

Michigan can prove that. I haven't done all the work. I teach constitutional law; I think I know a little about it. I can't say to the Chamber, I am guaranteeing I know the Michigan test is constitutional. They should have to prove it. No problem. I think they will. But let's not kid each other. OK? Level playing fields? I will conclude this part and get on to what I was going to speak about and just look at it.

Of the total 150 points an applicant to the University of Michigan can get, 40 points are for non-academic factors. You can get 20 points if you're an underrepresented minority, but also if you're a scholarship athlete, or if you're a kid who is socio-economically disadvantaged; you can get 10 points if you're a Michigan resident, 16 points if you live in 2 particular counties in Michigan; 4 points if your parents are alumni; 3 points for your required personal essay; 5 points for personal achievement; 5 points for leadership and service and, guess what—I say to my friend who went to a great, great university, the Presiding Officer, Duke University, one of the great universities in America; this will not surprise her, I suspect—the provost has 20 points of discretion. How about that one? The provost has 20 points of discretion.

Do you think the provost is more likely to receive a phone call from the chairman of the board of General Motors, or do you think the provost is likely to take a phone call from Rashid's mother in Detroit? My colleagues, as the kids used to say, let's get real. Let's acknowledge the truth of this. There is no absolutely totally blind test out there.

I am not criticizing. Universities have a reason for giving alumni preference. How do you think Harvard was built? There is a little red book on how Harvard's endowment was built. You build loyalty to a university. People then do things for the university. That is a good thing, not a bad thing. It is a good thing. There is geographic diversity. It is a good thing that there is discretion built in.

But if you are going to take this purest view that race can never be considered, that minority status can't be considered and you want to be fair, be fair. Cash in your senatorial credentials when you start writing recommendations. OK? Don't write a recommendation.

You want to be really fair? Be like every other person out there, do you know what I mean? Maybe it is because I come from a place called Claymont. I come from an Irish Catholic family. I am the first one in my family to go to college—no Horatio Alger story.

I once got in an argument during the Thomas hearings which I don't like to recall very often. Someone was saying to me that there was no preference given to the Justice getting in the Yale University Law School. And I looked at this particular guy, who wasn't happy

with me over another issue about logging roads through Federal lands. He was really mad at me about that. I looked at him and I said: Where did you go to school?

He said: I went to Yale.

I said: You are the guy who took my spot at Yale.

He said: What do you mean?

I said: We are the same age. You took my spot at Yale. I know you are the one.

He said: What are you talking about?

This guy happened to be from Alaska. I come from Delaware. If I'm not mistaken, you got points at Yale for being from Alaska. And probably his marks were better than mine, but I joked with him. He didn't know.

I said: I bet my marks were better than yours. I said: I'll make you another bet. I bet your daddy went to Yale.

He said: Yes, what difference does that make?

It makes a difference. Assume my marks had been the same as his. I am from Claymont, Delaware. My father is making 17,000 bucks a year, and I applied to Yale. He is from a geographically underrepresented area and his daddy went to Yale.

I mean this sincerely, I understand the anger of working-class and middle-class White people like me, my background. I can remember when my dad, who was an automobile salesman, I remember my dad being so angry when he was trying to borrow the money to get a student loan to send me to the local university and my sister almost at the same time. He was \$800 over the limit. It was like 18,000 bucks he made that year, over the limit to be able to borrow.

The guy who worked on the lot came in really happy one day, and my dad was good friends with him. But the guy was the laborer who cleaned the cars. And he said: My son is getting in. I got the loan.

And my dad thought it was so unfair that this guy made one-third less than he did and he was able to get the loan, but my dad couldn't afford to send us all without the loan.

So I am not in any way belittling the legitimate concern and anxiety of middle class and lower middle class White folks who feel they are pushed out of the way. That is why I think we should give them all a \$12,000 tax deduction to get to school which I have been pushing for 8 years now.

But it amazes me how some of our friends in this Chamber and in the body politic political elite really will bleed over the 1 or 2 or whatever percent of the White children who really do get bumped out of the way. Where is their bleeding for the 10, 20, or 30 percent of the Black kids or Latino kids who get pushed out of the way a thousand ways? Is anybody suggesting to me the injustice done to middle White class or any White student is anywhere nearly equivalent to the injustices done or the lack of opportunity available to minorities?

There is such an imbalance about this. That doesn't mean we should justify a wrong when it is only done to 1 percent of the people because there is a greater wrong done to another group of people. We ought to be able to figure out how to deal with this.

I will end with this: I respectfully suggest we should be making it a lot easier for kids to get to college, period, across the board. One of the things we should do is what my friend from Connecticut has devoted his career to, and he knows more about it than I do by a long shot, and that is making elementary and secondary education truly equal. He had an amendment that said, on this big bill we passed on education, by the way, if you are going to test people equally, make sure you spend equal amounts of money on them.

If you are a kid in west Philadelphia and you are a kid in Marion, which is one of the wealthiest areas just 4 miles away, I don't remember exactly what the numbers are, but it is like two or three to one resources spent on the kid in Marion to educate him than the kid in west Philadelphia. We are going to give them the same test. It reminds me of the old separate but equal stuff. So there is a lot we can do to make sure no child, White or Black, is bumped out of the way because they are qualified, but otherwise they do not suffer from one of the litany of things listed as being able to be taken into consideration in admission.

I am not making the case on the merits. I don't know enough about the Michigan policy. I hope we have a honest discussion about this when we talk about it because there are preferences built in across the board, absolute preferences.

I know, as a middle-class White kid—lower middle class economically—growing up, who did relatively well, I knew that the kid who had a lot more money, whose parents had gone to college, had more of an advantage. I didn't begrudge them the advantage. It is just there. It is just there. Let us at least admit to that and acknowledge that. Let's stop this—and nobody has done this in the Chamber, but let's not start demagoging this notion that all these White kids are being discriminated against and so-called reverse discrimination is killing opportunities for White children.

#### NORTH KOREA AND IRAQ

Mr. BIDEN. Madam President, we can't afford to put either Iraq or North Korea on the back burner. Both need our immediate and sustained attention. But the crisis on the Korean peninsula, and it is a crisis—is our most urgent priority.

The situation in North Korea has gone from bad to worse. They've thrown out the international inspectors. They've turned off cameras that tracked thousands of canisters of weapons grade plutonium. They've withdrawn from the Nuclear Non-Proliferation Treaty.

The irony here is that the very rationale some in the administration cite for regime change in Iraq is an emerging reality in North Korea: A rogue regime and one of the world's worst proliferators is on the verge of becoming a plutonium factory. It will sell anything it develops to the highest bidder.

We know it doesn't take much plutonium to make a nuclear threat real. You only need something the size of the bottom of a water glass, about an eighth of an inch thick, two pieces. With a crude operation to ram it together at high speed, you have a 1 kiloton bomb in a homemade nuclear device.

My colleagues from New York will remember this: our national laboratories produced what could be a homemade nuclear weapon. They made it off the shelf with easily obtainable materials. Everything except the plutonium. I asked Senators CLINTON and SCHUMER to bring that homemade weapon up to S. 407 and they walked it right in.

The threat of proliferation exists in North Korea as we speak, right now, not tomorrow or next week or next month or next year, but right now.

And by the way, if President Clinton had not completed the Agreed Framework, North Korea would already have material for dozens of nuclear weapons.

If North Korea continues down this path, we also risk an arms race in Asia. Think about it. North Korea, South Korea, Japan. And if that happens, China will build up its nuclear weapons arsenal, India will get nervous and do the same, and Pakistan will follow suit. Everything we've been working to present for decades—a nuclear arms race in Asia and beyond—will become a reality. And that could have a terrible impact on economic stability, too.

The regime in Pyongyang is first and foremost to blame for this crisis. But frankly, two years of policy incoherence on our part has not helped matters. We have see-sawed back and forth between engagement and name-calling.

And the last two weeks of taking options off the table—especially talking—has made matters worse. It tied our own hands and added tension to our already strained relationship with a key ally, South Korea. We need a clear—and clear eyed—strategy for dealing with this danger.

I'm pleased the administration now seems to be on the right track. As several of us have argued for weeks, direct talks are the best way out of this impasse.

Some claim that talking is appeasement. Well, we know that not talking could result in North Korea having the material to build up to a half dozen nuclear weapons in six months—and dozens more in the months and years to follow.

We know that taking out North Korea's plutonium program must be a course of very last resort. Pyongyang has more than 10,000 heavily protected

artillery pieces just miles from Seoul—it could devastate the city, its inhabitants and many of our troops before we could respond.

We know that for additional sanctions to bite, we would need the participation of South Korea and China, neither of whom so far, wants to pursue that path.

And we know that talking is not appeasement. It is the most effective way to tell North Korea what it must do if it wants more normal relations with us. In fact, in dealing with an isolated regime and a closed-off leader, talking clearly and directly is critical if we want to avoid miscommunication and miscalculation.

We cannot and should not buy the same carpet twice. We won't if we insist on getting more from North Korea than we got last time. This should include giving up the plutonium and spent fuel it already has produced and forsaking the production of plutonium and uranium in the future—all of this verified by international inspectors and monitoring.

In turn, we should hold out the prospect of a more normal relationship, including energy assistance, food aid and a "no hostility pledge."

#### IRAQ

As we contend with Korea, we also must deal with Iraq. The administration was mistaken to suggest North Korea could be put on the back burner. But so are those who suggest Iraq is not a major problem. It is, and we must continue to deal with it on its own merits, but on our own timetable.

It's no secret that the State Department, the Defense Department, and the Joint Chiefs of staff are at odds on the best course of action in Iraq.

We have Hans Blix and the IAEA saying that the inspectors need more time to accomplish their mission—that they will have to stay in Iraq much longer to get the job done.

Secretary Rumsfeld is saying, if we get ourselves locked in for four more months we will lose our weather window and be forced to wait until the fall.

Secretary Powell is saying, look, we must make it a priority to maintain the support of the French and the Germans and everyone else, not to mention the American people. The President was right to make Iraq the world's problem, not just our own. Let's keep it that way.

In my view, the President has shown restraint on Iraq. He has gone to the United Nations. He has allowed inspectors to begin. Now he must allow them to take their course. I would say to the President, keep it going. In the eyes of the world, you're doing it right.

Inspectors are not a permanent solution and neither is our massive troop presence. But so long as the inspectors are doing their work in Iraq, backed up by the threat of our forces, it is highly unlikely Iraq could pursue a nuclear program undetected or would run the risk of selling chemical or biological weapons to terrorists. And we will sus-

tain international support. Meanwhile, the pressure will build on Saddam. Unlike in North Korea, times is on our side, not his.

Of course, this massive deployment is costly and hard on our men and women in uniform. But going to war would be far more costly in terms of troops and treasure. It must remain a last resort.

If we do go to war, we better be absolutely certain that our friends and allies are all in the game at the outset.

Not because we cannot prevail against Saddam Hussein without them. We can—though it certainly makes sense to spread the risk and share the cost. But because without the support of other nations, we will be left with a political, financial, and, potentially, a regionally destabilizing burden after we take down Saddam. We will have to deal with the "day after" Saddam—or more accurately the decade after—on our own.

In the weeks ahead, if we move to war, I hope the President will tell the American people what he has not yet told them: How much will the war cost? How will the balance his guns and butter rhetoric with the bottom-line budget realities we face? How many troops will have to stay in Iraq after Saddam and for how long? How much will it cost to rebuild Iraq? Who will help us foot the bill? The American people deserve answers to these and other key questions?

The PRESIDING OFFICER. Under the previous order, the Senator from Kansas has 5 minutes.

#### TRIBUTE TO REVEREND DR. MARTIN LUTHER KING, JR.

Mr. BROWBACK. Madam President, I wish to focus the body for a few minutes on January 20, 2003, when we will pause to remember Dr. Martin Luther King, Jr., a man who changed the course of history and America's conscience.

Dr. King is really one of those few individuals throughout history who has so nobly exemplified the principles of sacrificial love and devotion. He changed a country, and he gave his life in the process.

I want to read a short excerpt from a speech he gave the night before he was assassinated. On April 3, 1968, 1 day before he was killed, Dr. King said the following in a speech:

I don't know what will happen now. We've got some difficult days ahead, but it doesn't matter with me now. I've been to the mountaintop and I don't mind. Like anybody, I would like to live a long life; longevity has its place, but I am not concerned about that now. I just want to do God's will. And he's allowed me to go up to the mountain, and I have looked over and I have seen the promised land. I may not get there with you, but I want you to know tonight that we as a people will get to the promised land.

He said that April 3, 1968, the day before he was killed. I want to particularly focus on that last sentence:

. . . but I want you to know tonight that we as a people will get to the promised land.