called for contingency plans and investigation of the possibilities of utilizing our domestic resources, including the Alaska oil reserves. Since then, we have faced other energy scares, such as that which contributed to the Persian Gulf war. There is no reason to believe that such crises will not recur, and I urge Congress to continue exploring alternatives to dependence on foreign energy sources.

Military alignments among nations will be a major consideration in the future. One reason I supported the defense buildup in the 1980's was to reassert the U.S. position among our allies, which needs to be sustained. The expansion of NATO into the former Eastern bloc remains a key question of alignment. In 1993, NATO began to consider the admission of new members, including Poland, Hungary, and the Czech Republic, but Russia's position was unclear. The fall of communism did not bring a conflict-free Europe, but instead brought back some of the old alignments and hostilities that had existed before the two world wars. As chairman of the Senate delegation on the North Atlantic Assembly, I introduced a plan to provide specific guidelines for getting nations ready for NATO membership pursuant to the Partnership for Peace plan. Congressman DOUG BEREUTER of Nebraska, a vice chairman of the Assembly, joined me in this effort. Our plan calls for NATO applicants to demonstrate civilian control of the military and police, free and open elections, policies against international terrorism and crime, and other commitments desirable of NATO members. The plan also required the NAA's permanent committees to consider and report on any reform these countries might need to implement before NATO admission. I believe we need to be very cautious in the future about not treating NATO as a type of European United Nations, and remember that it is first and foremost a military alliance.

In my role as chairman and cochairman of the NAA Senate delegation, I have also gained direct input from European parliamentarians on such matters as lifting the arms embargo on Bosnia. Many of these leaders feared that a unilateral lifting of the embargo would cause a spillover. I argued that given the complexities of the war in Bosnia, there was simply no good way to know what effect it might have. With great reservation, I ultimately supported an amendment in the Senate to lift the embargo only under the auspices of the U.N. and NATO.

While I firmly believe in keeping our military strong—the best in the world—I also believe that reducing nuclear weapons and other weapons of mass destruction should remain a top priority. In so doing, we must again look at recent history as a guide. When President Carter signed the SALT II Treaty in 1979, I had serious reservations about its provisions. Could we rely on the Soviets to be honest about compliance? More importantly, could we confirm their compliance? These questions and others weighed heavily on my mind, as they undoubtedly did on those of all involved. There were methods available to verify Soviet missile tests and other related activities, including telemetry, satellites, and radar. But, if our then-adversary violated the treaty, the problem of dealing with noncompliance remained.

At that time, I advocated tough diplomacy backed up by definitive intelligence information. I felt this was the only realistic way to proceed. Of course, that was easier to say than do. What would the Soviet reaction have been? Would we have been able to rely on our own technology and intelligence for confirmation? Would they view such a stand as provocative or threatening?

Another problem was the fall of the Shah of Iran. A number of our primary detection stations were in Iran, and the CIA estimated that it would take at least 5 years to recover what we had lost, due to the instability there. Ultimately, the treaty died when the Soviet Union invaded Afghanistan.

To make the point even more clear, look at the situation in 1991, when Presidents Bush and Gorbechev signed the START agreement. I was very hesitant about ratifying that treaty. Its signing came shortly after the attempted coup in August of that year. This kind of instability would almost certainly come into play with other unpredictable nations who are becoming nuclear powers. In 1991, the outcome was favorable, but we cannot always bank on such an outcome.

When we do have to defend our vital national interests, economic sanctions and embargoes will continue to be an effective tool. I have usually supported sanctions over force, at least initially. I first called for the use of sanctions against Iran, after the hostage crisis began. I also introduced legislation to compensate the hostages from frozen Iranian assets in the United States. Similarly, I would have preferred the use of sanctions against Haiti rather than the threat of force.

But, we must be careful with the sanctions strategy, because it is not always effective, and sometimes it hurts Americans as much as the country we are trying to influence. I felt this was the case with the grain embargoes against the Soviet Union, which hurt United States farmers more than the Government of the U.S.S.R. Generally speaking, we should ensure the effectiveness of embargoes through a cooperative international effort.

Generally, I have been proud of the Senate for rallying behind the American President whenever he has determined the necessity of using our Armed Forces. The finest example of this resolve came during the Persian Gulf deployment in the fall and winter of 1990–91. I was 1 of 11 Democratic Senators to vote in favor of authorizing the use of force before the bombing began, although the entire Senate formally back President Bush after the hostilities began.

I have been consistent in embracing the philosophy of supporting the Commander in Chief, regardless of the party or what I might have felt personally could have been done differently or better. I supported President Carter throughout the Iranian hostage crisis. There was nothing to be gained by second-guessing his decisions—even after the failed rescue mission of April 1980. I felt this support was especially important given the Ayatollah's strategy of portraying a weak resolve on our part. Along these lines, I was particularly horrified by Ramsey Clark's kangaroo-court style probe of United States policy toward Iran, and pressed for a criminal investigation. I also supported the invasion of Grenada to protect American citizens and the removal of the corrupt Manuel Noriega to protect our vital interests in the Panama Canal region.

There have been other instances where I have been opposed to military action itself, but felt the President had the constitutional authority to initiate such action. Haiti was one example of this. I voted against a resolution requiring the President to adhere to a waiting period, although I did not want to see United States troops sent to Haiti. Another example was the deployment of ground troops in Bosnia, which I did not view as serving our vital national interests. However, I did argue that it was important to unite behind the President once his decision had been made and the troops had been deployed.

In conclusion, Mr. President, I want to urge the Congress to be extremely careful about cutting back our Armed Forces in the years to come. Despite what we think of as a relatively stable world, the future, in reality, is very uncertain and unclear. The nature of threats to our security is unfocused at this time. Tensions in Iraq have again flared, and instability may return to other areas of the world as well. Although world peace is our ultimate goal, it would be a serious mistake to allow ourselves to think we have reached that goal. The tensions that remain all around the world dictate that we continue our military preparedness in a manner that will allow America to be victors in any conflict that may arise with the fewest casualties possible.

REFLECTIONS ON PROGRESS IN CIVIL RIGHTS

Mr. HEFLIN. Mr. President, during my 18 years as a U.S. Senator, legislation of all sorts and in all issue areas has come before this body. Of course there were some issues I came to know best, sometimes because of the nature of my constituency, as was the case with agriculture and technology issues. But there are other topics the Senate addressed during this time which stand

out in my mind for different reasons, such as judiciary and legal issues and national defense policy. Naturally, since I have a background in the law, I have a greater personal interest here than I do some other areas. But, of all the judicial work the Senate has tackled during my 18 years, its accomplishments in the area of general civil rights strike me as among its most commendable.

Since 1979, congressional action in the field of civil rights has been enormously significant. I think it would be appropriate to highlight some of these issues and events.

Of all the bills relating to civil rights, perhaps first in my mind is the extension of the Voting Rights Act of 1965, which passed during my first term. The fair housing bill, which enforced the provisions of the Fair Housing Act of 1968, also stands out. Another was the Civil Rights Restoration Act of 1991, which ensured that discrimination would not be tolerated in the workplace. But there were others, including the Dr. Martin Luther King, Jr., Holiday and Holiday Commission bills, the Civil Rights Restoration Act of 1987, the reauthorization of the Civil Rights Commission, and the Congress' efforts to save the Legal Services Corporation from the Reagan administration's cuts.

When the Congress considered each of these bills, Members on both sides took positions reflecting very different philosophies. But I believe that the need to reconcile various points of view is the essence of progress in civil rights. For this reason, I am extremely proud of the Senate for working out the necessary accords to pass these bills.

In addition to these specific bills, I am also very proud of the Senate for its advice and consent role in nominations for the Federal Judiciary and executive positions that affected the civil rights movement. During the time since my election, the Senate ensured the continued transition of the South from the 1950's into the next century. Many ills had yet to be addressed, and the Senate confirmed a number of individuals who will fight to resolve these ills and voted down some who might have furthered them.

In 1980, the Senate confirmed the first black district judges in Alabama. The Congress also worked to preserve the legacy of several judges from Alabama who had accomplished much in the area of civil rights, including Justice Hugo Black, Judge Frank Johnson, and Judge Robert Vance. All of these men furthered the cause of racial progress.

When it came to nominations, I would also like to note that the Senate occasionally felt it had to oppose some nominees, because it feared that these individuals might impinge on the enforcement of laws to protect individual rights. These nominees included some Federal judicial nominees as well as executive officials. But in each case, I did my best to remain open-minded until all of the facts were available and the arguments had been made. I might best compare my view of a Senator's role in the confirmation process to that of a judge rather than an advocate.

When it came to some of these bills and nominations, it happened that my own personal perspective and conscience compelled me to vote differently than some of my constituents might have liked. This was particularly true in some instances, including my very painful decision to oppose the special treatment extension of the insignia patent for the Daughters of the American Confederacy, which I will discuss later.

My goal here is to reflect upon some of the major legislation, nominations, and issues which have dominated the Senate's civil rights debate since I have been here.

GROVE CITY COLLEGE CIVIL RIGHTS RESTORATION BILL

In 1984, I supported the passage of a bill known as Grove City. Formally known as the Civil Rights Restoration Act of 1987, it did not pass until 1988. With this bill, the Congress essentially sought to restore civil rights guaranteed under several major laws restricted by the Supreme Court. It had a number of opponents among the religious community, especially, since abortion became a major controversy surrounding the bill. In fact, the Congress ultimately needed to override a veto to pass the bill.

Grove City took its name from a February 28, 1984, Supreme Court decision, Grove City College versus Bell. With this ruling, the Court altered the interpretation of title IX of the Education Amendments of 1972. It found that this law, which prohibited sex discrimination in federally funded institutions, applied only to the particular program or activity directly receiving the funds. Therefore, the entire school was not bound by the antidiscrimination language.

Perhaps the reason the Grove City case was so significant was its potential impact on three other civil rights laws. These laws were the Civil Rights Act, the Age Discrimination Act, and the Rehabilitation Act, all of which used practically the same language. The Court had clearly abridged the Government's rights and abilities to fight discrimination.

According to its stated purpose, the Civil Rights Restoration Act of 1987 sought to restore the ''broad, institution-wide application'' of Federal antidiscrimination laws. It pertained to each of the four civil rights laws, and like its previous incarnations, it sought to redefine ''program or activity.''

In 1988, Grove City became Public Law 100–259. But I wasn't necessarily pleased that the fight had been so hard. I had tremendous political pressure on me to oppose it. Immediately after I voted for the override, the vote was referred to as ''another nail in my coffin.'' To put these thoughts in context, I received over 6,000 contacts, including phone calls or letters from constituents who criticized me for supporting the bill.

But I think that it was worth the fight. After its passage, the National Black Law Journal characterized the bill in these terms:

> The passage of S. 557 sends a clear signal: discrimination is illegal and will be prohibited through broad enforcement of the Civil Rights Restoration Act of 1987. Consequently, the enactment of S. 557 closes a major loophole in our civil rights laws and preserves two decades of hard-won civil rights for all Americans.

THE FAIR HOUSING BILL

Since my first year as a Senator in 1979, civil rights activists had been pushing the Congress for legislation to amend the 1968 Fair Housing Act, and I supported their efforts. However, a broad bill intended to enforce the provisions of the Fair Housing Act of 1968 did not pass the Congress until 1988.

My efforts in that first Congress included attaching a provision to the bill to allow discrimination complaints to be heard by HUD administrative law judges. A compromise version of this idea appeared in the final 1988 law.

In 1979, several national surveys spurred a House subcommittee to pass a fair housing bill. HUD Secretary Harris testified that it was necessary to improve the 1968 act. The act, she said, ''. . . defined and prohibited discriminatory housing practices but failed to include the enforcement tools necessary to prevent such practices and provide relief to victims of discrimination.''

A companion bill appeared before the Senate Judiciary Committee in the summer of the next year, 1980. During its markups, the committee adopted several of my amendments. One would allow HUD discrimination suits to be heard by administrative law judges. These judges would be appointed by a Fair Housing Review Commission authorized by the bill, and the President would appoint the commissioners. The Fair Housing Review Commission would have the authority to review and modify cases. The second of my amendments would limit suits to individuals who actually sought fair housing and who felt they had been victims of discrimination.

By this time, the House had passed its version. Its supporters included the NAACP, the AFL–CIO, the UAW, the League of Women Voters, and the ACLU. President Carter was also among this group, calling the bill ''the most critical civil rights legislation before the Congress in years.''

It was the House bill which ultimately came to the Senate floor. It had less luck in the Senate than the House, though; certain Senators led a filibuster which killed the bill.

Disagreement on the bill focused on two controversies, whether discrimination should be proven by results or intent, and whether cases should be

heard by administrative law judges or Federal judges and juries. Civil rights groups supported provisions requiring the results standard of proof; Senate opponents wanted proof of intent. But there did not seem to be any middle ground. With regard to the administrative law judge provisions, Senator DECONCINI, offered a compromise to allow jury trials in some cases, but opponents were not receptive. This compromise just raised too many questions.

Unfortunately, we could not compromise that year, and the bill ultimately died in a filibuster.

In 1988, we finally passed a broad bill, H.R. 1158, to address the problem of racial and other discrimination in housing. This bill became Public Law 100–430, to amend the 1968 Fair Housing Act.

The new law authorized HUD to penalize those who discriminated in housing sales and rentals. In addition to prohibitions on discrimination according to race, color, religion, sex, or national origin specified by the 1968 act, the new law included protections for the handicapped and families with young children. According to Congressional Quarterly, this was the first time the Congress protected these latter categories under its laws.

Before the passage of this new law, HUD only possessed the authority to mediate battles. The Justice Department could file suits in the case of discriminatory patterns, and individuals could bring their own suits. But this bill authorized HUD to pursue suits on a victim's behalf.

The final law included a compromise version of my administrative law judge scheme of the 96th Congress. It provided for cases filed by HUD to be heard in front of administrative law judges, if the parties involved chose to do so. Where compromise failed in 1980, however, the 1988 law also provided a second option: if just one of the parties chose it, the case would be heard in a jury trial. The law required the parties to choose within 20 days.

VOTING RIGHTS EXTENSION

In 1982, the Congress passed a law to extend the Voting Rights Act of 1965—H.R. 3112, Public Law 97–205. This new law contained four essential parts. First, it extended section 5 of the act, the major enforcement provision, for 25 years. This section, called the preclearance provision, required 9 States, including my own Alabama, and parts of 13 others to receive approval from the Department of Justice before they could change their election laws. Second, it allowed States that could prove a good voting rights record for the previous 10 years to bail out of the preclearance section after 1984. Beginning that year, States desiring to bail out would have to prove their case before a Federal panel of three judges in Washington, DC. Third, the extension amended the permanent provisions of the 1965 act under section 2 to make it easier to prove violations. Previously, intent to discriminate had to be proven, but under the new law, it would only be necessary to prove that laws had resulted in discrimination. Last, the new law also extended bilingual requirements under the act for 10 years.

But passing this bill was not easy. It had opponents in the Senate and in the administration. In fact, the chairman of the Senate judiciary committee was not friendly to its passage. Compromise was required to save the bill, and I worked behind the scenes, especially with Senator Dole, to find a proposal which would be acceptable to the committee.

Congressional Quarterly has since noted that Senator Dole and I played deciding roles on the Senate judiciary committee. As the bill came out of subcommittee, the publication noted that divisions on the full committee left us ''* * * holding the balance of power.'' Seven members were publicly against the bill, and nine were for it. The committee had 18 members at the time, and a tie of nine to nine would have resulted in a failure to report the bill to the full Senate.

I had an agreement with Senator Dole to work together to forge a compromise which would get committee approval, but not to publicize my behind-the-scenes activity. The reason for my reluctance to receive any credit was due to the fact that this was an unpopular bill with white voters in Alabama, particularly in Mobile.

Notably, Senator Denton, from Alabama, was also a member of the Judiciary Committee, but he opposed the bill. On June 22, the Talladega Daily Home printed an editorial contrasting our positions. ''The next time he comes before Alabama voters to be re-elected or retired,'' it read, ''U.S. Senator HOWELL HEFLIN may have a problem explaining satisfactorily his vote to extend the so-called voting rights act for another 25 years.'' About Denton, who opposed the bill, the editorial wrote he ''won't have the same problem.''

And on May 6, the Mobile Register printed an editorial which condemned the compromise, writing that it was no compromise at all; instead, the Register called it ''probably the most discriminatory legal garbage to ever hit Congress.'' This editorial called on me to lead a filibuster of the bill for Alabama and particularly Mobile. The Register wrote that, in light of Mobile versus Bolden, the Voting Rights Extension would allow any Federal judge to change local governments' election laws at a whim.

As I mentioned earlier, section 2 of the 1982 extension made it easier to prove violations by requiring proof of results rather than intent. This revision would effectively overturn a 1980 Supreme Court decision, Mobile versus Bolden, upholding the intent requirements.

It was this provision, known as the results test, which first snagged the bill in the Senate committee; the constitution subcommittee refused to incorporate the provision in its March mark-up. President Reagan's Attorney General told the panel that the administration was opposed to the new provisions.

During this markup, the Senate subcommittee extended section 5, the enforcement provisions, for 10 years. But by contrast, the House version of the bill extended section 5 indefinitely. Again, the Attorney General supported the Senate subcommittee's move, testifying that the administration opposed a longer extension.

Notably, in the month following this subcommittee vote, U.S. District Judge Virgil Pittman of Alabama issued an revised opinion on Mobile versus Bolden declaring that Mobile had discriminated against blacks based on the results test. This decision, based on results, bolstered the case of civil rights groups who supported the bill provisions under section 2.

With these revisions, the bill then came to the full Senate committee, whose members began to align for or against the extension. As I mentioned above, nine members supported the House version and seven opposed it; leaving Dole and me in the middle to work out something the whole committee could accept.

On May 4, the committee passed our compromise version of the bill, with only four Senators voting against it. This compromise included changes to section 2's results language to specify its meaning. Taken from a 1973 Supreme Court case, White versus Register, the final version declared that a violation could be proved:

> * * * ''if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation.

The compromise also extended section 5 for 25 years, rather than 10, as the administration and some Senators wanted, or permanently, as the House wanted.

Still in the way, however, was a filibuster to stop the bill. But the Senate voted it down. In the end, the Senate amended the House bill to align it with its own compromise. The House accepted the Senate amendments on June 23, by unanimous consent.

THE MARTIN LUTHER KING FEDERAL HOLIDAY

In my first month as a Senator, I became a joint sponsor of a bill to establish a Federal holiday in honor of Dr. Martin Luther King, Jr. That bill, however, did not become law, and it was not until 1983 that we were able to establish the holiday. In 1983, I fully supported its passage-H.R. 3706; Public Law 98–144.

During the 1983 debate, the measure became the victim of a filibuster led by Senator JESSE HELMS. According to Congressional Quarterly, Senator HELMS objected to King's ''action-oriented Marxism,'' and alleged that King had connections to the communist party. These claims seemed to me to be without merit.

When the Senate began consideration of the holiday measure, I voted to end the filibuster, and I opposed amendments which would effectively have killed the bill. However, there were two amendments I found to be in line with my own thinking. They were offered by Senators Randolph and Boren to require that the King, Washington, and Columbus holidays be held on the actual dates of the events. In fact, I cosponsored Boren's amendment, and after that amendment failed, I signed onto a bill to serve the same purpose. My reasons for supporting this condition were the cost of a new holiday—the holidays would occasionally fall on Saturdays and Sundays, saving a great deal of expense—and I also wanted to ensure the proper observance of significant historical events. Dr. King's birthday is a significant date in the history of civil rights in this country, and it is most fitting to remember its actual date.

The following year, Congress passed a bill establishing a Martin Luther King Holiday Commission to encourage ceremonies for the first celebration of the holiday—H.R. 5890; Public Law 98–399. The bill mandated a 3-member panel to be funded by donations.

Five years later, I cosponsored a bill to make the Martin Luther King commission permanent. The bill became law—(H.R. 1385, Public Law 101–30,—and it expanded the commission's role to include the promotion of racial equality and nonviolent social change. Again, when this bill came to the Senate floor, a number of amendments effectively to kill it were offered, and I opposed them all. However, I did support an amendment to bar the Commission from encouraging civil disobedience.

I joined Senator SARBANES as a sponsor in support of four different bills, S. 322 in the 100th Congress, S. 619 in the 101st Congress, S. 239 in the 102d Congress, and S. 27 in the 103d Congress, to set aside a piece of Federal land in the District of Columbia for the Alpha Phi Alpha Fraternity to build a memorial to Dr. Martin Luther King, Jr. However, these bills did not pass.

FUNDING FOR HISTORICALLY BLACK COLLEGES

I am especially proud of my efforts to authorize funding for the 1890 land grant colleges, including the Tuskegee Institute—now Tuskegee University—and Alabama A&M in my home State of Alabama. Even though these land grant colleges date to the 19th century, they had been largely ignored until the late 1970's. I consider that this fact represents a great waste; certainly these institutions deserve equal treatment, and I believe they are, properly funded, a valuable asset to the Nation in the field of agricultural research.

First, I would like to give a brief history of the African-American, 1890 land-grant colleges. In 1862, the U.S. Congress passed the first Morrill Act, which established the basis for land-grant colleges. These would be established by the States to educate their citizens in agriculture, home economics, and other practical subjects.

However, the Southern States did not provide funding for black colleges under this law, so the Congress passed a second Morrill Act in 1890 specifically to support the African-American institutions. From this history comes the term ''1890 Land-Grant Institutions,'' specifically applied to these historically African-American colleges. However, the agriculture department did not begin earnestly to fund the 1890 land-grant colleges until 1966. That year, Assistant Secretary Dr. George Mehren asked the National Academy of Sciences to suggest an allocation of $283,000 for research at these colleges—under Public Law 89–106.

In 1866, Lincoln University in Missouri became the first such historically black land-grant college.'' By 1976, there were 16 such universities. Of these 16, there are 2 in Alabama, the Tuskegee University and Alabama A&M University.

The Alabama State Legislature created the Tuskegee Institute in 1881; it was then called The Tuskegee State Normal School for the Training of Negro Teachers. Booker T. Washington became Tuskegee's first President and served until he died in 1915.

During these first years, the State legislature appropriated $3,000 for the institution and authorized it a single teacher. The school remained public until the State legislature granted its board the power of governance in 1893, but Tuskegee Institute continued to receive State funds even though they obtained private status.

In 1897, the legislature also established ''The Tuskegee State Experiment Station.'' George Washington Carver became its director and served until his death in 1943.

In 1899, the U.S. Congress granted the school 25,000 acres, and in 1906, it established the formal extension program. In 1933, Tuskegee became a regionally accredited 4-year college, and in 1943 it opened its graduate schools. Accredited graduate programs now include architecture, chemistry, dietetics, engineering, nursing, and veterinary science. Tuskegee's funding from grants remained nominal until 1972.

Alabama A&M University was founded in 1875 by an ex-slave named William Hooper Councill. Originally, the Huntsville Normal School was on West Clinton Street in Huntsville, the school moved to Normal in 1890. After a decrease in enrollment, the institution was renamed in 1919 the State Agricultural and Mechanical Institute for Negroes and reduced to junior-level training.

During the subsequent years, the school lost its financial support and nearly fell apart, but in 1927 Dr. J.F. Drake became its new president and oversaw expansion of the grounds and the return to 4-year status. It was not until 1962, during the tenure of President Dr. Richard D. Morrison, that the school became a university, with its own graduate school.

With this history of great difficulty as well as great leadership in mind, I hold myself honored to have worked with these institutions. I am particularly proud of efforts to create the Chappie James Preventive Health Center at the Tuskegee Institute, and to pass perhaps the first serious funding authorization for the 1890 black land grant colleges.

During the first summer I was a Senator, I introduced a resolution to authorize the construction of the General Daniel ''Chappie'' James Memorial Center for Preventive Health at the Tuskegee Institute. When I introduced the bill on the Senate floor, I noted that it was the first preventative health center in the south, maybe the country. I also stated, proudly, that it would become a museum of the general's memorabilia.

Furthermore, I argued that the dedication was especially fitting because General James, the first African-American to rise to a four-star rank in the U.S. Air Force, had been a beneficiary of Tuskegee's programs years before. Tuskegee established the first training program for black pilots, and it was here that General James learned the skills which furthered his career.

Ultimately, we succeeded in passing the Chappie James Center bill as a rider to the 1980 reauthorization of the Higher Education Act of 1965. My amendment authorized $6 million for the center, and required that it be constructed at the Tuskegee Institute.

In May 1981, I introduced a bill to help all of the 1890 land grant colleges. Its language specified that the 1890 land grant colleges receive money for the purchase of equipment and land, and the planning, construction, alteration, or renovation of buildings to strengthen their capacity for research in the sciences of food and agriculture. That year, the House passed an identical companion bill unanimously.

As I have said many times, the 1890 schools had not, to that point, had the authorization to receive the benefit of the equipment and facilities they needed to be competitive. They had nothing from Congress to rely on, even though the Congress gave these historically black institutions the same mission as the 1862 schools mandated under the Morrill Act. Therefore, we owed them the means to fulfill that mission, research and development in the field of agriculture for the benefit of the whole country.

As with the Chappie James measure, this authorization passed as a rider, this time to the 1981 farm bill, Public Law 97–98). This amendment authorized $10 million annually to each of the historically black land-grant colleges through 1986—a total of $50 million for each.

BLACK ALABAMIANS BECOME FEDERAL JUDGES

In the spring of 1979, then-Senator Donald Stewart and I set out to find five U.S. district judges to fill vacancies in the State of Alabama. In order to do this, we formed two committees

and clarified our intentions in charters for each. We called the first the Federal Judicial Nominating Commission of Alabama, and we called the second the Alabama Women and Minority Group Search Committee.

First, we intended to seek out the most qualified individuals in the State. This was the charge of the first committee. But we also sought to find qualified minorities to fill the slots. This task was the charge of the second panel, which would advise the first.

Through these efforts, two blacks were selected, and President Carter formally nominated them both. These men were U.W. Clemon, for Alabama's northern Federal district, headquartered in Birmingham, and Fred Gray, for the State's middle Federal district, headquartered in Montgomery. U.W. Clemon had become a prominent Alabama State senator, and Fred Gray was a prominent lawyer who had served in many posts. He was perhaps most widely known as Rosa Parks' lawyer.

Although the hearings were not easy, the Senate confirmed U.W. Clemon the next year, and he became the first African-American Federal judge in Alabama. Fred Gray's nomination, however, did not survive the confirmation process. In his place, I recommended Myron Thompson, another black, who was confirmed.

As I said many times during this process, I believe that it is absolutely essential for blacks to serve in Federal courts. In the committee hearings on our recommended nominees, and on the floor after their confirmation, I stated that I believe we must make up for years of injustice in this country. For many long years, blacks were excluded from the Federal judicial nominating process. True equality under the law cannot be achieved under such a system. All Americans must feel they will be treated fairly by the Federal courts, but if certain citizens are precluded from serving on the bench, the courts cannot give the perception of fairness.

CIVIL RIGHTS COMMISSION EXTENSION

In 1983, authorization of the Commission on Civil Rights expired, and the Congress set about passing a reauthorization. However, President Reagan intruded, and he tried to restructure the commission for his own purposes.

In late May, Reagan announced he would replace three commissioners on the panel—Mary Frances Berry, Bladina Cardenas Ramirez, and Rabbi Murray Saltzman. According to Congressional Quarterly, the President sought to remove these commissioners because they had criticized his administration's policies. To replace them, the President announced that he would appoint Morris Abram, John Bunzel, and Robert Destro. Some alleged that Reagan selected these replacements because they opposed affirmative action and busing.

President Reagan had clearly challenged the independence of the commission. And the Senate Judiciary Committee responded by putting off the votes on his new nominees. Ralph G. Neas, executive director of the Leadership Conference on Civil Rights, deserves much credit for lobbying against Reagan's position.

In response, Reagan summarily fired the three commissioners he sought to replace. CQ wrote that a White House lobbyist admitted that Reagan fired these individuals because he could not get the votes for his own nominees. Both Houses of the Congress responded with concurrent resolutions declaring their intent to create a new commission whose members would be appointed by the Senate as well as the President. Dr. Berry and Ms. Ramierez went on to win a suit in the D.C. District Court which granted an injunction against Reagan's firings.

For my own part, I worked to save Mary Berry's seat through a compromise which restructured the commission. During final action, the Senate accepted this compromise amendment, offered by Senator Specter, Public Law 98–183. Under this compromise, Reagan would have four appointees, and the Congress would have four, two for each house. The Commission would therefore have two additional members. The compromise, among other things, also established that the President had to show cause for firings, and authorized funding for the Commission. In response to this last, the House restored funds it had cut from the appropriations bill.

But in the end, civil rights groups were angry to learn that Reagan had backed off on an informal part of the compromise. He had promised, they said, to reappoint two commissioners he had previously opposed, Louise Smith and Jill Ruckelshaus. Reagan, House Majority Leader Michel, and Senate Majority Leader Baker, ultimately refused to put these commissioners on the panel.

Much to my own pleasure, though, the Congress saved Mary Berry's seat. She is now the chairman of the Commission.

OPPOSITION TO VARIOUS NOMINEES AFFECTING CIVIL RIGHTS

As I stated before, I feel that the Senate's opposition to a number of nominees was as important as any of its other accomplishments. In the South, some changes for the good occurred, and the Senate's work helped achieve successes in the area of civil rights. It voted down some individuals because of reasonable doubts concerning their impartiality in carrying out the duties of the office for which they were being nominated. These men included William Bradford Reynolds, Judge Robert Bork, Clarence Thomas, Kenneth L. Ryskamp, William C. Lucas, and Jefferson Sessions.

With regard to these nominations, my opposition was based on doubts—doubts about qualifications and about their impartiality as to racial and civil rights matters. However, I always tried to maintain my sense of objectivity. I always tried to keep an open mind until the end of hearings, because I believe hearings are meaningless if Senators do not examine the facts impartially, if they enter into the proceedings with prejudice. In fact, I have consistently articulated this view in my opening statements: We, as Senators, need to act as judges in the confirmation process. I was often criticized as being indecisive because I withheld my decision until the end of committee consideration. But, if I was to be fair to the nominee, then I had to assume a judge's role.

WILLIAM BRADFORD REYNOLDS' NOMINATION

In 1985, President Reagan nominated William Bradford Reynolds to become Associate Attorney General. This position, No. 3 in the Justice Department's hierarchy, carried with it the responsibility for all Federal civil matters.

Previously, Reynolds had been the Assistant Attorney General for the Civil Rights Division, and his record there earned him opponents among the civil rights community. In fact, I based my own decision to oppose Reynolds on what I knew of his record.

Examples of Reynolds' opponents included Benjamin Hooks, executive director of the NAACP; W. Gordon Graham, of the Birmingham city government, who spoke for himself and Mayor Richard Arrington; William L. Taylor, director of the National Center for Policy Review; Judy Goldsmith, president of the National Organization for Women; and Marie Foster from Selma, who was involved in the civil rights movement in that city during the 1960's. These individuals all testified very critically on Reynolds' record, and they all told the committee that he had worked to set back civil rights.

On June 27, 1985, we voted the nomination down in the judiciary committee, and it did not go to the floor. My vote decided the outcome.

On June 30, the Huntsville Times reported that this final meeting and these votes involved ''plenty of gavel-banging and shouting as red-faced senators fought bitterly over President Reagan's nomination for a top Justice Department post.'' I waited until that time to cast my vote, but when I did, I said that I wasn't even certain I felt comfortable with Reynolds in the position in which he was serving at the time. I also said I would find out if the Senate could remove him. In my view, he was deceptive, lacking in forthrightness, evasive, and misleading during his testimony.

ROBERT BORK'S NOMINATION

Another individual I ultimately decided to vote against was Judge Robert Bork, nominated to become an Associate Justice on the Supreme Court. I was somewhat disconcerted by comments he had made, particularly with regard to rights guaranteed by the constitution—rights he said he did not see, but which had been seen by the courts and Congress on numerous occasions. Most important, though, in the end, I did not feel confident I knew what

Judge Bork would do on the Supreme Court. Since the nomination was for life, I just could not vote for Judge Bork.

President Reagan nominated Judge Bork, who was, at the time, serving on the D.C. Circuit Court of Appeals, in 1987. Bork's advocates argued that he was a conservative judge who tended to defer to legislatures on political matters. But his opponents said that he was an activist, seeking to implement his own agenda. From this dispute, and others, the Senate entered into one of the most contentious confirmation debates of my tenure.

Controversy developed because Bork had, in earlier statements and writings, criticized the constitutionality of a number of Supreme Court decisions affecting individual rights. He had argued for a restrictive interpretation of the 14th amendment with regard to sex. Bork had also criticized decisions which struck down laws because they impinged on individual privacy, a right Bork had argued was neither explicitly nor implicitly provided by the Constitution. The decisions he had cited included the striking of a Connecticut law which banned contraceptives, as well as the Roe versus Wade decision. Regardless of whether or not I agree with Roe versus Wade, I do believe in the right to privacy, and unlike Judge Bork, I do see it in the Constitution.

Notably, Bork had also written that the first amendment applied only to political speech in a 1971 law review article. He followed this with a television statement in 1987 in which he said ''other kinds of speech, speech about moral issues, speech about moral values, religion and so forth—all of those things feed into the way we govern ourselves.''

During his testimony before the Judiciary Committee, we questioned Bork on his earlier statements and decisions. Several of us argued that Bork was trying to relax his image during these hearings. In fact, Senator LEAHY called Bork's seemingly changing beliefs ''confirmation conversion.'' Uncertain of Bork's actual position, I cited Bork's ''confirmation protestations'' when I stated my final decision.

I voted against the nominee in the Judiciary Committee, and I also voted against him in the full Senate. I gave statements before that committee and on the floor reciting many of the reasons for my opposition to his confirmation. The bottom line was that I just did not known how Bork would treat essential, fundamental rights in his rulings.

The debate over Judge Bork, I might note, was a particularly unpleasant one. The media became so involved and the attempts to politicize the debate from both sides became so acidic, that I felt a particular need to speak on the floor about the potentially damaging effects on the judiciary. But, of course, this type of public intensity has surrounded other nominations since.

A number of mailing and telephone campaigns increased this political nature of the debate. I was even told that my own voice, or an imitation, was used in a telephone solicitation I certainly did not authorize. The spill-over from the Bork nomination lingers to this day, and has affected other nominations since.

CLARENCE THOMAS' nomination

In October 1991, I voted against confirmation of Supreme Court Justice Clarence Thomas' nomination. Although I reserved my judgment, as always, until the nominee had been given a chance to be heard, I came out against Clarence Thomas well before I knew of Anita Hill's allegations. I just did not feel that Clarence Thomas was qualified, at that time, to assume a lifetime seat on the Supreme Court.

I do support a moderately conservative court. But I oppose a right-wing court which would embrace a regressive philosophy, which would attempt to rewrite or strike laws written to overcome years of racism in America. I strongly feared that Clarence Thomas would advocate such right-wing positions.

I also had reservations based on the contradictory nature of Thomas' statements on his fundamental view of the law. He had made a number of statements and written a number of articles before the hearings which the committee called on him to explain. His answers, however, did not satisfy me; they showed a man who had seemingly changed his essential perspective.

At the time, I did not know what the real Clarence Thomas was like or what role he would play on the Supreme Court, if confirmed. In fact, I was very much concerned that Thomas' inconsistencies suggested either intentional deception or a lack of scholarly, considered thought.

One example of my specific reservations was the nominee's apparent shift in his view of natural law. Thomas had criticized the ''nihilism of [Oliver Wendell] Holmes,'' who rejected natural law. However, before the committee, he rejected these earlier statements. He said he made them ''in the context of political theory,'' and described himself as a ''part-time political theorist.''

Thomas had also criticized the Brown versus Board of Education of Topeka, KS, decision. And when questioned, Thomas said that he had never even discussed Roe versus Wade. I would not have opposed the nominee based on his position on this single case, whatever it may have been, but I found it extremely unlikely that Thomas had never discussed Roe versus Wade, a defining point in the laws of this country. In fact, I was not certain that he was being completely forthcoming, especially considering the polarizing nature of this particular case in Supreme Court confirmations.

I was also deeply concerned about Thomas' advocacy for an activist Supreme Court which would strike down laws because they restrict property rights. Thomas advocated this position in a 1987 speech before the Pacific Research Institute, citing the libertarian Stephen Macedo. I believe, though, that modern constitutional jurisprudence has moved beyond the Lochner era which relied on natural law, and that individual rights are just as important as property rights, perhaps even more so. The Supreme Court has long recognized congressional authority to regulate commerce. As I stated, according to the libertarian view, we would have no laws to guarantee occupational safety and health, to preserve the environment, to protect consumers from unsafe food, to require airline safety, or to establish a minimum wage.

All of these concerns led me to doubts. I simply could not justify voting for a nominee whose positions remained so enigmatic, particularly when he had been nominated to the Supreme Court for life.

The peculiarities surrounding the nomination only increased after that time. In early October, the public became aware that Anita Hill, a former Thomas employee, had alleged that the nominee had made unwanted sexual advances and comments toward her over a number of years. I did not know if Thomas, or Hill, were telling the truth, or if neither was telling the complete truth.

I had not known about these allegations until after I made my initial statement opposing Thomas. The afternoon after my speech, Chairman BIDEN informed me of the an FBI file which included the charges. I did vote against the committee motion to report the nomination favorably to the floor, which failed in a tie, although I supported sending it to the full Senate without a recommendation. But I had no reason, whatsoever, to change my position; Thomas' record, testimony, and lack of qualifications were reason enough to oppose his confirmation.

JEFFERSON SESSIONS' NOMINATION

On June 5, 1986, the Senate Judiciary Committee rejected President Reagan's nomination of Jefferson Sessions to become a Federal district judge in Alabama. There were ten Republicans and eight Democrats on the committee. The vote for disapproval of his nomination was 10 to 8, with two Republicans voting against him.

Sessions was, at the time, a U.S. attorney in Alabama. Certain of my colleagues on the committee criticized comments Sessions allegedly made against various civil rights organizations as well as favorable comments made about the Ku Klux Klan. These comments, they argued, showed a ''gross insensitivity'' to racial matters.

My decision to oppose Sessions was very difficult. Of course, he was from my home State of Alabama. Frankly, I just did not know whether he would be a fair and impartial judge. My statement before the committee recited that since this was a lifetime appointment, we should be very cautious about his fairness and impartiality.

WILLIAM C. LUCAS' NOMINATION

In 1989, I voted against William C. Lucas' nomination to become the Assistant Attorney General in charge of the Civil Rights Division. Mr. Lucas happened to be an African-American, and I do not believe I can state strongly enough my belief in the substantive and symbolic importance of nominating blacks to these positions. However, when I weighed the evidence, I found that Mr. Lucas simply was not qualified to head the Civil Rights Division.

Lucas had worked in the Civil Rights Division in 1963, had been in the FBI, and he had been the Wayne County, MI—which includes Detroit—sheriff and county executive before President Bush nominated him to this post. But he had only just begun to practice law, and he had never represented a client in court.

Lucas' lack of legal experience showed during the hearings. Lucas downplayed the importance of recent Supreme Court decisions on civil rights laws, commenting ''I'm new to the law.'' And when the Chairman asked Lucas about his view on the recent trend in the Supreme Courts decisions on civil rights laws he said, ''I have to answer as a politician because I have not thought about the answer.'' Further, during the hearings, a number of civil rights activists testified or submitted statements to the effect that Lucas was not qualified to fill the position.

While he emphasized that he did not object to Lucas' views, Ralph G. Neas, executive director of the Leadership Conference on Civil Rights opposed Lucas on his ''lack of civil rights and legal experience.'' Elaine Jones, deputy director counsel of the NAACP Legal Defense and Education Fund, testified that, although her group initially wished to support Lucas, it found that he did ''not have the training and the background to litigate and understand the litigation process.'' Citing the need for experience in Federal litigation, Drew Days, a professor at Yale Law School and a former holder of the position Lucas would fill, said Lucas' confirmation would ''be a frustration of the mission that Congress envisioned when it created that office in 1957.'' William L. Taylor of the Citizens' Commission on Civil Rights testified for his group, noting his personal belief that Lucas did not meet the standards set by his organization. Arthur L. Johnson, president of the Detroit branch of the NAACP said, ''We do not believe that he [Lucas] is suitable for this highly specialized and important assignment where the public interest is so sharply focused, and where the trust of black Americans, and civil rights advocates in particular, should be sought and even enhanced.'' John H. Buchanan, Jr., of the People for the American Way also argued that Lucas was ''inadequately qualified.''

On the other hand, some civil rights leaders supported Lucas. Dr. Joe Reed of the Alabama Democratic Conference was one; Reed urged confirmation because, at the time, there had been only one African-American in the post. Another supporter was Alvin Holmes, the senior black member of the Alabama House of Representatives. These men both noted their belief that Lucas' opponents had based their views solely on qualifications. A final example of Lucas' supporters was Father William Cunningham, director of Focus HOPE of Detroit.

Congressional Quarterly reported on certain questions surrounded Lucas' record, including brutality in the Wayne County sheriff's department, a customs dispute, and exaggerations on his resume.

After hearing all of this information, I finally decided to vote against Mr. Lucas. I based my decision in large part on the importance of the position. The head of the Civil Rights Division perhaps has more responsibility than any other single individual for ensuring the security of our civil rights. The individual who assumes this role should be well qualified to deal with the intricacies of the law.

Mr. Lucas, I believed, did not possess sufficient legal experience to undertake the task, and I cast the deciding vote against him. I argued that, although his supporters and Mr. Lucas himself cited his accomplishments in Wayne County, the controversy surrounding them, including brutality in the sheriff's department, indicated to me that his managerial abilities were also questionable. After the committee vote, Ralph Neas who had testified against Lucas, announced a success for civil rights.

KENNETH L. RYSKAMP'S NOMINATION

I cast the deciding vote against Kenneth L. Ryskamp of Florida, whom President Bush had nominated to the 11th Circuit Court of Appeals. This circuit covers Florida, Georgia, and my home State of Alabama. President Bush actually nominated Ryskamp twice. The first time was in 1990, and the Judiciary Committee tabled the nomination that year.

Ryskamp had been criticized by People for the American Way, a civil liberties group which found that he had ruled against more civil rights plaintiffs than any other judge nationwide. He had also belonged to a country club which had an implicit policy of discrimination against African-Americans and Jews.

Also haunting Ryskamp was a specific case in which a number of African-Americans in West Palm Beach, including those who had not been found guilty of any crime, filed a complaint because they had been attacked by city police dogs. Although the jury had found the city, individual police participants, and the former police chief guilty of civil rights violations, Ryskamp threw out the conviction against the city and the police chief. He said: ''It might not be inappropriate to carry around a few scars to remind you of your wrongdoing in the past, assuming the person has done wrong.''

Nine Latin American members of the Florida State Legislature wrote a letter to express their belief that Ryskamp had ''* * * demonstrated insufficient sensitivity to ethnic minorities and other groups who have traditionally been the objects of discrimination.'' In my opposition to Ryskamp, I weighed this information, and I concluded that, if the representatives of such a large population felt they would not receive justice, Ryskamp could not dispense it. With regard to this last point, I believe it is important to note that these lawmakers were Republicans, and they had no partisan motivation.

CREATION OF THE 11TH CIRCUIT

As a past chairman and now ranking member of the Judiciary subcommittee which oversees court reform and judicial administration, one of my great interests as a Senator has been that of improving and streamlining judicial procedure and process. In June of 1980, I introduced a bill to divide the Fifth Circuit Court of Appeals into two courts. On October 1, the Congress passed, by voice vote in both chambers, the House version of the bill to divide the circuit. This bill became Public Law 96–452.

At the time, this circuit included Texas, Louisiana, Mississippi, Georgia, Florida, and Alabama; this legislation broke off Georgia, Florida and Alabama to create the new 11th Circuit, and the others remained as the new fifth circuit.

The split had been considered several times before, but that year, I introduced the legislation in response to a request made by the court's judges. This request came to me as a formal petition, signed by all twenty-four judges sitting on the court. Among these were Frank Johnson, Joseph Hatchett, the first African-American on the court, and Bob Vance. Judge Johnson became the court's spokesman for the split during hearings on the matter in the House of Representatives.

The main purpose of the bill would be to promote judicial efficiency. Individual judges in the circuit were burdened by an excessively large caseload. Further, the entire court had accrued the largest ''en banc'' caseload in U.S. judicial history.

In the past, civil rights groups had opposed the split because, given the location of the circuit, it heard the most important civil rights cases in the country. Therefore, these groups did not want to see a more conservative court created.

In fact, during the House subcommittee hearings, Judge Johnson testified that he had been opposed to earlier incarnations of the proposal. He said, ''* * * the basis for my opposition was a firm belief that the proposal would have a substantial adverse effect on the disposition of cases in the fifth circuit that involved civil and constitutional rights.'' After a careful evaluation of the judges who would go to the different circuits, Judge Johnson changed

his position to become the spokesman for the split.

According to the circuit judges' proposal, this split was to be dissimilar to the earlier suggestions in two ways. It would not reduce the cases filed, nor would it create courts whose views differed from the present court's. With respect to these modifications, the petition read that the division could be accomplished ''* * * without any significant philosophical consequences within either of the proposed circuits.''

As a Congressman from Mississippi, Jon Hinson, pointed out during the hearings, the new courts would reflect a balance in their philosophy, at least as measured by the President who appointed the judges. Nine of the 14 judges on the fifth circuit were to be Carter's appointees, as were 7 of 12 on the 11th circuit.

Other former opponents, including Judge Hatchett and U.W. Clemon, submitted letters to the subcommittee explaining why they had changed their views. Judge Hatchett noted that the new Fifth Circuit Court would have no African-American judges, a matter which had caused many objections. However, he wrote that this matter could be addressed later. ''While I understand the apprehension caused some persons by two 'new courts,' I do not believe their fears are well founded,'' he wrote. ''The two courts that will emerge from this division will probably be no different from the existing fifth circuit.'' Judge U.W. Clemon wrote that, although he had opposed the 4 to 2 split, this new proposal ''will not adversely impact on civil rights.'' Clemon added that it would, in fact, speed the 2-year lag time in the filing of civil rights cases.

THE FRANK JOHNSON COURTHOUSE

During my first year as a Senator, I strongly supported the nomination of Judge Frank M. Johnson, Jr., to become a U.S. circuit judge in what was then the Fifth U.S. Circuit Court of Appeals. Judge Johnson stands out as one of the most outstanding jurists of our times.

I believe that Judge Johnson has done more in the field of civil rights than almost any other single judge. He wrote or took part in numerous historical decisions including those in matters of desegregation, voter registration, and reapportionment. He was also variously involved in cases which established new standards in mental health programs and prisoners' rights. Notably, in 1978, Johnson became the first Federal district judge to find that an African-American educational institution discriminated against whites in its hiring practices.

At the time, I predicted that the Senate would not have the pleasure of confirming a better candidate for circuit judge in many years. To Judge Johnson's credit, I believe that my prediction has come true.

To further honor this man, whose fairness and judicial temperament I deeply respect, at the suggestion of Dr. Joe Reed, I introduced a bill in the summer of 1991 to name the Federal courthouse in Montgomery the Frank M. Johnson U.S. Courthouse. This bill became Public Law 102–261.

I felt that it was most appropriate to name this particular courthouse after Judge Johnson because it was there he began his career as a Federal judge. Judge Johnson's courtroom truly reflected the terms rule of law and equal protection of the law. And despite threats on his life, Judge Johnson at all times courageously upheld equal justice under the law.

I can only hope that this courthouse will continue to symbolize Judge Johnson's work, and to be a temple of justice.

THE HUGO BLACK COURTHOUSE

In 1983, I introduced a resolution to designate February 27, 1986, Hugo LaFayette Black Day. This day marked the 100th anniversary of the late Supreme Court Justice's birth. The resolution became public law 98–69.

Justice Black was born in Clay County, Alabama, and he was graduated with honors from the University of AL Law School. He was a practicing lawyer, a prosecuting attorney, and a police court judge in Birmingham, and he distinguished himself in all of these positions. He went on to become a Senator from Alabama, where, among other things, he sponsored the first minimum wage bill. In 1937, Hugo Black became Franklin D. Roosevelt's first nominee to the Supreme Court. Justice Black served there through six Presidents and five Chief Justices.

I know that Justice Black was a great champion of civil rights who saw the law as a tool to improve everyone's condition. He had a strong work ethic and a delightful sense of humor, and he had a great sympathy for victims of injustice. Chief Justice Burger once said, ''He loved this Court as an institution, and contributed mightily to its work, to its strength, and to its future. He revered the Constitution: * * * But above all he believed in the people.''

In 1987, I also worked to pass a bill to name the new Federal courthouse in Birmingham for Hugo Black. This bill became Public Law 100–160. Former Congressman Ben Erdreich from my State of Alabama sponsored the bill in the House.

THE BOB VANCE COURTHOUSE

In January 1990, I was deeply saddened by the murder of my very close friend, Bob Vance, who served on the 11th Circuit Court of Appeals. Judge Vance was murdered by a mail bomb which also seriously injured his wife, Helen Rainey Vance.

I spoke on the floor to honor his memory, and his great accomplishments in civil rights; sadly, it seemed clear that his efforts to further the rights of all citizens motivated his murderer. I wanted, as best I could, to state, unequivocally, that he did not die in vain, that his work to ensure racial equality did not die with him.

I wanted, very much, for everyone to know that Bob Vance was responsible, as much as any individual, for stopping racially motivated bombings like the one which killed him. We need more men like Judge Vance—men who have the courage to follow the moral imperatives of their conscience.

A few months later, I worked to pass a bill which renamed the courthouse at 1800 5th Avenue in Birmingham the ''Robert S. Vance Federal Building and United States Courthouse''—Public Law 101–304. I hope that this stands as a testament to this great man's work to fight racism, and as a symbol of the work we have done as well as what we have yet to do.

THE DAUGHTERS OF THE AMERICAN CONFEDERACY INSIGNIA PATENT

Earlier, I alluded to the United Daughters of the Confederacy insignia debate. Although I firmly believe that it was the right thing to do, I made one of my most difficult and unpopular decisions as a Senator in 1993 when I voted against the special treatment extension of the design patent for this group. My personal family history is profoundly connected to the Confederacy. My maternal grandfather was a signer of the Ordinance of Secession by which Alabama seceded from the Union, and my paternal grandfather was a surgeon in the Confederate Army. I also had several close relatives who were killed while serving in the Confederate Army. All of these family members were convinced that their cause was right. Honor was their chief motivation at the time, and these men believed that their honorable course was to defend their cause and homeland. I felt a tremendous amount of conflict as I thought about the issue.

Senator CAROL MOSELEY-BRAUN, our only black Senator, eloquently argued against extending the patent. Her words made me consider, carefully, whether we in the Congress truly needed to extend a special recognition for this symbol of the past. After some considerable thought, I decided that honor is still a chief motivation. However, although I revered my ancestors, honor had taken a different meaning after one hundred and twenty-eight years, and I believe I did the right thing just as they did.

In May 1993, Senator MOSELEY-BRAUN had convinced the Judiciary Committee to delete provisions of a bill which extended the design patent concerning the Daughters of the American Confederacy. She argued that she did not oppose the group's freedom to use whatever symbol it should chose, but instead she questioned the need for the Congress to endorse a Confederate symbol with the special protection when an extension could be obtained through the Office of Patents and Trademarks in the normal routine manner.

However, the matter came before the full Senate two months later as a Helms amendment to a bill we were considering at the time.

Senator MOSELEY-BRAUN again opposed the amendment, and she made some compelling arguments on the

floor. She objected to a special Congressional honor since it would, she said, conversely dishonor her own ancestors. She explained:

* * * the United Daughters of the Confederacy have every right to honor their ancestors and to choose the Confederate flag as their symbol if they like. However, those of us whose ancestors fought on a different side in the Civil War, or who were held, frankly, as human chattel under the Confederate flag, are duty bound to honor our ancestors as well by asking whether such recognition by the U.S. Senate is appropriate.

I listened to this argument and considered it carefully. With a divided mind, I ultimately agreed with Senator MOSELEY-BRAUN. In its later report, Congressional Quarterly called my decision ''Perhaps the turning point in the debate,'' which, until that time, had gone against Senator MOSELEY-BRAUN.

Our colleague from New Jersey, Senator BRADLEY referred to my decision in his engaging memoir ''Time Present, Time Past''. He wrote, ''HEFLIN, who through his actions as a lawyer and judge had long championed racial justice, rose and said, 'I have many connections through my family to the Daughters of the Confederacy organization and the Children of the Confederacy, but the Senator from Illinois * * * is a descendant of those that suffered the ills of slavery.' I have a legislative director whose great-great grandfather was a slave. I said to my legislative director, 'Well if I vote with Senator MOSELEY-BRAUN, my mother, grandmother, and other ancestors will turn over in their graves.' He said, 'Well, likewise, my ancestors will turn over in their graves [if you vote against it].'''

I do not believe, nor did I believe then, that the Daughters of the American Confederacy is inherently racist nor that it takes part in racist activities. But I do believe that the U.S. Congress should not provide a special honor, as Senator MOSELEY-BRAUN argued, for a symbol that offends a large part of its constituency. In America, we have a long history of racial inequality to correct, and I believe much remains to be done. I also believe that, for substantive efforts to succeed, we must work symbolically as well.

On July 23, the Huntsville News, the Selma Times-Journal, the Dothan Eagle, the Mobile Register, the Birmingham Post-Herald, the Opelika-Auburn News, the Montgomery Advertiser, and the Gadsden Times wrote that I had ''turned [my] back on [my] Confederate forefathers.''

On July 24, the Gadsden Times, the Dothan Eagle, the Decatur Daily, the Talladega Daily Home, and the Columbus Ledger-Enquirer reported that ''Southern preservationalists portrayed Sen. HOWELL HEFLIN as a Yankee-sympathizing turncoat Friday for his dramatic floor speech and vote against an insignia bearing a Confederate flag.'' The Tuscaloosa News also reported these objections, and it wrote that Frances Logan, president of the Tuscaloosa UDC, called RICHARD SHELBY a traitor because he also joined Senator MOSELEY-BRAUN. The Montgomery Advertiser also reported objections from members of the UDC and the Sons of Confederate Veterans.

The UDC in my own home town of Tuscumbia was notably upset with the Senate. The President of this chapter expressed her disappointment with me for not stating that the war, and the symbol, were not over slavery. A former president of the Alabama United Sons of the Confederacy, said: ''What is going to be interesting is when (HEFLIN) tries to run for re-election''. * * * ''He's got about as much chance as the proverbial snowball when he's got these women mad at him.''

On July 24, the Mobile Register editorialized that Senator SHELBY and I were ''swept into political correctness along with * * * other colleagues * * * to reject a patent for an insignia of the United Daughters of the Confederacy.'' The editorial further asserted that rejection of the patent extension would do nothing to prevent racism.

But some articles and editorials were more favorable. On July 23, the Mobile Press printed an article in which it chose to quote a number of my colleagues who supported my decision, and the Anniston Star printed an editorial supporting my decision. This editorial denied that I did my ancestors a dishonor; in fact, the editorial was so complimentary as to call my decision courageous. On the 24th, the Andalusia Star-News gave me the same compliment.

The same day, the Birmingham News/Post Herald editorialized that the patent issue would be resolved only ''To the satisfaction of neither side.'' The editorial noted that Senator SHELBY's and my votes ''didn't help them with the average white voter.'' But it added a great compliment to us both by suggesting that integrity played a part.

THE CIVIL RIGHTS RESTORATION ACT

In 1990, the Congress passed a bill to restore interpretations of employment civil rights laws recently limited by the Supreme Court. But President Bush vetoed the bill in the fall, and we failed to override the veto in the Senate.

This bill was generally called a civil rights restoration bill because its sponsors sought to overturn a number of Supreme Court decisions issued in the late 1980's. Congress felt the Court had become too conservative, depending too heavily on the exact wording of the law and sacrificing some of its meaning. With respect to the civil rights cases, particularly, I think the bill's authors felt that the Court had restricted the laws too much, and I agreed with them.

A filibuster met this bill when it came to the floor in July. At this time, a number of Senators offered amendments to the bill. I co-sponsored one offered by Senator FORD to apply the provisions of the bill to the Senate. The Senate passed this rider, and it voted down another to allow for special procedures for itself. Among all of the amendments, however, I think the most important was Senator KENNEDY's amendment to eliminate the requirement of quotas as a remedy in the bill.

However, despite the Kennedy amendment, President Bush vetoed the bill based on an objection to quotas. ''It is neither fair nor sensible to give the employers of our country a difficult choice between using quotas and seeking a clarification of the law through costly and very risky litigation,'' he argued in his veto message.

I was disappointed by the veto and puzzled by the President's reasoning. The bill, I said, included language explicitly stating that ''nothing in the amendments made by this Act shall be construed to require or encourage an employer to adopt hiring or promotion quotas on the basis of race, color, religion, sex or national origin.'' I judged that the bill would only have restored employment practices to the standard before the Supreme Court restrictions.

The next year, the Congress and President Bush compromised on a new version of the bill, which the President declared free of quotas. This bill became Public Law 102–166.

Congressional Quarterly suggested that Bush moved, in large part, because his civil rights record had earned him enemies in the African-American community. This publication also wrote that the President had other political reasons to support the bill. Not least among these were the Thomas hearings and the GOP candidacy of former Klansman David Duke for Governor of Louisiana. But to suppose that he was motivated only by his own gain strikes me as cynical; I believe that the President deserves credit for supporting and signing this Act.

Ultimately, we worked out a compromise which passed as the Senate bill. It modified title VII of the 1964 Civil Rights Act to establish specific compensatory and punitive damages capped according to the size of the business in cases of intentional bias, and it allowed for complainants to seek jury trials under this section. The compromise also rewrote statutes to overturn, effectively, nine Supreme Court rulings. In answer to Wards Cove, the new law returned the burden of proof in discrimination cases to the employer, although it left the definition of business necessity to the courts. It prohibited racial harassment after hiring, contrary to Patterson versus McLean Credit Union. It overturned Martin versus Wilks by setting specific statutory guidelines for third party challenges to consent decrees in affirmative action cases. Against Price Waterhouse versus Hopkins, it specifically disallowed consideration of race, color, religion, sex or national origin no matter what circumstances otherwise surrounded the

hiring. The new law also allowed a period of time to pass after seniority systems are implemented in order to examine their effects before discrimination suits need to be filed. This statute was a response to Lorance v. AT&T. It further amended Title VII to allow for those winning suits against the U.S. government to recover interest on delays, contrary to Library of Congress v. Shaw. In order to reverse Crawford Fitting Company versus J.T. Gibbons Inc. and West Virginia University Hospitals v. Casey, it also modified this section to allow for recovery of the costs in hiring experts. Last, it allowed American workers abroad to sue U.S. companies for discrimination, against the Supreme Court's EEOC versus Arabian American Oil Co decision.

Congressional Quarterly wrote that the language to reverse the Wards Cove decision—with reference to indirect discrimination, called disparate impact—was vague, and left much undecided. This vagueness was a function of the compromise we reached with President Bush.

I was disappointed with the law's failure to apply the same statutes to Senate employment as in the private sector. The bill, however, did include measures to prevent employment discrimination which held Senators personally liable.

This measure represented a key step in the elimination of discrimination, an end I believe the people of America and Alabama were—and are—working very hard to attain.

THE LEGAL SERVICES CORPORATION

During the 1980's, Congress saved the Legal Services Corporation, which provided legal assistance to the poor in civil litigation. This action followed a series of attacks leveled by President Reagan; each year he tried to abolish the corporation, and during that time, he also tried to restrict its activities and reconstitute its board. Since the Senate would not support his nominations, he made many of them in recess. Ultimately, after the Congress pushed funding through each year, Reagan gave in and requested money for the LSC in his last budget request.

I fought very hard to continue the Legals Services Corporation because I believe it is essential to true equality of justice. Given increasing fees and costs, the American system of justice continues to become more difficult for the poor to access. And this unfortunate reality has had a disproportionate impact on minorities. Its continuation represented a great victory for the Congress and the people.

CHURCH ARSON

In June 1996, I strongly supported S. 1890, a bill to increase Federal protection against arson and other destruction of places of religious worship. For the past couple of years, black churches had been burned under suspicious circumstances and with alarming frequency, and a national response was strongly needed.

To those of us who remember the violence and fires of the early civil rights movement and who applaud the progress which has been made in terms of race relations, these latest images in the early hours before dawn were profoundly disturbing.

I supported this bill and other efforts to stop these kinds of hate crimes, bring their perpetrators to justice, and encourage compliance with the law. I also saw this as an opportunity to ask ourselves if we can do more to advance the causes of equal rights and racial harmony. I also called for the authorization of a transfer of funds to be used to implement the provisions of this act at the State and local levels of government.

DESIGNATION OF THE ROUTE OF THE FREEDOM MARCH FROM SELMA TO MONTGOMERY AS A NATIONAL TRAIL

In 1990, I worked with Senator KERRY to introduce a bill to require a study to include the Route of Freedom, from Selma to Montgomery, in the national trails system. I introduced another in 1995 to officially include the Route of Freedom in the system.

Although a conference report is still pending, the provisions to designate the Route of Freedom a national trail passed the Congress in the House's Presidio bill, a larger parks bill.

SANCTIONS AGAINST SOUTH AFRICA

Beginning in the summer of 1985, I voted for the imposition of sanctions on South Africa, and I supported them until the end of apartheid. Although these sanctions remained somewhat unpopular in my home State, I believed that they were the right thing to do. Events since then have shown that sanctions did help bring about an end to apartheid and create a more stable society.

AFRICAN-AMERICAN STAFF MEMBERS

Over the years, I have had many black staff members. In fact, I believe that I have had more African-Americans working for me than other Senators. My legislative director, office manager, mobile field coordinator, and others are black.

As I have said, I believe that inclusion of blacks in government helps overcome symbolic and substantive obstacles to equality. However, it just happened that these staffers applied, and they were best qualified to do the job. This is the way it should be in all cases.

BLACK FEDERAL MARSHALS IN BIRMINGHAM

In 1993, I worked with black political leaders in Alabama to recommend two African-American U.S. Marshals in my home State. These men, Robert Moore and Bill Edwards, were very well qualified for the positions—perhaps even overqualified when compared with the usual candidates for this position.

Robert Moore had recently retired from the Secret Service, where he had served as a special agent for 8 years—the last four in senior status.

On July 15, 1993, Senator SHELBY and I recommended Bill Edwards for the northern district of Alabama. Mr. Edwards had been with the U.S. Marshal's office in Birmingham since 1970, and at the time of our letter, he was a senior criminal investigator. He was also in his last year of law school at the Birmingham School of Law.

That year, Senator SHELBY and I also recommended Florence Mangum Cauthen to the middle district on August 6, and she became the first female U.S. Marshal in Alabama. Among her other accomplishments, Ms. Cauthen had taught law at Jones Law School.

TITLE III OF THE HIGHER EDUCATION ACT

I sought to have a number of Alabama colleges funded through title III of the Higher Education Act. I supported a proposal to separate the general college at Tuskegee University from its renowned School of Veterinary Medicine so that both institutions could receive the benefit of title III. Normally, schools such as Tuskegee, which are considered developing institutions, receive only one grant under this law.

Additionally, I saw that junior colleges were included in the title III developing institutions programs. Over the years, I have worked closely with the Department of Education to see that junior colleges and historically black institutions receive title III funds. These resources have been extremely beneficial.

In the early 1980's Alabama Christian College—now Faulkner University—was turned down for a title III Developing Institutions Grant by the Education Department. Fortunately, we were able to prevail upon the Department and the White House. On a late Sunday afternoon, officials of the department reassembled outside readers and determined that Alabama Christian College's title III application should be granted. A few years later, this school received a challenge grant in the amount of $1,000,000 to assist in its development efforts.

CONCLUSION

As I reflect upon my Senate activities in connection with civil rights, a number of thoughts come to mind, including those surrounding my decision to run for the U.S. Senate.

Senator John Sparkman was in his late seventies, and many of his friends did not think he would be a candidate for reelection in 1978. Then-Governor George Wallace had announced his intention to run for the Senate and was already conducting a tough campaign against Senator Sparkman. I had always been a strong supporter of Senator Sparkman. I was told by friends of his to look at the possibility of running in the event that Senator Sparkman decided to retire.

I had polls conducted pitting my candidacy against that of George Wallace. The initial polls showed that if I were to run, Wallace would be far ahead of me. As I recall, the numbers first polled showed that Wallace would get about 45 percent and that I would get only about 17 percent. But my pollster, Peter Hart, indicated that there was a large amount of negative feeling in the

State toward Wallace at that time and expressed his opinion that I could win such a race. One of the motivating reasons that caused me to give serious consideration to the race was that I felt that Alabama should be represented by a senator who believed in the improvement of race relations and progress in the area of civil rights.

I met with Senator Sparkman in Washington, and he told me about how he had entered his first race for Congress. Archie Carmichael was then the Congressman from Senator Sparkman's district, and Sparkman had been his campaign manager when he was elected. Congressman Carmichael did not enjoy being a Congressman, only serving two terms. He called John Sparkman to Washington and told him that he ought to get ready to run for his congressional seat; that he had not made up his mind yet, but that there was a strong possibility that he would not offer himself for reelection and that Mr. Sparkman should get ready to run in the event he did not seek his congressional seat again. He said to me, ''I am telling you that story because I think you ought to get ready to run for the Senate against Wallace.'' I thanked him and told him I would follow his advice. I also relayed to him that Congressman Archie Carmichael was my wife's grandfather. Sparkman said he knew that and that was one of the reasons he wanted to tell me the story.

A few weeks later, Senator Sparkman announced that he would not be a candidate for reelection, and I announced the next day that I would be a candidate for John Sparkman's seat in the U.S. Senate.

My race against George Wallace was heated for several months. And then, while speaking to the Alabama League of Municipalities Convention in Mobile, he announced his withdrawal from the Senate race, giving no reason for his decision. In advance of his announcement, I was told of several polls that showed I had pulled ahead of Wallace, including a poll conducted by the Wallace campaign itself.

I attracted other opponents, but won in a run-off race against Congressman Walter Flowers by a 2-to-1 margin.

As I think back over the reasons I entered the race for the U.S. Senate, certainly the issue of racial progress in Alabama was a motivating factor, and I was fearful that if George Wallace was in the Senate, it could deter needed changes in the civil rights laws.

In 1982, he ran again successfully for Governor. His last administration was one in which race relations were far more harmonious than they had been in his previous terms in office, with Wallace appointing a number of blacks to key positions in his administration. He publicly stated that his segregation stand had been wrong. At a recent meeting of southern black Democratic leaders in Atlanta, Dr. Joe Reed, head of the Alabama Democratic Conference, said I was the first U.S. Senator from Alabama who believed in civil rights and who took positive steps to advance the individual rights of all persons.

Mr. President, despite all the progress in race relations and civil rights over the years, there is still much to be done. Our work remains unfinished, as the church burnings illustrate. When I reflect on these horrifying arsons and the death of Judge Bob Vance just a few years ago, I am again reminded of just how much remains to be done.

Perhaps it is unrealistic to believe that we can ever have a truly colorblind society. As long as fear, ignorance, and emotion guide some peoples' thinking, there will be prejudice and bigotry. But we can look at the great progress we have made—just in the 18 years since I came to the Senate—and say that we are doing better.

Members might differ on their approaches to civil rights issues. These approaches will take on different forms based on the region of the country we come from, our personal philosophical beliefs, and our political parties. My approach has been to do as much as possible in the public arena to advance opportunity and justice. At times, this has meant working behind the scenes to secure progressive judicial nominations, to craft compromise legislation that could pass and be signed into law, and working with both sides of an issue to cool passions and promote harmony. At other times, it has meant taking strong symbolic stands aimed at education and putting the past behind us, such as the case with the United Daughters of the Confederacy issue.

Regardless of what approach we take as leaders, it is our duty to work in every way we possibly can to see that each and every American citizen enjoys the same liberty, freedom, and equality of opportunity as all others. The fulfillment of the promise of the Constitution demands that we always remain diligent in fulfilling this responsibility.

THE PARTIAL BIRTH ABORTION BAN ACT, H.R. 1833

Mr. DORGAN. Mr. President, I supported passage of the bill to ban partial birth abortions when it was approved by the Senate on December 7 and I voted last week to override the President's veto of this measure.

My position on abortion issues is clear. I have consistently stated that I would not support overturning the Supreme Court's decision in Roe versus Wade. I support a woman's right to have an abortion. I do not think we should turn back the clock 25 years and make abortion illegal, but we should work in every way to reduce the number of abortions that are performed. I have also cast votes here in Congress to oppose using Federal funds to pay for abortions except in cases of life endangerment, rape, or incest.

The Senate's vote last week was on whether to override the President's veto of legislation which would prohibit a physician from performing a partial-birth abortion, a procedure in which a fetus is delivered into the birth canal before its skull is collapsed and delivery is completed. This legislation contains a provision which would make an exception for partial-birth abortions that are necessary to save the life of the mother in cases in which no other medical procedure would suffice.

I simply cannot justify the use of this procedure to terminate pregnancies in which the mother's life is not at stake. For this reason, I voted to override the President's veto and to support the ban on partial-birth abortions.

OMNIBUS APPROPRIATIONS BILL

Mr. FEINGOLD. Mr. President, yesterday I was one of a handful of Members of the Senate to vote against the FY97 omnibus appropriations bill.

This was a difficult vote and I have mixed feeling about passage of this bill.

While I am pleased a Government shutdown was avoided, I am disappointed in the way the process was handled.

Various measures that warranted separate consideration, ranging from the immigration bill, to amendments to the age discrimination law to banking legislation, were wrapped into this massive bill. The measure was hundreds of pages long, and few Members of either body were fully aware of the wide range of items shoved into this must-pass bill at the 11 hour. It has been pointed out by a Member of the other body that you could get a double hernia just trying to lift this omnibus spending bill.

I predict that over the course of the next several weeks, there will be many surprises discovered in the package. Some of the special interest pork provisions are buried deep within the various titles, as well as policy changes that should have been debated in public and voted on without the pressure to keep the government running.

Moreover, although we succeeded in avoiding a massive new tax cut that would have set us backward on the road to deficit reduction, this omnibus spending bill represents a missed opportunity to cut Government waste and stop the unnecessary spending. The fact that this bill was loaded up with special spending provisions for individual Members indicates that it is business as usual in Congress when it comes to spending Federal dollars. While we have made significant progress in reducing the Federal deficit, much of that work was done in the last Congress and we missed the opportunity in the 104th Congress to finish the job and truly get the Federal budget into balance.

This bill adds a whopping $9 billion in deficit spending for defense systems above what Department of Defense requested. When all of the fiscal year 1997