

of the Senate is a desire to raid the education pot to pay for other programs higher up on someone else's national agenda.

How do I say that? If the words of our distinguished majority leader are true and the tremendous commitment he has shown on the floor today is actually true, then I wonder why the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of this great Senate has reduced the money for education by 17 percent over last year's levels. If all this rhetoric is really true, why are we, in the background, in some subcommittee on appropriations, cutting 17 percent out of education funding from last year?

I agree with the words of Prime Minister Benjamin Disraeli, the great British Prime Minister of the last century, when he said for his countrymen in that century words that ring true for us as we go into a new century. He said: Upon the education of the people of this country, the fate of this country depends.

If I had to sum up our challenge as a Nation—and I am on the Armed Services Committee, and I know we are challenged in our military defense of this great Nation—I would say to you, without an educated workforce, without an educated defense force, we cannot compete in the world, either economically or in terms of our own defense.

The sad part about it is, every day in America almost 2,800 high school students drop out. The United States, once the leader in high school graduation among industrialized nations, now trails 22 nations and leads only 1, Mexico. This is not acceptable. This will not get us where we want to go in the next century. Each school year, more than 45,000 underprepared teachers, teachers who have not even been trained in the subjects they are teaching, enter the classroom. Who here among us believes this to be acceptable? I don't. Most fourth graders cannot read and understand a simple children's book, and most eighth graders can't use arithmetic to solve a practical problem—that according to a recent survey in Education Week. Who would argue in this body we have to do better?

Last year, there were 4,000 reports of rape and sexual battery in America's public schools. We have had an outbreak of violence in the schools. Remember Littleton, Jonesboro, Conyers? School shootings were unheard of in this Nation 20 years ago. Who here would not do everything in their power to restore safety and sanity to America's schools?

The truth is, Democrats and Republicans alike have to raise this to the top of our agenda. It is time to put education first and put first things first. We have to be willing to invest in the Nation's future, improve the recruitment and retention of professional teachers.

We have to improve our test scores, although that is not, in my opinion, the single-most important goal of our public educational system. The most important goal is to teach kids to think. I remember a story about Bill Gates. Out in Seattle, his mother went out in the garage where Bill was and said, "Son, what are you doing?" He said, "Mother, I'm thinking." That is the goal of our public educational system.

The Public Schools Excellence Act recognizes America's ability to attract and retain qualified teachers is key to quality education. S. 7, of which I am a cosponsor, would provide local school districts with the help and support they need to recruit excellent teacher candidates. I agree, the States are the leaders in educational improvement. They have to be. I was a State official, with 4 years in the State senate and 12 years as secretary of state. I spent more time as a State official than I have as a Federal official. But it is obvious, a lot of our school systems in our States can't get to where we need them to be without some Federal help. Who would deny that?

We need 100,000 new, trained, qualified teachers in this country. One reason is to reduce class size in grades 1 through 3. Every index I have seen of student performance—and part of the key to student excellence and achievement is the reduction of the pupil-teacher ratio, particularly in grades 1 through 3. No matter how you cut it, a teacher with 10 or 15 students in the class, regardless of where those teachers and students are—what State, what district, what county—they learn more and do better than a teacher who has 30 or 35 kids in the class.

We have another problem: 14 million children in the U.S.A. attend schools in need of extensive repair or replacement. I come from a State that is fast-growing, and it is hard to build enough classrooms, particularly in Metropolitan Atlanta. If you look around my State, a recent survey pointed out that in Georgia some 62 percent of our classroom buildings need repair. We have had legislation on the floor of the Senate to deal with this. We have not dealt with it.

There is another issue. Every day, 5 million children have to care for themselves in the hours before and after school. When I was growing up, in my hometown of Lithonia, when I came home—and my mother and father were working—my grandmother was there. I was not a latchkey kid. The truth is, in that key time period from 3 o'clock to 8 o'clock at night, half of all the violent juvenile crime in this country takes place. This is a key period for our youngsters in America. Why can't we help out?

Today, only a virtual handful of children participate in good afterschool care. Let's not cut educational funding from what it was last year by 17 percent. Let's not let this subcommittee, behind our backs, cut the feet out from

under us as we make great speeches on the floor of how many of us support education.

Let us actually take a lesson from Bill Gates: Let us help our communities reduce juvenile crime by investing our dollars in afterschool care. That is one of the challenges before us and one of the programs that was cut by the subcommittee.

Let me say also that I think we ought to take the words of Benjamin Disraeli to heart as we enter this debate next week, as it is a truism: "An investment in education is an investment in the future of America."

I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

ADMIRAL KIMMEL AND GENERAL SHORT

Mr. ROTH. Mr. President, I rise today to discuss an important—a historically important—vote taken in the course of our recent deliberations on defense policy. I am speaking of the rollcall vote this Chamber took on May 25 requesting the long-overdue, posthumous advancement of two fine World War II officers, Adm. Husband Kimmel and Gen. Walter Short. The Senate voted in support of the Kimmel-Short resolution, and I wish to take a moment to underscore the historic import of that vote.

As you may recall, Admiral Kimmel and General Short were publicly and wrongly accused of dereliction of duty and unfairly scapegoated with singular responsibility for the success of the fateful December 1941 attack on Pearl Harbor.

After the end of World War II, this scapegoating was given a painfully unjust and enduring veneer when Admiral Kimmel and General Short were not advanced on the retired lists to their highest ranks of war-time command—an honor that was given to every other senior commander who served in war-time positions above his regular grade.

After over 50 years, this injustice remains a prominent, painful spur in the integrity of our Nation's military honor. After numerous official investigations totaling well over 30 volumes of thick text absolved these officers of dereliction of duty and highlighted gross negligence and ineptitude on the part of their superiors as predominant factors in the Pearl Harbor disaster, these officers still remain unfairly treated.

For those of you who are interested, I will shortly send to the desk for placement in the CONGRESSIONAL RECORD a set of excerpts from these investigations. This is a short document, but it poignantly highlights how unjust treatment endured by Kimmel and Short just does not correlate with the official history—the official documented history—of the Pearl Harbor disaster.

Anyone who looks over these few pages cannot but feel uncomfortable with how our Nation has so unfairly turned its back on these two officers who dedicated their lives to our own freedoms.

Mr. President, a great step, indeed an historic step was taken toward the correction of this injustice last May, on May 25 to be exact. This Chamber, the U.S. Senate, the legislative body our Constitution deems responsible for providing advice and consent in the promotion of military officers, voted and passed an amendment to the Senate Defense authorization bill that stated:

This singular exclusion from advancement of Rear Admiral (retired) Kimmel and Major General (retired) Short from the Navy retired list and the Army retired list, respectively, serves only to perpetuate the myth that the senior commanders in Hawaii were derelict in their duty and responsible for the success of the attack on Pearl Harbor, and is a distinct and unacceptable expression of dishonor toward two of the finest officers who have served in the Armed Forces of the United States.

This resolution then requested the President to advance the late Rear Adm. Husband Kimmel to the grade of admiral on the retired list of the Navy and the late Maj. Gen. Walter Short to the grade of lieutenant general on the retired list of the Army.

Mr. President, the injustice suffered by Admiral Kimmel and General Short remains a flaw in the integrity of our Nation's chain of command and its unparalleled military honor.

In this regard, the Senate's vote on the Kimmel-Short resolution was of great historic importance. The Senate has every right to be proud of this vote. This Chamber, which under the Constitution is responsible for promotion of military officers of our Armed Forces, deemed the treatment of Kimmel and Short to be unfair and unjust and inconsistent with our national sense of honor.

That vote gave formal and official recognition to this injustice and highlighted it as a pernicious inconsistency in the application of our national understanding of military accountability.

It demonstrated that no wrong, no matter how distant in the past will be ignored by this Chamber. It correctly called upon the President to correct this injustice by advancing these two fine officers on the retired lists.

It is now up to the President to take this corrective action. I hope that he will not heed the contradictory conclusions of his advisors on this matter. While the Pentagon opposes the advancement of Kimmel and Short, they nonetheless recognize that, and I quote their own 1995 report, "responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and Lieutenant General Short, it should be broadly shared."

How they square this conclusion with the reality that today Kimmel and Short are the only two officials to suffer from official sanction is beyond me.

I hope that the President of the United States will use his wisdom to

listen beyond this contradictory and unjust advice. I hope that he will look at the official record compiled by over eight official investigations.

I hope that he will listen to the studied voice of the Senate and take the final step necessary to correct this injustice by advancing these two fine officers to their highest grade of World War II command on the retired lists.

Mr. President, the Senate has once again ably demonstrated that it is never too late to correct an injustice. I urge the President of the United States to do the same and advance Kimmel and Short to their highest grade of command as was done for their peers who served in World War II.

Mr. President, I ask unanimous consent to have an attachment printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KEY EXCERPTS FROM THE PEARL HARBOR INVESTIGATIONS

THE DORN REPORT (1995)

"Responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and General Short; it should be broadly shared."

"It is clear today, as it should have been since 1946 to any serious reader of the JCC (Joint Congressional Committee) hearing record, that Admiral Kimmel and General Short were not solely responsible for the defeat at Pearl Harbor."

"... the evidence of the handling of these (intelligence) messages in Washington reveals some ineptitude, some unwarranted assumptions and misestimates, limited coordination, ambiguous language, and lack of clarification and follow-up at higher levels."

"The 'pilot', 'fourteen-point' and 'one o'clock' messages point, by the evening of December 6th, to war at dawn (Hawaiian time) on the 7th—not to an attack on Hawaii—but officials in Washington were neither energetic nor effective in getting that warning to the Hawaiian commanders."

THE ARMY BOARD FOR THE CORRECTION OF MILITARY RECORDS (1991)

"The Army Pearl Harbor Board (of 1944), held that General Marshall and the Chief of War Plans Division of the War Department shared in the responsibility for the disaster."

"The applicant in this case . . . must show . . . that the FSM (in this case Major General Short) was unjustly treated by the Army . . . the majority found evidence of injustice."

"In this regard, the majority was of the opinion that the FSM, singularly or with the Naval commander, was unjustly held responsible for the Pearl Harbor disaster."

"Considering the passage of time as well as the burden and stigma carried until his untimely death in 1949, it would be equitable and just to restore the FSM to his former rank of lieutenant general on the retired list."

"Recommendation.—That all of the Department of the Army records, related to this case be corrected by advancing the individual concerned to the rank of lieutenant general on the retired list."

THE ARMY PEARL HARBOR BOARD INQUIRY (1944)

"The Chief of Staff of the Army, General George C. Marshall, failed in his relations with the Hawaiian Department in the following particulars:

(a) To keep the Commanding General of the Hawaiian Department fully advised of

the growing tenseness of the Japanese situation which indicated an increasing necessity for better preparation for war, of which information he had an abundance and Short had little.

(b) To send additional instructions to the Commanding General of the Hawaiian Department on November 28, 1941, when evidently he failed to realize the import of General Short's reply of November 27th, which indicated clearly that General Short had misunderstood and misconstrued the message of November 27 and had not adequately alerted his command for war.

(c) To get to General Short on the evening of December 6th and the early morning of December 7th, the critical information indicating an almost imminent break with Japan, though there was ample time to have accomplished this."

"Chief of War Plans Division War Department General Staff, Major General Leonard T. Gerow, failed in his duties in the following respects:

(a) To send to the Commanding General of the Hawaiian Department on November 27, 1941, a clear, concise directive; on the contrary, he approved the message of November 27, 1941, which contained the confusing statements.

(b) To realize that the state of readiness reported in Short's reply to the November 27th message was not a state of war readiness, and he failed to take corrective action."

THE NAVAL COURT OF INQUIRY (1944)

"It is a prime obligation of Command to keep subordinate commanders, particularly those in distant areas, constantly supplied with information. To fail to meet this obligation is to commit a military error."

"It is a fact that Admiral Stark, as Chief of Naval Operations and responsible for the operation of the Pacific Fleet, and having important information in his possession during this critical period, especially on the morning of 7 December, failed to transmit this information to Admiral Kimmel, thus depriving the latter of a clear picture of the existing Japanese situation as seen in Washington."

"The Court is of the opinion that the deficiencies in personnel and materiel which existed in 1941, had a direct adverse bearing upon the effectiveness of the defense of Pearl Harbor on and prior to 7 December."

"The Court is of the opinion that Admiral Kimmel's decision, made after the dispatch of 24 November, to continue preparations of the Pacific Fleet for war, was sound in light of the information then available to him."

"The Court is of the opinion that Admiral Harold R. Stark, U.S.N., Chief of Naval Operations . . . failed to display the sound judgment expected of him in that he did not transmit to Admiral Kimmel . . . during the very critical period 26 November to 7 December, important information which he had regarding the Japanese situation, and especially on the morning of 7 December 1941, he did not transmit immediately the fact that a message had been received which appeared to indicate that a break in diplomatic relations was imminent, and that an attack in the Hawaiian area might be expected soon."

THE JOINT CONGRESSIONAL COMMITTEE REPORT (1946)

"The errors made by the Hawaiian commanders were errors of judgment and not derelictions of duty."

"The War Plans Divisions of the War and Navy Departments failed:

"(a) To give careful and thoughtful consideration to the intercepted messages from Tokyo to Honolulu of September 24, November 15, and November 20 (the harbor berth plan and related dispatches) and to raise a

question as to their significance. Since they indicated a particular interest in the Pacific Fleet's base, this intelligence should have been appreciated and supplied to the Hawaiian commanders for their assistance, along with other information available to them, in making their estimate of the situation.

"(b) To be properly on the qui vive to receive the 'one o'clock' intercept and to recognize in the message that the fact that some Japanese military action would very possibly occur somewhere at 1 p.m., December 7. If properly appreciated this intelligence should have suggested a dispatch to all Pacific outpost commanders supplying this information, as General Marshall attempted to do immediately upon seeing it."

**TRIBUTE TO BRIGADIER GENERAL
TERRY L. PAUL, UNITED STATES
MARINE CORPS**

Mr. LOTT. Mr. President, I would like to pay a special tribute today to Brigadier General Terry L. Paul, the Legislative Assistant to the Commandant of the Marine Corps and trusted friend of the United States Senate. After almost thirty years of honorable and dedicated service in the Corps, Brigadier General Paul will retire from active duty October 1st, 1999.

The Members of Congress and their staffs have come to know General Paul as a person who possesses a deep and abiding passion for the institution which he has served so faithfully—the United States Marine Corps. It is difficult to comprehend a Corps absent the ranks of a Terry Paul. His absence will be especially felt in the Office of Legislative Affairs where he served nine years in the Senate Liaison and most recently as the Legislative Assistant to the Commandant. He has set the standard by which all other Legislative Assistants will be measured.

The strength of the Marine Corps relationship with the Congress is in large measure due to the professional dedication of Brigadier General Paul. This relationship has been forged and nurtured over the years by his unrelenting resolve to establish a climate of mutual respect and understanding. The underpinning for this success was a rapport that was built on a credible and straightforward approach for dealing with issues, large or small. He possessed an innate ability to appreciate the environment in which he worked. It is through this understanding we can fully treasure the tenacity of Terry Paul to communicate the Commandant's message of "making Marines and winning battles" on Capitol Hill.

Brigadier General Paul's imprint will resonate through these hallowed halls and unto our Nation long after his departure. Through the foresight and oversight of the United States Congress, the Corps will have been provided the needed resources that will enable it to confront the challenges of the 21st century. Terry Paul was always there to foster and develop our knowledge of key resource needs. When all seemed lost with the pending cancellation of the V-22 program it was

Brigadier General Paul that was assigned as "point-man" on the Hill—responsible for building support to resurrect, not merely a dying program, but to advocate a concept which would ultimately revolutionize warfare in the next century. General Paul ensured Congress was aptly informed as to the capabilities, technological advances, concept of operations, and funding requirements to bring this program to fruition. His vigilance and ability to communicate carried the day. The V-22 Osprey will enable commanders to accomplish the mission more efficiently, with far fewer casualties than otherwise would have been the case. Terry fought the hard fight and he should be extremely proud that his unrelenting efforts have borne the fruit of his labor.

General Paul carried the message to the Hill on a plethora of programs. Programs that represented innovation, ingenuity, and a willingness to adapt to changes on the emerging battlefields which will elevate the Marine Corps as the world's premier crisis response force in the 21st century. Programs such as the Advanced Assault Amphibious Vehicle, the KC-130J, Maritime Pre-positioned Force-Enhancement and LHD class ships.

General Paul is a leader of unquestionable loyalty and unswerving standards. His tenure as the Commandant's Legislative Assistant was the capstone performance of nearly thirty-year career in the infantry, Senate Liaison office, and as a Special Assistant to the Commandant. For his efforts the Marine Corps is a better institution today, one that has a bright and prosperous future. Terry, we the Members of the United States Senate and the 106th Congress want to convey our sincere appreciation for all you have done for our Nation. Your legacy will be the well-equipped Marines who will continue to provide for our country's defense. They will be better equipped, more capable, and better able to survive on the modern battlefield due to your dedication and selfless sacrifice to duty. You will be sorely missed, but surely not forgotten.

**STOP PLAYING POLITICS WITH
OUR NATIONAL SECURITY: RATIFY
THE TEST-BAN TREATY**

Mr. BIDEN. Mr. President, three years ago today, the United States led the world in signing the Comprehensive Nuclear Test-Ban Treaty. Since then, 152 countries have followed our lead; and 45 of them, including Great Britain and France, have ratified the Treaty.

Two years and two days ago, the President of the United States submitted the Comprehensive Nuclear Test-Ban Treaty, plus six safeguards, to the Senate for its advice and consent to ratification. Since then, the Senate has done nothing.

That is an outrage. We—who are rightly called the world's greatest deliberative body—have been unwilling

or unable to perform our constitutional duty regarding this major treaty.

Some of my colleagues have principled objections to this treaty. I respect their convictions. I have responded on this floor to many of their objections, as have my colleagues from Pennsylvania, North and South Dakota, Michigan and New Mexico.

Now it is time, however, for the Senate to do its duty. Administration officials, current and former Chairmen of the Joint Chiefs of Staff, and eminent scientists are prepared to testify in favor of the Test-Ban Treaty. We, in turn, are prepared to make our case in formal Senate debate on a resolution of ratification.

It is high time that the Republican leadership of this body agreed to schedule Senate debate and a vote on ratification. It is utterly irresponsible for the Republican leadership to hold this treaty hostage to other issues, as it has for two years.

The arguments in favor of ratifying the Test-Ban Treaty are well-known.

It will reinforce nuclear non-proliferation by reassuring non-nuclear weapons states that states with nuclear weapons will be unable to develop and confidently deploy new types of nuclear weapons.

It will keep non-nuclear weapon states from deploying sophisticated nuclear weapons, even if they are able to develop designs for such weapons.

It will improve our ability to detect any nuclear weapons tests, with other countries paying 75% of the bill for the International Monitoring System.

U.S. ratification will encourage India and Pakistan to sign and ratify the Test-Ban Treaty—one of the few steps back from the nuclear brink that they may be willing to take, without a settlement of the Kashmir dispute.

U.S. ratification will encourage Russia, China and other states to ratify.

Our ratification will maintain U.S. leadership on non-proliferation, as we approach the Nuclear Non-Proliferation Treaty Review Conference next April. That U.S. leadership is vital to keeping non-nuclear weapons states committed to nuclear non-proliferation.

Equally important are the safeguards that the President has proposed, to ensure that U.S. adherence to the Treaty will always be consonant with our national security:

A: The conduct of a Science Based Stockpile Stewardship program to ensure a high level of confidence in the safety and reliability of nuclear weapons in the active stockpile. . . .

B: The maintenance of modern nuclear laboratory facilities and programs . . . which will attract, retain, and ensure the continued application of our human scientific resources to those programs. . . .

C: The maintenance of the basic capability to resume nuclear test activities. . . .

D: Continuation of a comprehensive research and development program to improve our . . . monitoring capabilities. . . .

E: The continuing development of a broad range of intelligence . . . capabilities and operations to ensure accurate and comprehensive information on worldwide nuclear . . . programs.