

the Social Security tax, return it to the wage earner, allow the wage earner to start to preinvest, to presave for their retirement, with the taxes which are now going into a fund that is on a cash-flow basis. The taxes are now being used to operate the Government, the general Government, instead of being used and identified as the savings of the Social Security recipients. This is a good policy approach to what is looming as one of the major policy debates that we will confront as a Congress as we move toward the next century.

Mr. President, I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from the great State of Illinois is recognized.

Mr. DURBIN. I thank the Chair for recognizing me. I thank my colleague for his statement on the future of Social Security. He is recognized in this Chamber as one who has studiously addressed himself to this and many other challenges.

I hope that next year my colleague will lead a bipartisan effort to take a serious look at the future of Social Security and Medicare, and so many entitlement programs that we worry about, in terms of long-term solvency. I thank my colleague for his remarks. Though I may not agree with every particular, I certainly do respect the fact that he continues to stick with this issue through thick and thin, as he should. The Senate should address it, and, hopefully, we can do it together in a bipartisan fashion.

Mr. GREGG. Mr. President, I appreciate that kind comment. The Senator from Illinois has certainly made a serious effort in a number of areas in this Chamber. I have enjoyed working with him, for example, on the tobacco issues. And I look forward to working with him on this. I also believe this must be resolved in a bipartisan manner.

#### JUVENILE CRIME

Mr. DURBIN. Mr. President, I am, as you know, concluding my first year in the U.S. Senate. Within a few days, we may be able to go home, and the sooner the better.

As I reflect on my first year, I think back on one particular issue, which I didn't anticipate being of great importance and now has turned out to be of major importance on my legislative agenda. I was appointed to the Senate Judiciary Committee and, as a result of that appointment, I decided to particularly focus on the issue of crime, particularly juvenile crime, in the United States.

This past year, I made my visits back to Illinois coincide with an effort to study the problem of juvenile crime. During the course of 1997, I visited jails and prisons, detention centers, have met with judges and law enforcement officials, have been to drug rehab facilities, have been to many, many

schools in the State of Illinois, have met with young people and their parents, and I have tried as best I could to come to grips with some of the problems that we have in this Nation as it relates to crime.

I find it very curious to consider the following: The United States has one of the strongest economies in the world. I daresay that you could not travel across the world and find another country so widely admired as the United States. No matter where you go, people talk about us—the way we live, our music, our art, our culture, our economy. We should take great pride in that. We also know for a fact that, if we were to lift all restrictions on immigration and say the borders of the United States are wide open, we would be inundated with people from all over the world who would walk away from their cultures, their families, and their traditions, many of them just hoping they would have a chance to come to America and be part of this great democratic experiment.

Having said that, though, the one thing that is curious to me, despite all of these positive things, is, why is it that the United States of America has the largest percentage of its population imprisoned, incarcerated, of any country in the world except one—Russia? Why is it, over the last 10 years, we have seen such a dramatic increase in incarceration and imprisonment in America? Is there something genetic about living in America that leads more people to commit crime? I question that. I don't think that's true. But what is it about our country that is engendering more imprisonment and more incarceration?

Now, let's be fair and look at both sides of the ledger. We have found that, as incarceration rates have gone up and the State and Federal prisons have grown in size, the crime rate has gone down.

So there is a positive side to this. If people who are committing crimes are being taken off the streets to make those streets safer for our families, our communities, and our neighborhoods, that is a positive development. I do not want to suggest at all that we should step back from that commitment. If someone is guilty of crime, they should do the time. It is not just the slogan; it is a fact. And in America, more and more people are doing time.

But is there an answer to this dilemma, or challenge, which goes beyond the obvious, the enforcement of crime, the imprisonment of criminals? Can we as a nation aspire to a goal where we see a continued reduction in crime and a reduction in incarceration? Because imprisonment is a very expensive undertaking for a society. First, we measure it in dollar terms. In the Federal prison system it is probably \$20,000 a year to keep a prisoner there. Roughly the equivalent of what it takes to go to some of the best colleges and universities we spend each year to put men and women in prison and keep

them there at the State level. It goes as high as \$30,000 in my own State of Illinois. It is an expensive commitment.

Don't forget this important fact. There is not a person in prison today who didn't get there because he or she created a victim. So in order for that process to work its way through, someone was victimized. Someone may have been killed, assaulted, raped, or burglarized—whatever it might be.

So when we talk about reducing prison populations, it is more than saving money. It is also a question of sparing victims, but doing it in a way that still reduces crime.

I have taken a look in my State at some of the things that are being discussed. I have talked to some of the leaders across the Nation. I have come up with some things that I hope this Congress can address on a bipartisan basis. Let's start at the very beginning.

We now know through research, which has been proven time and again, that one of the most critical areas in the life of an individual is the very first few months of life. We used to think that those gurgling, babbling little kids were so cute. We would diaper them, feed them, laugh at them, try to guess who they looked like in the family, and we didn't realize that while we were doing that, this child's brain was developing at a rapid pace. In fact, in the first 18 months of life, some 75 percent of a child's brain has developed.

The reason I raise that is because I think there is a link between the development of our children, how well they develop, and what they turn out to be. My parents believed that. I believe that. My wife and I did, as do our children. I think it is a fact.

When I visited the Cook County Juvenile Detention Center about 6 months ago and saw the hallways filled with teenage kids, mainly boys, walking back and forth, it looked like a high school with 14- to 15-year-olds filing back and forth in uniform. But, of course, these weren't just high-school-age kids; these kids had been convicted of a crime.

I asked the prison psychologist. I said, "Who are these children?" He said, "Senator, these children I could describe in about four or five characteristics." First, they come from broken homes, almost invariably. Second, they have a learning disability. They were falling behind in school. They weren't learning as well, either because of poor nutrition before they were born in their mother's womb, or poor nutrition after they were born, exposure to narcotics, exposure to abuse. These children are basically "unattached." That is a term that is used in psychology about which many people would just shake their heads and say, "How could this be?" But it basically means a child coming into this world does not receive the most fundamental and basic emotional bonding with a parent or a loved one.

How many parents automatically, instinctively grab that baby, pull the

baby up to their arms and cradle it while they are feeding the baby, nursing the baby, feeding it with the bottle, with the warmth of the mother, or even the father, and a little communication going on there as part of this bonding attachment? These kids missed that. These kids didn't go through this emotional maturation that leads to a normal functioning adult, and, as a sequence of this, they are missing a piece of that.

He said there is something else about these kids, too. He said these kids "don't know how to resolve conflicts." You "Dis me, I kill you. I've got a gun to do it." In America everybody has a gun to do it, unfortunately.

So when I started looking into these "problem children," as we might call them, and then back to the beginning, I started thinking about what we can do as a society to address it. Clearly, we have to start at the beginning.

Now, with more than half of the mothers in America working and relying more and more on custodial care, whether it is day care or babysitters, shouldn't we be asking a very fundamental question as to what kind of care our kids are receiving when they are in custodial care?

I don't think it is any accident that this au pair case in Massachusetts attracted so much national attention. It is a sad reality that we lose children in America every day to abuse and neglect. Yet, this case, which was so prominent in the headlines, captured America's attention for weeks, I think, because more and more people instinctively are worried about their own children in custodial care. You leave them there 8 or 10 hours a day. What is happening to them? Are they safe? Are they being treated right?

So, when the President calls a national conference on child care, I hope that we will look beyond the fact that it is a political setting to the fact that this is a very real family challenge. It is interesting in this Nation that we decided that public education was so important to the future of this country that we are going to make a public commitment to it. We understood that some wealthy parents could afford to educate their own children, but most parents could not. So we said, if we are going to have well-educated children who become good citizens, we as a nation will commit to them. We will commit at every level—local, State, and Federal level—to make sure we have a system of public education.

We have a new challenge, my friends. What about the years before kindergarten? What about these developmental years? What commitment are we prepared to make as a nation to make certain that those developmental years are right?

Some children are blessed to have a parent who can stay home and raise them. I count myself as one of the fortunate parents. My wife was able to do that. I don't think we could have given our children a better gift than to have

her there every day while they were growing up, reading to them, living experiences with them, teaching them. But in some homes that can't happen for economic reasons and other reasons that a parent can't stay home.

So, that parent wants to make sure that his or her child also gets good care. You look at day care in America today, and it is a very mixed bag. There are some extraordinarily good day care centers—some private, some public. But let's be honest. There are some that aren't very good at all. There are some that are mere babysitters—diapers, bottles, and little more.

You look at the training requirement. In Illinois, for example, a day care worker needs 2 years of college—an associates degree. That is good, but it could be a lot better. We could be making sure that the men and women in day care really understand what is going on in that young mind and bring these children along as they should be. But it will cost money. You can't bring people in for that kind of professional training and professional care without paying. Working families say, "That is great, Senator; a great idea. Who is going to pay for it? Who will pay? What is the bottom line?" Honestly, we expect the families to contribute, and they do—many of them making great sacrifices for day care. But clearly there must be more. We as a nation must make a contribution to this, too, to make certain that these children have a fighting chance.

There is another element that I think is important, too. As I traveled around Illinois, I visited a program called Lincoln's Challenge. It is in 15 different States now. The National Guard in Illinois runs this program and invites in 400 students who are high school dropouts in the State of Illinois. They must come voluntarily. They must be between the ages of 14 and 18. They must be drug free and not pregnant. If they then come into the program, they are in for 10 weeks of military style training. They are in uniforms. They shine their shoes every morning, make their beds. It is "yes, sir"; "no, sir" and they go to class. These high school dropouts that other people have given up on are brought into classrooms. In the course of 10 weeks, 71 percent of these kids, high school dropouts, earn the GED degree—in 10 weeks. All of a sudden, they are out of the neighborhood. They are focused. They are in a disciplined environment. And they have people who care around them. It works.

Kids who would have been casualties on the streets of Chicago, or Springfield, now have a chance because of one other factor. One of the important features of this program is one that I have come to believe is essential if we are going to deal with reducing crime and saving our kids. When those young men and women finish this program, they go back to their hometowns, but with one important difference. Each one has

an adult mentor. Each one has an adult outside their family that they can call on for advice or encouragement or support, for counsel. "How am I going to get a job? Can I get into the Army? What should I do next if I want to go to the community college?" So there is somebody who cares. Of all of the programs I have seen, the most successful I have run into time and again—whether government programs or private sector—are mentoring programs.

We had a juvenile court judge from the State of Georgia, from the city of Atlanta. I am sure Senator WELLSTONE remembers when she spoke to our conference of Senate Democrats. She told the story of coming out of private law practice and becoming a juvenile court judge and going back to the big law firm in Atlanta and saying, "I want you lawyers, whether you are corporate or criminal lawyers, to volunteer to come to my courtroom and represent these kids." She knew the kids would get better representation. She also knew something else. Relationships would begin. Attorneys meeting young men and women would start to care. Those young men and women, sensing that caring, would finally have a voice that they could listen to, someone they could talk to.

So, I have come to believe that, as we talk about reducing crime and helping kids, it is not just early childhood development, but making certain that kids, particularly those facing problems, have an opportunity for mentoring.

We also need to think about some basics. Why in God's name do schools quit at 3 in the afternoon? This might have made sense 50 years ago when kids went back to Ozzie and Harriet settings, and mother was home with milk and cookies. But, boy, that is the exception, not the rule. Most kids who are turned loose at 3 in the afternoon have two options: television or trouble. We have to start thinking about school days that reflect the reality of America's families.

Most American families come in at probably 5 o'clock or 6 o'clock, if they are lucky, weary from a day of work. That is the time when they can finally give their children a little bit of attention and, hopefully, have some good time with them. But what happens between 3 and 6? What is happening with these kids? In more communities, more and more that I visit, schools are doing things after the regular school hours: some recreation, some arts and crafts, and music, and some, of course, regular school activities, but a safe environment. Shouldn't that be the first rule that we as a nation adopt? Our kids are going to be safe all day long?

One of the last points I want to make is about prisons themselves. I visit a lot of them. In fact, I went down to the Marion Prison in southern Illinois. It is rather infamous—or famous, depending on your point of view—as having been in a lockdown for almost 5 years now. Two prison guards were killed, and, as

a result, most of the prisoners who are brought there spend most of their time in their cells. In fact, the only prisoners there have, first, committed a violent crime to get into prison, and second, broken a law once they were in prison. So these are a pretty tough bunch of characters.

Listen to what they do when they come to the Marion Federal Prison. The first year of their life there is very predictable. The first year of their life, out of a 24-hour day they will spend 23 hours of that day in a cell alone. They get 1 hour to come out of their cell, but with no socialization. They don't speak to anyone. The guard watches them as they walk around the yard. If they get through that year and they have not broken the rules, then they start bringing them out and giving them a chance to take a little course here on this, or go to a prison industry, or maybe eat in a room with some other prisoners.

They have a dramatic success rate. You can imagine this is pretty tough. It is one of our toughest Federal prisons.

As I talked to the warden and the officers there—and I want to give high praise to them because I think they run a very good operation—and talked to people in other prisons about who these prisoners are and whether they are likely to come back, there is one factor that just comes roaring through at you. That factor is this: If you invest in educating these prisoners while they are in prison, the likelihood that they will return to prison is cut dramatically. There is one in four chances that they will be recidivists, commit another crime and come back, if you educate them.

Unfortunately, we as a nation for whatever reason, budgetary or otherwise, have not made this commitment to education. We somehow think that we are punishing the prisoners by not making education classes available so that they can become literate, so that they can develop a skill. I am not so sure we are punishing the prisoners as much as we are punishing ourselves. These prisoners, most of them, will be back on the street and without an education and without basic skills, I am afraid they are destined to commit crimes. In fact, statistically we know they are, by a rate of 4 to 1, from those prisoners who pick up education and skills. We have not made that commitment in our prison system and we should. It is absolutely essential that we do it.

I went to the juvenile maximum prison in Illinois and met with the principal of the high school there. And I looked at all of the young men who were in the classrooms at this prison, and I said, "How is this working out?" He said, "Well, amazingly well. Most of these young men"—all men at this prison—"missed something in their basic education and became so frustrated that they basically dropped out; they stopped paying attention and fell behind." He said, "We test them to find

out what they missed. We go back," he said, "and fill in that gap and they come roaring forward toward a GED." To many of them, it is sad that it took this track for them to reach this fulfillment, but it is a fact and one that we should reflect on, how time spent in prison, if it is done constructively, can start to turn a life around, can make this a safer America and reduce the number of victims that we might see.

People think that in an age where all we talk about is balancing the budget many of us in Washington really don't reflect enough on some of the important social goals we should have in this country. I don't think there is anything more important than our children, and if it means making certain that we have quality day care for childhood development, if it means making certain that we are committed to a school day that reflects the reality of our families, if it means making certain that the kids who need someone to talk to have an opportunity, whether it is through Big Brother, Big Sister, the Boys and Girls Clubs, whatever it happens to be, if it means making certain that our prison system now starts to be more responsive to real human needs, I think those are things we as a Senate and a House should address.

I hope that next year, even in a busy election year, we have the time to do just that.

I want to address two other topics very quickly. I see my friend from Minnesota is here. I just want to address them very quickly because they are important and I hope somewhat timely.

#### NOMINATION OF BILL LANN LEE

Mr. DURBIN. Mr. President, late this week we will have an executive committee meeting of the Senate Judiciary Committee. We will return to a nomination made by President Clinton, one that I think has become a source of major controversy. The gentleman's name is Bill Lann Lee. Mr. Lee has been named by the President to be head of the Civil Rights Division of the U.S. Department of Justice.

I had never met Bill Lann Lee until about a month ago when he came by my office. He made a very positive impression in the short time we had to speak to one another. Then I read his background and sat through his confirmation hearing, and I want to say that I hope Mr. Lee will get the chance he deserves.

Bill Lann Lee is the son of Chinese immigrants who came to this country to New York virtually penniless. His mother and father started a hand laundry. He and his brother, who is now a Baptist minister, worked in that laundry with their parents. His mother sat, as he said, in a front window of the laundry every day at a sewing machine. His father was back doing washing and ironing, refusing, incidentally, to teach his sons how to iron. That's the major skill in a hand laundry. He

didn't want his sons to know how to iron. He didn't want them to work there. He wanted them to think beyond the laundry.

When World War II started, Bill Lann Lee's father, who was 36 years old and could have escaped the draft just by claiming an age deferment but did not do it, volunteered and went in the Army Air Corps and had a very interesting experience because he came back from the war to his family and said, "That was a good thing to do, not just for the Nation but good for me."

For the first time, Bill Lee's father said, he was treated like an American, not like someone from China living in America. But when he came back from the war, as a returning veteran after World War II he found that job discrimination and housing discrimination was still very, very strong against Chinese-Americans. So he returned to his hand laundry but more determined than ever that his sons would have a better chance.

When Bill Lann Lee reached college age, it happened that Yale University decided they wanted to diversify their student body. They gave him a chance and said come to Yale and see if you can prove yourself. Well, he sure did. He graduated from Yale with high honors and then went to Columbia Law School and graduated with high honors.

With that kind of background, Bill Lee could have easily gone with a major law firm in New York, Los Angeles, wherever he happened to want to live, but he didn't. Bill Lee had learned a lesson in life, a lesson from his parents, and he decided that he wanted to fight discrimination. So for 23 years he has worked for the NAACP legal defense fund filing lawsuits when people are discriminated against.

The interesting thing about it is, when you think of these lawsuits, many times they are the most controversial lawsuits you can imagine. You know the headlines in the papers when they start talking about housing questions and school questions and questions involving gender or race or religious persuasion. Those are tough cases. But out of 200 cases that Bill Lee handled, only six ever went to trial. He was able to work out agreements in all the other cases.

In fact, one of his leading opponents, Richard Riordan, who is the Republican mayor of Los Angeles, wrote a letter about Bill Lee and said, "I was on the other side of a lawsuit, and I want to tell you something. We never would have settled it without Bill Lee there. He practices mainstream civil rights law."

I tell you, my friends, he is exactly the kind of person we need serving in the Department of Justice as the representative of the Office of Civil Rights. But I am sorry to report to you that in the last week some extreme political folks have set their sights to try to nail Bill Lee. They are trying to stop his appointment as the head of the