country, with outlandish limitations, are miraculous.

Could, I wonder, either of them imagined a time in which their granddaughter—yes, a family!—could be so audacious as to flaunt her prayer?

It's not the passing of years, though, but the changing of countries that made it possible.

America may never be able to be defined, as being American means so many different

things to millions of unique people. For the country, when drawn, should not be its traditional shape, as seen on a map, but as a 3-D shape, with as many angles as it has citizens, for the people shape America as much as the land.

Being an American means choices, luxuries, decisions, freedoms, and a feeling of not importance, but responsibility, in illustrating the greatness of my country, and endeavoring to uphold the lofty ideals of the founders of this Nation, inhabitants who, like my grandparents, escaped tyranny and a role of inferiority to pull freedom to their chests and keep it there, chained 'til a death that does not come prematurely due to discrimination.

Being an American means I am an individual and have the independence to be just that—an American, because I believe in the country and the opportunity. While it may take a little digging, opportunity is available; even if found, one must clean off the dirt before pursuing it.

I am a living, breathing, original American, and that I can exist unscathed is what being a citizen of this realm is all about. Existing as a member of this free country means, to me, that if in 60 years my family can go from savoring every drop of water to survive to having a house with a mezuzah on each doorway, I can savor the prospects presented by freedom and find a way to take it a step farther.

After all, my door is always open.●

#### TRIBUTE TO MARY KAY ASH

• Mrs. HUTCHISON. Mr. President, I rise today to pay tribute to Mary Kay Ash.

On November 22, 2001, America and Texas lost a great person Mary Kay Ash.

Throughout Mary Kay Ash's life, her unwavering devotion to principles and to doing what is right enabled her to exert an influence unique in a society that was known for strict rules of hierarchy, specifically male hierarchy. She flourished where many fail, or simply remain in the shadows of obscurity. By doing so, she blazed the path for many women after her, we have all profited from her success.

Over her career, Mary Kay sacrificed a lot to fulfill her dream, do her duty to her family and her God, and to stand by her principles. It is women and men of that caliber who have made our country great.

Her savvy created an incredible business from a profit point of view, but, most important, she created a business that offers women the chance for personal and professional fulfillment and success. It is no wonder that Mary Kay Cosmetics is considered by Fortune Magazine as one of the top ten best companies for women, indeed, it is also recognized as one of The 100 Best Companies to Work for in America.

But Mary Kay never stopped with work, she did not even start with work. Her priorities were always clear: God first, family second, and career third. It is why, when her husband died from cancer, she put her endless energies to work in that arena as well, creating the Mary Kay Ash Charitable Foundation in 1996. This nonprofit provides funding for research of cancers affect-

ing women, and it has recently expanded its focus to address violence against women.

Since she was a fellow Texan, I was never surprised by her zest for life. E.B. White once wrote, "I arise in the morning torn between a desire to save the world and a desire to savor the world. This makes it hard to plan the day." Not for people like Mary Kay, she knew how to accomplish both.

Mary Kay remembered what was important yet still reached for the stars—and all of us are the better for it. Thank you Mary Kay, I hope you are driving a beautiful pink Cadillac up in heaven.●

#### TRIBUTE TO KAREN NYSTROM MEYER

• Mr. JEFFORDS. Mr. President, Karen Nystrom Meyer was appointed to serve as the Executive Vice President of the Vermont Medical Society (VMS) in 1988. Throughout her tenure in office, Karen's work has been characterized by great integrity, compassion and a strong understanding of the critical role physicians play in improving the quality of life in the Green Mountain State. Many Vermonters shared my sense of loss when Karen Meyer recently announced her resignation in order to accept a new position in the field of higher education.

The fourteen years she led the society were years of great change and accomplishment for the organization. It was Karen's first job as an office assistant in a large internal medicine practice that gave her a real appreciation for the struggles and rewards of practicing medicine. The first woman executive of a State medical society in the country, she completely restructured the governance of the society moving from the traditional House of Delegates representative structure to an annual membership meeting format where each VMS member may participate in making Society policy. While Vermont was the first State to restructure its governance structure in this way, many other State societies have followed Vermont's lead.

During Karen's tenure at VMS, the society was able to achieve many of its policy initiatives at the State and Federal level. These include passing the "Clean Indoor Air Act," supporting lead screening for children, ensuring coverage of clinical trials, increasing access to health care for Vermonters, funding anti-tobacco programs, and developing a strong education program for physicians around end-of life care.

Karen was also instrumental in helping to establish the Vermont Program for Quality in Health Care (VPQHC). Over the years, VPQHC has achieved national recognition for its important work developing clinical guidelines, reporting on health care quality in Vermont and educating physicians and practitioners. Karen has also demonstrated outstanding leadership and gained national recognition for her