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Senate

The Senate met at 10 a.m., and was called to order by the Honorable THAD COCHRAN, a Senator from the State of Mississippi.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we return to the work of the Senate this morning with our hearts still at half-mast. We share a profound grief over the tragic and untimely death of Secretary of Commerce Ron Brown. Our grief is mingled with the acute pain of loss for our Nation, the President, the President's Cabinet, and the Democratic Party. We ask You to continue to comfort and strengthen the Secretary's family with the assurance of eternal life. Our hearts also are heavy with the memory of the deaths of members of staff and the leading business leaders who were with the Secretary on his crucial mission of rehabilitation.

So, Lord, as we resume our responsibilities today, give us a renewed sense of the shortness of time and the length of eternity. Help us to live this day to the fullest as if it were our last day. May we never take for granted the gift of life or the privilege of serving You by giving our best to the tasks and challenges we will face today. Grant us Your grace to endure, Your wisdom to make creative decisions, and Your power to offset the pressures of the demanding life we are called to live. God, bless America. In the Lord's name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 15, 1996.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable THAD COCHRAN, a Senator from the State of Mississippi, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. COCHRAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader.

Mr. LOTT. Thank you Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, the Senate will conduct a period for morning business until 2 p.m. with Senators permitted to speak for up to 5 minutes each except for the following:

Senator HATCH will be allowed 20 minutes;

Senator DASCHLE, or his designee, for up to 90 minutes; and

Senator COVERDELL for up to 90 minutes.

At 2 p.m. the Senate will begin consideration of S. 1664, the illegal immigration bill.

No rollcall votes will occur during today's session. However, Members are expected to debate and offer amendments to the measure today. If any votes are ordered on these amendments, they will occur during Tuesday's session at a time to be determined by the two leaders.

Also, as a reminder, there will be a cloture vote at 2:15 p.m. tomorrow on the motion to invoke cloture on the motion to proceed to the Whitewater resolution.

IN TRIBUTE TO SECRETARY OF COMMERCE RONALD H. BROWN AND OTHER AMERICANS

Mr. LOTT. Mr. President, today, the Senate returns to session for the first time since the tragic accident on April 3 that took the lives of Secretary of Commerce Ron Brown and 32 other Americans.

The majority leader, with agreement of the Democratic leader, has requested that the first action of the Senate be the reading of a resolution honoring Secretary Brown and those lost in the accident.

At this time, Mr. President, I send a resolution to the desk and ask that it be read for the information of the Senate.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:
S. RES. 241

In tribute to Secretary of Commerce Ronald H. Brown and other Americans who lost their lives on April 3, 1996, while in service to their country on a mission to Bosnia.

Whereas, Ronald H. Brown served the United States of America with patriotism and skill as a soldier, a civil rights leader, and an attorney;

Whereas, Ronald H. Brown served since January 22, 1993, as the United States Secretary of Commerce;

Whereas, Ronald H. Brown devoted his life to opening doors, building bridges, and helping those in need;

Whereas, Ronald H. Brown lost his life in a tragic airplane accident on April 3, 1996, while in service to his country on a mission in Bosnia; and

Whereas, thirty-two other Americans from government and industry who served the Nation with great courage, achievement, and dedication also lost their lives in the accident; now, therefore, be it

Resolved, That the Senate of the United States pays tribute to the remarkable life and career of Ronald H. Brown, and it extends condolences to his family.

SEC. 2. The Senate also pays tribute to the contributions of all those who perished, and extends condolences to the families of: Staff

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Sergeant Gerald Aldrich, Duane Christian, Barry Conrad, Paul Cushman III, Adam Darling, Captain Ashley James Davis, Gail Dobert, Robert Donovan, Claudio Elia, Staff Sergeant Robert Farrington, Jr., David Ford, Carol Hamilton, Kathryn Hoffman, Lee Jackson, Steven Kaminski, Kathryn Kellogg, Technical Sergeant Shelley Kelly, James Lewek, Frank Maier, Charles Meissner, William Morton, Walter Murphy, Lawrence Payne, Nathaniel Nash, Leonard Pieroni, Captain Timothy Schafer, John Scoville, I. Donald Terner, P. Stuart Tholan, Technical Sergeant Cheryl Ann Turnage, Naomi Warbasse, and Robert Whittaker.

SEC. 3. The Secretary of the Senate shall transmit a copy of the resolution to each of the families.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, it is the intention of the majority leader to bring the resolution up for final passage sometime after tomorrow's policy luncheons. That will allow those Members who desire to come to the floor and pay tribute to Secretary Brown and other public servants and industry leaders who lost their lives.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Under a previous order, the Senator from Utah [Mr. HATCH] is recognized to speak for up to 40 minutes.

Mr. KENNEDY. Mr. President, will the Senator yield for a consent request?

Mr. HATCH. I am delighted to.

Mr. KENNEDY. Mr. President, I requested through our leadership to be also included on the list. I ask unanimous consent to be recognized after Senator HATCH for 20 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. I thank the Senator. I thank the Chair.

Mr. HATCH. Mr. President, I ask unanimous consent that I be given an additional 2 minutes so that I can personally pay my respects to Ron Brown and his family.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I will not say much here today except that I knew Ron Brown very well. I thought he was one of the finest people in this town. I knew him when he was a leader on the Judiciary Committee under Senator KENNEDY, and we were friends ever since.

Many times I have lamented that we did not have as competent and tremendous a leader in our party as then Chairman Brown was. We had good people. We can be proud of them. But Chairman Brown did one of the best jobs I have ever seen done in a national election.

I also have traveled around the world and have seen some of the work that he has done with regard to the Commerce Department's work and opportunities, and he did a terrific job. He was well

recognized all over the world as somebody who advanced America's business.

I personally want to send a message to his family and to those who loved Ron Brown that I did, too, and I had cared for him. Had I not been in the Balkans during that time—we left the day after the accident—with the minority leader and Senator REID, I would have been at his funeral to pay my respects to him and his family. Of course, I am very grieved and hurt by this tragic accident.

I also want to extend my sympathy to all of the families of those who died in that tragic accident. Having traveled over there, I can see how that could occur. I can see how difficult that must have been for all of those families who lost loved ones as a result of that tragic crash.

I could not speak more highly of a person than I am presently speaking of Ron Brown.

I knew some of the others on the plane. I actually met with some of the people who were friends of the crew who flew the plane. We had a crew that flew us into Sarajevo and into Tuzla who basically had worked day in and day out with all of the members of that crew.

I know that I speak for everybody in the Senate and across this country in extending our sympathy to all those folks who lost their lives. I hope Ron's wife, Alma, will be comforted, and I hope that the family will be comforted as well. He has my respect, and I am very happy to have had this time to pay my respects this morning.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Massachusetts is recognized to speak for up to 20 minutes.

Mr. KENNEDY. Mr. President, I would like to read into the RECORD a tribute to Ron Brown which I gave last Tuesday evening at the Metropolitan Baptist Church here in Washington. There were a number of speakers who reflected on Secretary Brown's very considerable life, from early beginnings to really an outstanding distinguished career, and spoke with great tenderness and sensitivity and thoughtfulness, not only about Ron but also about his family.

I would like to take just a few moments of the Senate's time today to read those remarks into the RECORD:

Alma, Tracey, Michael and Tami, Gloria Brown, friends and fellow mourners:

I speak this evening in tribute to Ron Brown, because I knew him well and loved him dearly. But I join as well in tribute to the thirty-four others we have lost, who have now given the last full measure of devotion. Our hearts are breaking now. Our minds can hardly conceive the loss, or compose the words to express the depth of what we feel.

The poet could have been thinking of Ron Brown when he wrote of another who died too young, in words used about my brothers too: "What made us dream that he could comb gray hair?"

Ron and I were supposed to have lunch this Friday. It had been too long. We wanted to catch up. The Senate would be in recess, and Ron would be back from Bosnia.

He said he wanted to show me the large fish tank in his office. When he and Alma were at our home one evening, I had shown them the modest tank we have. He winked at me and told Vicki and our two children: "Come on over to my office—and bring Curran and Caroline too. I'll show you a real fish tank. I'll even tell Ted where you can get one." That was Ron—always the best in everything he did, and wanting it for everyone else too.

We also had a few items of business to discuss. Ron was Chairman of the Senior Advisory Committee of the Institute of Politics at the Kennedy School of Government at Harvard. For him, it was a long and lasting labor of love. As he had been inspired in his youth, so he always found time for the next generation. While he was busy electing a President in 1992, he was never too busy for those whose election would come in 2012. He was there, year in and year out, for every meeting at the Institute of Politics. He would stay overnight in President Kennedy's room at Winthrop House and eat and talk with the undergraduates. He inspired students as he inspired CEOs. He was equally at home in the classroom and the boardroom, in Harlem and at Harvard.

So at lunch on Friday, we were to discuss the meeting in Cambridge that was coming up later this month. The committee had a couple of vacancies to fill. And now there is an unfillable new vacancy.

Ron was first in so many things—his career was so brilliant and conspicuous—that he was almost certainly bound to be a target for some as surely as he was a role model for others. He was prepared to pay that price to advance his country and his beliefs. And something now demands to be said. This, my friends, was a man of great honor who proved anew my brother's ideal that public service is a great and honorable profession.

I first came to know Ron almost half a lifetime ago during his years at the Urban League. He was in the vanguard of the new generation of civil rights leaders.

He already had then what he would later bring to the highest places of power—a rare quality of double vision in public life, which enabled him to see the issues clearly and see the politics just as clearly too. He knew how to steer by the stars, not just by the fading signals of each passing ship.

He honored me by becoming part of my campaign for President in 1980. He came on board as deputy campaign manager for civil rights, and soon became deputy for everything else as well. He was Will Rogers in reverse. I never met a person who didn't like Ron Brown.

In 1980, I lost the nomination. But in Ron, I gained another brother.

He was irrepressible and undefeatable. For him, "no you can't" always became "yes you can." You can integrate that college fraternity. You can win the California primary. You can rebuild the Democratic Party and elect a President in a year when almost no one else thought it could happen. Then you can reinvent government and invent a new commercial diplomacy for a new post-Cold War world. You can make the Commerce Department work—and if you'll pardon a partisan note today, don't let anyone on Capitol Hill tell you you can't.

Ron believed in government and all of you and in public service. He detested cynicism and the shameful politics of running for office by trashing the institutions you seek to lead. He helped to write history, and not a single word he wrote was petty or mean.

I have been through other moments like this, and I know how tightly we grasp the memories in order to keep the man. We recall what was only yesterday, and smile through our tears.

I still see Ron, coming to play tennis on early mornings before work. He'd arrive with three rackets, dressed to the nines, looking like he was ready to play at Wimbledon. He always won, and that's why I always made sure he was my partner in doubles.

He had a style and a soaring spirit. He had a host of friends who were honored to serve with him—many of us assembled here today—those who were with him on his last journey—and one other I must mention who was with him on that remarkable journey to victory at the DNC—his sidekick, Paul Tully. Ron, of course, never had his tie out of place, while Paul never had his shirt tucked in. What a marvelous combination they were for their party and their country. Ron saw and called on the best in Paul, and in all of us.

The great physicist Lord Rutherford was once asked how he always happened to be riding the crest of the wave, and he replied, "Well, I made the wave, didn't I?" That's how I felt about Ron Brown. He was one of those few who make the waves that carry us to a better distant shore.

For his nation, Ron was more than an ambassador of commerce. His missions were pilgrimages of peace, of economic hope and democracy's ideals.

For his party and his President, he was close to the indispensable man.

For his friends, he was a Cape Cod day and a cloudless sky.

For his family, he was everything—as they were for him. Sometimes, I'd call during the day to see if he and Alma could drop by that evening. He'd call back and ask for a rain check. Michael and Tami were going out, and Ron and Alma were babysitting for their twins. How he loved those two young boys, Morgan and Ryan. His whole face would light up when he talked about them.

And how proud he was and how much he loved his children, Michael and Tracey. Everyone who knew Ron knew how special they were to him, how much pride he took in their accomplishments, how close he was to them.

And Alma, dear Alma, how he loved you. I remember vividly one time when Vicki and I were talking to Ron and we saw Alma across the room. I mentioned how beautiful she looked, how extraordinary she was. Ron's face lit up with that sparkling trademark smile, and he said, "She's pretty spectacular, isn't she?" That said it all, and the word "spectacular" was made for Ron Brown too.

Now Ron's journey of grace has come to an incomprehensible end. But for this generation and generations to come, he is spectacular proof that America can be the land of opportunity it was meant to be.

We love you and we miss you Ron—and we always will.

CIVIL RIGHTS POLICY AND THE NATION'S FUTURE

Mr. HATCH. Mr. President, our country stands at a crossroads in the path it travels in relations among the different races and ethnic groups that make up the American people. Down one path is the way of mutual understanding and goodwill; the way of equal opportunity for individuals; the way of seriously and persistently addressing our various social problems as America's problems. It is the way, ultimately, of greater unity among our people. Down the other path is the way of mutual suspicion, fear, ill will, and indifference; the way of group rights and group preferences. On this path we

march toward greater division. And, on this path, the signpost is marked: equal results for groups, not equal rights for individuals.

This is a time when our national leadership needs to lead us down the proper path. I am concerned, however, that the President views this subject too much as a political issue. It has been an issue which he has sought to manage in order to avoid an intra-party challenge or independent candidacy from his left, rather than simply base policy solely on the merits. Thus, he has firmly and resolutely defended, in principle, the current racial, ethnic, and gender preference regime in this country. And, in practice, he has preserved the vast bulk of the actual preferential programs, of which there are dozens at the Federal level and many more at other levels of government, that make up this regime. At the same time, he apparently believes he can nibble at the edges of this problem of preferences, to look like he is doing something meaningful about it.

We must start with a genuine dialog on race, ethnicity, and how public policy can be changed for the better.

In my opinion, the discussion of this issue must begin with the understanding of this country's history of discrimination against some people because of their membership in a particular racial, ethnic, or gender group.

Indeed, one aspect of this history, the continued subjugation of people enslaved because of the color of their skin, is not merely an unspeakable evil that mocked our principles and ideals; in fact, slavery, together with the continuing discrimination following its eradication, still has consequences today.

I think many members of the white majority in this country have difficulty appreciating just how significantly different and less hospitable an experience black people, and members of other nonwhite minorities, have had in our country. This does not mean, of course, that Irish, Italian, Eastern European, and other peoples in the white majority did not suffer discrimination in America, or that religious minorities in America, such as Catholics, Jews, and Mormons, have not been victimized because of their religion. Some of this discrimination, regrettably, still occurs. But the color line in this country, was, and is, one of the harshest lines that has ever confronted our people.

It was not so long ago that State Governors stood in schoolhouse doors to bar black students from entering. Black and Hispanic youngsters were discriminated against at all levels of education in many parts of the country. It was not so long ago that U.S. marshals and Federal troops had to protect public school children and college students in exercising their constitutional rights. People were murdered because of their black, brown, and yellow skin—a crime still committed in our country in recent years.

And people lost their lives in trying to remove the color line in our law.

It was not so long ago that Americans of black and brown skin could return from service in our Armed Forces, be able to afford an apartment or house, yet be lawfully turned away because they were regarded as the wrong color for the neighborhood. Many of the basic necessities of life—jobs, housing, public accommodations, the right to vote—were legally denied or curtailed because of race, color, and ethnicity.

We will never go back to those days. But we must never forget them. And it is necessary for white Americans to have understanding in their hearts, empathy in their actions and attitudes, and a willingness to address social problems in this country—not just the problems they and their neighbors face, but problems all of our people face.

We need, in my view, a mutual understanding among the races that the legacy of past and present-day discrimination, and its social effects, must be addressed, and that our actions and remedies addressing these problems must be fair and must avoid penalizing innocent persons. We can do this.

This mutual understanding might be summed up this way: The legacy of distant discrimination, committed beyond the statute of limitations of our civil rights laws, must be treated as a socioeconomic problem, and not as a problem calling for preferences against innocent persons today. Further, present-day violations of our civil rights laws, of course, must be vigorously pursued; but, again, persons not victimized by present-day violations should not be preferred over innocent persons in any remedy.

One way to illustrate this point is this: While title VII, which prohibits discrimination in employment, can ensure that the best qualified person not be denied a job because of race, ethnicity, or gender, title VII does nothing to help anyone become the best qualified person for a job.

We need a mutual understanding that our pride in our racial, ethnic, and religious backgrounds in America is exactly that, pride in an important part of ourselves, and hostility to no other person on its account.

We need a mutual understanding that we live in a free and good society, with all of its flaws, where opportunity and the ability to dream big dreams remain open to us, where progress has been made in making the great possibilities of America available to all, and where we are not yet finished.

Indeed, I say to my fellow Americans, we are not ultimately defined by our race, ethnicity, or color, but by our common humanity and our common citizenship. American values, American principles, American ideals must be our guide. Our Declaration of Independence says it well: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain