

This whole development carries an important lesson concerning the vagaries and pitfalls of trying to politically shape the practice of religion.

There is, indeed, a proper role for religious ceremony in the public realm, and separation of church and state should not be understood as the elimination of all religious expression in public life. But when prayer is used as a political weapon to counteract what is perceived as a hostile environment, it is being grossly misused. Passing a law does not create a community of faith where, alone, prayer is both vital and necessary. Enforcing prayer in the classroom (or a silent moment for prayer) turns it into a symbolic act for the sake of a political purpose, which destroys or, at least, trivializes what prayer is about.

Since Christians disagree among themselves about the wisdom of a prayer amendment, it should be clear that this is not an issue of the church against the state or the rest of society. It is an ideological battle being waged by certain Christians who want to implement their particular vision of a "Christian" society. If we can actually legislate that goal, it is not worth achieving. ●

BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT

● Mr. SANTORUM. Mr. President, 2 days ago in Bosnia and Herzegovina, the town of Zepa, the second safe haven fell to the Bosnian Serbs, lending increasing urgency to the need to pass S. 21, the Dole-Lieberman bill. Mr. President, the U.S. Congress has voted on the issue of the arms embargo many times, but the fall of two U.N. safe havens has dramatically highlighted this ill-fated policy as never before. The failure of the U.N. peacekeepers to protect the enclaves and themselves is coupled with the knowledge that the Bosnian Government troops have been effectively rendered useless by their lack of heavy weaponry. As the fighting continues to escalate in Bihac, a third U.N. safe haven, it is time for the Clinton administration to abandon this doomed policy, accept that UNPROFOR must be withdrawn, and lift the arms embargo on the Bosnian Government.

We have been warned many times by the Clinton administration that this bill would undermine efforts to achieve a negotiated settlement in Bosnia and could lead to an escalation of the conflict there, including the possible Americanization of the conflict. Mr. President, the conflict has already escalated. More U.N. troops are being deployed, and as the United States and European leaders issue more empty threats, the reality is that the indecisiveness and ineffectiveness of the West has invited the Serbs to step up their assaults. As of this week, two safe havens have fallen, a third is under siege, and in the past 4 days in Sarajevo, at least 20 people have been killed, while more than 100 people have been wounded. The U.N. mission has failed and has been declared more of a hindrance than a help by the Bosnian Prime Minister. The peace talks have failed because the Bosnian Serbs have determined that, judging by their re-

cent military success, they have more to gain by fighting than by negotiating a peace settlement. The Bosnian Serbs already have control of 70 percent of Bosnia-Herzegovina due in large part to a near monopoly of heavy weapons.

This situation in Bosnia, particularly the "dual key" approach has eroded United States credibility and undermined NATO cohesion while contributing to the decline of the effectiveness of the U.N. peacekeepers. Mr. President, this is not a partisan issue, I am not blaming the Clinton administration, many of the problems with our policy in Bosnia began with the previous administration. This is a moral issue. The U.N. peacekeepers have not been able to achieve their mission. They are no longer capable of delivering humanitarian supplies to the enclaves, they are no longer capable of protecting the safe havens, and judging by the ease with which the peacekeepers have been killed and taken hostage, they are no longer capable of protecting themselves. Mr. President, this is not the fault of the troops in Bosnia. They were sent into a situation as noncombatants though they were seen as combatants by Serbs. UNPROFOR went to Bosnia to protect civilians, but they were never given the mandate, the equipment, or the rules of engagement to do the job. It was unconscionable to inject U.N. peacekeepers into a war where there is no peace to keep and without adequate means to defend themselves. The United Nations and NATO have been humiliated and weakened as Serb violations of U.N. resolutions were met with silence and empty promises.

The arms embargo against Bosnia was adopted by the Security Council of the United Nations in 1991 when Yugoslavia was still intact. It was requested and supported by the then Government of Yugoslavia in Belgrade, the Milosevic government. It is a cruel twist of fate that the results of this arms embargo has hurt the very people who have been the victims of the war. This embargo has had no effect on the Bosnian Serbs who have inherited the powerful former Yugoslav army but has devastated the Bosnian Moslems. We can no longer stand by helplessly and watch as a country, recognized by the United Nations, is promised assistance that is too little, too late.

Two days ago, Bosnian Serb leaders Karadzic and his military chief of staff, Ratko Mladic, were charged with genocide, war crimes, and crimes against humanity by the U.N. International Criminal Tribunal. Mr. President, the world has recognized the atrocities of this tragic situation. Let us finally act to give the Bosnian Moslems the capacity to fight back and to defend themselves. Let us stop punishing these helpless civilians for the error of our policy.

A TOOL FOR A COLORBLIND AMERICA

● Mr. SIMON. Mr. President, there is a great deal of nonsense in the political oratory on affirmative action. Like policies on education, religion or any other good thing, it can be abused.

But fundamentally, it will make America a better place. It has made America a better place and is making America a better place.

We still have a long way to go before we are a nation without prejudices and without the discrimination that comes from prejudices.

Chancellor Chang-Lin Tien of the University of California-Berkeley had an op-ed piece in the Los Angeles Times that I think provides a needed balance.

I urge my colleagues to read it. At this point, I ask that the op-ed piece be printed in the RECORD.

The material follows:

[From the Lost Angeles Times, July 18, 1995]

A TOOL FOR A COLORBLIND AMERICA

(By Chang-Lin Tien)

As an Asian American, I have endured my share of affirmative action "jokes." Even when I became chancellor of UC Berkeley, I was not spared teasing about how affirmative action was the reason I landed this coveted post at one of America's great universities.

Opponents of affirmative action use examples like this to argue that affirmative action tars all minorities with the same brush of inferiority—whether or not we benefit directly.

Affirmative action is not the source of the problem. As much as America would like to believe otherwise, racial discrimination remains a fact of life. Whether we preside over major universities or wash dishes, people of color confront discrimination.

In my first months as chancellor, I was encouraged by friends to get coaching to eliminate my accent. While a European inflection conjures up images of Oxford or the belles-lettres, Asian and Latino accents apparently denote ignorance to the American ear.

Our nation is far from fulfilling the Rev. Martin Luther King Jr.'s dream of a country where people are judged on the content of their character, not the color of their skin.

King's immortal words challenged America to live up to its founding principle—that all men are created equal. It is an ideal all Americans embrace. Yet it has needed redefining as America has struggled to broaden its concept of democracy to include women and races other than Caucasian.

King's challenge is especially relevant today as this country undergoes a phenomenal demographic transformation. His challenge will resonate on Thursday when the UC Board of Regents considers eliminating race and ethnicity in admissions and hiring.

As an educator, I know that America's demographic shift poses tremendous challenges. American universities must educate more leaders from all racial and ethnic groups so they can succeed in a diverse environment.

How can America's educators accomplish this? Affirmative action has been an effective tool for diversifying our student body while preserving academic excellence. Yet its opponents argue that affirmative action runs counter to the principle of individual rights on which this country was founded. Affirmative action, they believe, is based on the "group rights" of racial and ethnic groups.

I agree that affirmative action is not a panacea. It is a temporary measure that can be eliminated when we have forged a color-blind society. That time has not yet come. It's painfully clear that equal opportunity is still a dream for many Americans.

Although colleges and universities cannot correct the nation's inequities, we can be a beacon of hope by offering an education to help minority youth realize the American dream.

It is here where a fair, carefully crafted affirmative action process comes into play. At Berkeley and many other universities, in addition to strict academic criteria, student admissions policies take into account special circumstances that minority students have confronted.

Critics accuse us of bestowing special "group rights" to these minorities. They argue that the process should be devoid of such group considerations and that students should be judged solely as individuals.

This argument, however, does not take into account what I call "group privileges"—advantages that certain groups of students accrue by virtue of birth, not by hard work. After all, the contest between white suburban students and minority inner-city youths is inherently unfair. Inner-city students struggle to learn in dilapidated schools where illegal drugs are easier to find than computers, while suburban students benefit from honors classes and Internet access.

Ultimately, we must rebuild America's public schools. Yet until America reverses the precipitous decline of its schools, we have to give special consideration to young people who have overcome countless obstacles to achieve academically.

Diversity benefits all students. It is critical to academic excellence. Only by giving students opportunities to interact and learn about one another will we prepare America's leaders for success in today's global village.

How else can universities prepare tomorrow's teachers for working with youngsters whose families come from nations around the world? How else can universities prepare business leaders to succeed in the international market?

Berkeley's experience discredits the persistent myth that affirmative action lowers academic standards. Our fall 1994 freshman class, in which no racial group constitutes a majority, is stronger academically than the freshman class of 10 years ago. Our graduation rates have climbed steadily. Today, 74% of our students graduate within five years. In the mid-1950's, when the student body was overwhelmingly white, 48% graduated within five years. We have diversified while strengthening our role as a premier university.

If America ends affirmative action before addressing the underlying causes of inequal-

ity of opportunity, racial divisions will deepen. Opportunities to dispel ingrained beliefs about different races through interaction and discussion will be lost. Many promising minorities will never have the opportunity to excel as academic, cultural, business and political leaders.

Most important for me as an educator, excellence in academic institutions that must prepare leaders for a diverse world will be jeopardized.

Instead of threatening the progress we have made, let us address the problems that foster unequal opportunity and racial strife. Only then can we look forward to the day when affirmative action can be eliminated and the vision of our founders will be fulfilled—that all Americans are created equal.●

ORDERS FOR FRIDAY, JULY 28, 1995

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9 a.m. on Friday, July 28, 1995, that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then immediately resume S. 1061, the gift ban rule as under the previous order.

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

SCHEDULE

Mr. LOTT. For the information of all Senators, the Senate will resume consideration of the gift ban rule tomorrow at 9 a.m. Approximately at 9:10 there will be two consecutive rollcall votes on or in relation to the gift ban rule.

Under the unanimous-consent agreement reached earlier, additional rollcall votes can be expected, and the Senate will complete action on the gift ban bill on Friday, as the leader promised we would do.

Also, Senators should be aware the cloture vote on the motion to proceed to the State Department reorganization bill has been postponed until Monday, and the cloture vote on the motion to proceed to the foreign assistance authorization bill has been vitiated.

The majority leader also announced the first rollcall vote on Monday will not occur until the bewitching hour of 6 p.m.

RECESS UNTIL 9 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 9:55 p.m., recessed until Friday, July 28, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 27, 1995:

DEPARTMENT OF ENERGY

CHARLES B. CURTIS, OF MARYLAND, TO BE DEPUTY SECRETARY OF ENERGY, VICE WILLIAM H. WHITE, RESIGNED.

DEPARTMENT OF JUSTICE

JAMES ALLAN HURD, JR., OF THE VIRGIN ISLANDS, TO BE U.S. ATTORNEY FOR THE DISTRICT OF THE VIRGIN ISLANDS FOR THE TERM OF 4 YEARS, VICE JAMES W. DIEHM, RESIGNED.

DEPARTMENT OF STATE

DON LEE GEVIRTZ, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FIJI, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAURU, AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF TONGA, AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO TUVALU.

JOAN M. PLAISTED, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KIRIBATI.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

ELISABETH GRIFFITH, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 27, 1996, VICE JOAN R. CHALLINOR, RESIGNED.

MARC R. PACHECO, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING OCTOBER 3, 2000, VICE BETTY SOUTHARD MURPHY, TERM EXPIRED.

LOUISE L. STEVENSON, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 17, 1999, VICE A.E. DICK HOWARD, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS ON TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JAMES R. CLAPPER, JR., 000-00-0000