

23 or more days of Maryland's After School Opportunity Fund Program showed greater gains on such measures as commitment to education and academic performance, and a reduction in delinquency.

According to a 2005 Manhattan Institute study, only one-third of American high school graduates are prepared for college. Our students are falling further behind in math, science, engineering, and other areas critical for success in the 21st century economy. The hours between 3 and 6 p.m. do not need to be peak hours for juvenile crime and dangerous experimentation. The after-school hours can be and must be a time when our kids learn new skills, develop relationships with caring adults, and prepare for the future.

One program in Marriottsville, MD, is doing just that. In a reversal of roles, tech savvy students at Marriotts Ridge High School offer afterschool instruction in Photoshop, game design, Web design, Microsoft Office, and other programs to members of the community. The principal has raved about walking down his school's halls and seeing his students conduct workshops for individuals ranging from middle-schoolers through senior citizens. How impressive that these students are given the opportunity to master this technology and then develop the confidence and leadership necessary to teach it to others. What a benefit to these students and to that Maryland community!

So I was extremely disappointed, as were many of my colleagues, to see that President Bush's fiscal year 2009 budget proposal cuts funding for 21st Century Community Learning Centers by \$300 million next year. If his proposal were enacted, 300,000 students nationwide would lose access to afterschool programs. Maryland alone would lose one-third of its funding, which would translate to a loss of services for 5,000 children.

The President also wants to turn the grant program into a voucher program. Currently, States review programs in a thorough, competitive process and award multi-year funding to the best proposals. These long-term grants allow programs to plan, grow, develop partnerships, and hire quality staff. Parents are able to choose among various programs for their children. By contrast, a voucher program would give the money to parents rather than the States, eliminating the funding stability that is so critical to developing high-quality programs.

The President's proposal is unwise in two respects. In the short term, it would eliminate many parents' access to afterschool care. In the long term, it would undermine the quality of those programs that survive. David Kass, the president of a national nonprofit anticrime organization called Fight Crime: Invest in Kids, has said, "Law enforcement leaders across the country agree: this [proposal] threatens public safety."

Mr. President, I hope that my colleagues will reject the administration's

proposal and continue to support the 21st Century Community Learning Centers.

#### JOHN SHATTUCK ON RESTORING THE RULE OF LAW IN U.S. FOREIGN POLICY

Mr. KENNEDY. Mr. President, I welcome this opportunity to commend to my colleagues a very thoughtful and informational article in the current issue of the American Prospect by former Assistant Secretary of State and Ambassador to the Czech Republic, John Shattuck, who currently serves as CEO of the Kennedy Library Foundation.

In his article, "Healing Our Self-Inflicted Wounds," Mr. Shattuck makes the point that in the past few years America has seriously wounded itself in the eyes of the wider world by failing to live up to our highest ideals. Our policies have made it more difficult to enlist the support of our traditional allies in accomplishing our foreign policy goals and have emboldened those who do not share our goals to work harder to undermine them.

Mr. Shattuck lays out several key steps for the next President to take to repair the damage done in the past 8 years and restore America's credibility—and strength—in the world. I believe his article will be of interest to all of us in Congress.

And I ask unanimous consent that the article be printed in the RECORD.

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

[From The American Prospect, Jan.-Feb. 2008]

#### HEALING OUR SELF-INFLICTED WOUNDS—HOW THE NEXT PRESIDENT CAN RESTORE THE RULE OF LAW TO U.S. FOREIGN POLICY—AND REBUILD AMERICAN CREDIBILITY AND POWER (By John Shattuck)

There's a remarkable paradox in the relationship today between the United States and the rest of the world. Despite economic and military assets unparalleled in history, U.S. global influence and standing have hit rock bottom.

As an economic superpower, the U.S. has a defense budget that accounts for more than 40 percent of global military spending. But this "hard power" does not necessarily translate into real power. National-security failures abound, from the catastrophic events in Iraq to the resurgence of terrorist networks in Afghanistan and Pakistan, from the growing threat of civil war throughout the Middle East to the deepening uncertainties of the Palestinian-Israeli conflict, from the standoff with Iran to the genocide in Darfur.

The next president will have to address these crises by re-establishing America's capacity to lead. Doing so will involve working to regain international credibility and respect by reshaping American foreign policy to direct the use of power within a framework of the rule of law.

#### THE SCALE OF THE PROBLEM

The United States may be strong economically and militarily, but the rest of the world sees it as ineffective and dangerous on the global stage. Less than a decade ago the situation was quite different. A 1999 survey

published by the State Department Office of Research showed that large majorities in France (62 percent), Germany (78 percent), Indonesia (75 percent), Turkey (52 percent), among others, held favorable opinions of the U.S.

This positive climate of opinion fostered an outpouring of international support immediately following the September 11 attacks. The U.S. was able to assemble a broad coalition with U.N. approval to respond to the attacks and strike terrorist strongholds in Afghanistan.

Six years later global support for U.S. leadership has evaporated. In poll after poll, international opinion of the U.S. has turned sour. A January 2007 BBC survey found that 52 percent of the people polled in 18 countries around the world had a "mainly negative" view of the U.S., with only 29 percent having a "mainly positive" view. In nearly all the countries that had strong support for the U.S. in 1999 a big downward shift of opinion had occurred by the end of 2006. In France it was down to 39 percent, in Germany down to 37 percent, and in Indonesia down to 30 percent. A separate survey conducted in 2006 by the Pew Research Center revealed extremely hostile attitudes toward the U.S. throughout the Arab and Muslim world: Egypt polled 70 percent negative, Pakistan 73 percent, Jordan 85 percent, and Turkey 88 percent.

A major factor driving this negative global opinion is the way the U.S. has projected its power in the "war on terror." Four years after the Iraq invasion, U.S. military presence in the Middle East was seen by 68 percent of those polled by the BBC "to provoke more conflict than it prevents." Similarly, a poll published in April 2007 by the Chicago Council on Global Affairs showed that in 13 of 15 countries, including Argentina, France, Russia, Indonesia, India, and Australia, a majority of people agreed that "the U.S. cannot be trusted to act responsibly in the world."

The U.S. is now seen internationally to be a major violator of human rights. The BBC poll showed that 67 percent of those surveyed in 18 countries disapproved of the U.S. government's handling of detainees in Guantanamo. A survey conducted in June 2006 by coordinated polling organizations in Germany, Great Britain, Poland, and India found that majorities or pluralities in each country believed that the U.S. has tortured terrorist detainees and disregarded international treaties in its treatment of detainees, and that other governments are wrong to cooperate with the U.S. in the secret "rendition" of prisoners.

These global opinion trends have reduced the capacity of the United States to carry out its foreign policy and protect national security. The perception of a growing gap between the values the U.S. professes and the way it acts—particularly in regard to human rights and the rule of law—has eroded U.S. power and influence around the world.

In his book, *Soft Power: The Means to Success in World Politics*, Joseph Nye analyzes a nation's "ability to get what [it] wants through attraction rather than coercion." Soft power derives from "the attractiveness of a nation's culture, political ideals, and policies. When [its] policies are seen as legitimate in the eyes of others, [its] soft power is enhanced." Today, American political ideals have lost much of their global attraction because their appeal has been undermined by U.S. policies and actions that lack legitimacy in the eyes of the world. American foreign policy will continue to fail until the U.S. regains the international respect it has lost.

Fortunately, history shows that the capacity to lead can be restored when U.S. values and policies are generally in synch. During

the first decade and a half of the Cold War, images of racism and segregation in the United States undercut the ability of the U.S. to project moral leadership. By the mid-1960s, however, the civil-rights movement and the leadership of Presidents Kennedy and Johnson had revived this vital capacity.

Similarly, following the disaster in Vietnam, a number of U.S. foreign-policy successes were achieved through bipartisan presidential leadership. President Ford signed the Helsinki Accords, which led to international recognition for the cause of human rights inside the Soviet bloc. President Carter mobilized democratic governments to press for the release of political prisoners held by repressive governments. President Reagan signed the Convention Against Torture and sent it to the Senate, where it was subsequently ratified. President George H.W. Bush joined with Western European governments to nurture the fledgling democracies of post-Cold War Central and Eastern Europe. President Clinton worked with NATO to end the human-rights catastrophe in Bosnia and prevent genocide in Kosovo. Each of these foreign-policy successes was achieved by linking American interests and values.

Three fundamental principles govern the exercise of soft power through the promotion of human rights and the rule of law. The first is practicing what you preach. The U.S. loses credibility when it charges others with violations it is committing itself. It reduces its ability to lead when it acts precipitously without international authority or the support of other nations. The second is obeying the law. Human rights are defined and protected by the U.S. Constitution and by conventions and treaties that have been ratified and incorporated into U.S. domestic law. The U.S. must adhere to these legal obligations if it is to project itself to other countries as a champion of human rights and the rule of law. The third is supporting international institutions. The U.S. should lead the way in reshaping existing international institutions and creating new ones, not attacking them, acting unilaterally, or turning its back whenever it disagrees with what they do.

The administration of President George W. Bush has repeatedly violated each of these principles. It has opened the U.S. to charges of hypocrisy by criticizing other governments for acting outside the rule of law and committing human-rights abuses it has committed itself. The annual Country Reports on Human Rights Practices issued by the State Department cover official actions such as “torture and other cruel, inhuman or degrading treatment or punishment,” “detention without charge,” “denial of fair public trial,” and “arbitrary interference with privacy, family, home, or correspondence.” These are the very practices in which the Bush administration itself has systematically engaged, compelling readers of the State Department Country Reports to conclude that the U.S. does not practice what it preaches. The 2006 report on Egypt, for example, criticizes the fact that Egyptian police and security forces “detained hundreds of individuals without charge,” that “abuse of prisoners and detainees by police, security personnel and prison guards remained common,” and that “the [Egyptian] Emergency Law empowers the government to place wiretaps—without warrants.” These same criticisms apply to the United States.

The Bush administration has diminished a second source of soft power by flaunting basic requirements of international and domestic law. These include the Geneva Conventions, the Convention Against Torture, and the International Convention on Civil and Political Rights, and the Foreign Intelligence Surveillance Act. The result has been

the creation of “law-free zones” in which foreign detainees in U.S. custody overseas have been brutally abused, thousands of foreign citizens have been held indefinitely as “unlawful combatants” without being accorded the status of prisoners of war, and repressive regimes around the world have implicitly been given the green light to crack down on political dissidents and religious and ethnic minorities in the name of fighting terrorism.

The administration’s history of disregard for the established framework of international law was made clear by a 2002 memorandum, prepared by the then-White House counsel, Alberto Gonzales, proclaiming that “terrorism renders obsolete the Geneva Conventions’ strict limitations on the questioning of prisoners.” No recent president had questioned the basic rules of international humanitarian law in times of war. The administrations of Lyndon B. Johnson, Richard Nixon, and Gerald Ford during the Vietnam War, and George H.W. Bush during the Gulf War, all adhered to the Geneva requirements. The reasons were spelled out in a 2002 memorandum by then-Secretary of State Colin Powell, challenging the Gonzales memo. Powell warned that the White House interpretation of the Geneva Conventions would “reverse over a century of U.S. policy and practice, undermine the protections of the law of war for our troops, and [provoke] negative international reaction, with immediate adverse consequences for our conduct of foreign policy.”

A third source of soft power has been undermined by the Bush administration’s attacks on and disengagement from international human-rights institutions. The U.S. has been a world leader in building these institutions since the time when Eleanor Roosevelt chaired the international committee that drafted the Universal Declaration of Human Rights. The current administration has renounced that leadership by refusing to run for a seat on the new U.N. Human Rights Council and by undermining efforts to shape the new International Criminal Court (ICC). Both institutions are flawed, but as a result of the administration’s disengagement the U.S. now has no influence over their future development.

#### UNDERCUTTING NATIONAL SECURITY

The Bush administration’s record on human rights and the rule of law has undercut the capacity of the U.S. to achieve important foreign-policy goals. The erosion of America’s soft power has made it more difficult for the U.S. to succeed in preventing or containing threats of terrorism, genocide, and nuclear proliferation. The denigration of American values has made the U.S. ineffective in promoting human rights and democracy. Indeed, the current administration’s frequent disregard of the rule of law has jeopardized five frequently stated foreign-policy objectives.

The first is countering the threats posed by Iraq, Iran, and Afghanistan. For more than a decade these countries have topped the United States’ list of dangers to international security. Strategies to reduce the violence and terrorism in Iraq and Afghanistan and to prevent Iran from exporting terrorism and acquiring nuclear weapons require a mixture of hard and soft power. But reports of CIA and U.S. military torture and mistreatment of prisoners at Abu Ghraib and other secret prisons in the region may have weakened the ability of the U.S. to counter the deterioration of human-rights conditions in Iraq and Afghanistan. Similarly, State Department criticism of the Iranian regime’s political repression has been blunted by the U.S. record of detainee abuse and illegal electronic surveillance. Years after the U.S. military interventions, Iraq and Afghanistan

remain major exporters of terrorism and centers of human-rights abuse. Iran is a major terrorist exporter and a human-rights disaster.

A second major stated objective of U.S. foreign policy is preventing genocide. The lesson of Rwanda was that the cost of failing to stop genocide is not only a massive killing of innocent civilians but also an ongoing humanitarian catastrophe and long-term regional instability. Following the Rwanda genocide, a doctrine of humanitarian intervention was developed under U.S. leadership and invoked, with broad international support and authority under the Genocide Convention, to end the genocide in Bosnia in 1995, and then to prevent a genocide in Kosovo in 1999. Today, that doctrine is in shambles, undermined and discredited by the Bush administration’s intervention in Iraq. As a result, the U.S. has been unable to mobilize support to stop the ongoing genocide in Darfur and an entire region of Africa has been destabilized.

Addressing the challenges posed by geopolitical rivals such as China, Russia, and Cuba is a third long-standing concern of U.S. foreign policy. The Bush record has made already-complicated interactions with these countries even more difficult. China is leading the way in effectively exploiting the growing global perception that the U.S. is a human-rights violator. For several years the Chinese government has produced and publicized its own report on U.S. human-rights failings in an attempt to counter U.S. criticism of China’s record. China’s March 2007 report was particularly blunt: “We urge the U.S. government to acknowledge its own human rights problems and stop interfering in other countries’ internal affairs under the pretext of human rights.” Russian President Vladimir Putin has been similarly direct in rejecting recent U.S. criticism of the Russian government’s press censorship, and Cuba has been quick to point to the U.S. record of detainee abuse at Guantanamo whenever Cuban human-rights practices are challenged by the U.S. The Bush administration has provided China, Russia, and Cuba with a convenient excuse for cracking down on dissidents and minorities under the guise of fighting terrorism within their borders.

Creating and managing strategic alliances is a fourth major U.S. foreign-policy objective. The Bush administration’s record on human rights and the rule of law has alienated traditional democratic allies and complicated relations with authoritarian countries. The Council of Europe, a parliamentary assembly of elected representatives from across the continent, has condemned European governments for cooperating with the U.S. in running secret detention centers, and has called for Europe to distance itself from the Bush administration’s tactics in the “war on terror.” Negative European opinion about U.S. human-rights practices has made it politically difficult for European leaders to support U.S. positions on other issues. And by condoning torture, prisoner abuse, secret detention, illegal surveillance, and other violations of human rights, the administration has also undercut its ability to promote reform with authoritarian allies like Egypt, Saudi Arabia, Morocco, and Uzbekistan.

Finally, holding accountable those who commit human-rights crimes has been a bedrock objective of U.S. foreign policy since the Nuremberg trials following World War II. The U.S. has long been at the forefront of efforts to create a system of international justice, most recently in the establishment of the International Criminal Tribunals for the Former Yugoslavia and Rwanda. By opposing the International Criminal Court, the Bush administration has relinquished its leadership on these issues. The indispensability of

international justice to U.S. foreign policy is illustrated by the administration's retreat in 2006 from outright opposition to the ICC to reluctant acceptance of the U.N. Security Council's referral of the Darfur genocide case to ICC jurisdiction. But this begrudging exception unfortunately proves the rule.

#### REPAIRING THE DAMAGE

The next president must make repairing the damage to American values and moral authority a top priority. Acting within a framework of the rule of law and respect for human rights will be essential to restoring America's international leadership.

The U.S. must strengthen its alliances by demonstrating it adheres to international norms in pursuing its national-security objectives. The next president should immediately announce that the U.S. will close the detention center at Guantanamo and transfer detainees to the U.S. or detainees' home countries. In addition, the president should announce that the U.S. is bound by the Geneva Conventions as a matter of law and policy. Restoring the U.S. policy of providing individualized status hearings to detainees would demonstrate respect for international norms without restricting the government's capacity to conduct lawful interrogations to obtain intelligence information about terrorist activities. Fully applying the Geneva Conventions also would not preclude the U.S. from trying detainees in military commissions.

A second means of underscoring U.S. commitment to address national-security threats within the rule of law would be to provide assistance to other countries for counterterrorism operations that comply with basic human-rights standards. "Fighting terror" has become a convenient excuse for repressive regimes to engage in further repression, often inspiring further terrorism in an increasing cycle of violence. To break this cycle, the U.S. should provide assistance and training to foreign military and law enforcement personnel in methods of fighting terrorism within the rule of law.

The U.S. should take the lead in drafting a comprehensive treaty defining and condemning terrorism within a framework of human rights. Working toward a consensus on this global issue would help counter the claim that differences in cultural values, religious beliefs, political philosophies, or justifiable ends make it impossible to define the crime of terrorism.

The president should make clear that the U.S. is prepared once again to be an active participant in strengthening the system of international law it helped create over the last half century. Important treaties have lingered for years in the Senate and should now be ratified or renegotiated. Some were signed by Republican presidents and once enjoyed bipartisan support, but have been blocked for the last seven years by the current administration and its Senate supporters. The U.S. should also rejoin negotiations on such critical issues as human rights, international justice, climate change, and nonproliferation of weapons of mass destruction. By doing so, the next president would demonstrate that globalization can be made to work within the rule of law.

The U.S. should support those seeking to promote the rule of law, democracy, and human rights in their own countries. Democracy and human-rights activists are the shock troops in the struggle against terrorism, genocide, and nuclear proliferation. But democracy can never be delivered through the barrel of a gun. Assistance to those who are working to build their own democratic societies must be carefully

planned and targeted, sustained over time, and based on a thorough understanding of the unique circumstances and profound differences among cultures, religions, and countries. A new U.S. government must work within an international framework, not unilaterally and preemptively, to assist those struggling around the world to bring human rights to their own societies.

Finally, the U.S. should join with other countries, alliances, and international organizations to reassert America's role in working to prevent or stop genocide and crimes against humanity. The president should invoke the doctrine of humanitarian intervention that was applied in Bosnia and Kosovo in the 1990s to address the genocide in Darfur. Extensive diplomatic and economic tools can be used to head off an impending genocide, but international military intervention remains available under international law if all other avenues have been exhausted.

By recommitting the U.S. to a foreign policy conducted within a framework of human rights and the rule of law, the next president can restore America's moral leadership in the world—and by so doing, enhance American power and security.

#### FAREWELL TO ALAN HOFFMAN

Mr. BIDEN. Mr. President, I rise today to say farewell and thank you to my chief of staff, Alan Hoffman. As many of you know, I was fortunate enough to have had Alan leading my office from 1998 to 2003, and then had my fortunes upped when Alan made the tremendous personal sacrifice, at my request, to leave California and resume his position in 2006. While I am sorry to see him go, it is certainly understandable that Alan is now returning to the west coast, rejoining his wife in their home in Santa Monica, and taking on a major position in the University of California system.

I am indebted to Alan's invaluable leadership, wise counsel, and unwavering loyalty. The entire Biden family has come to respect and care for Alan. We all recognized right away that Alan is a thoroughly decent human being, and he quickly earned my trust. I never once doubted the judgment Alan exercised as my chief of staff. Never once.

Alan arrived at my office in 1998 having served as an assistant U.S. attorney in Philadelphia after having worked in the White House and the Department of Justice. Actually, the first time I met Alan was supposed to be for a courtesy interview as he was being considered for a high-level position with Attorney General Reno. I was so impressed with his intellect, his temperament, his passion, and his values that I thought, I want this guy to work for me. I felt it was quite the coup when he accepted my offer.

Alan brought the smarts and experience to quickly grasp the salient points of any issue, and a deft hand on how to advance policy initiatives. I have benefited enormously from Alan's excellent sensibilities. He has sharp political sense, a keen sense of timing, a sense

of what makes people tick, and a sense of humor. Alan has tremendous awe and respect for the work being done by the United States Senate, and yet, at the same time, he has an underlying sense of humility. Alan never forgets that the work of the Congress is the people's business.

Alan oversaw many proud legislative achievements during his tenure in my office, ranging from improvements to port and rail security, to passage of the Violence Against Women Act of 2000 to championing criminal justice reforms and strengthening the Sarbanes-Oxley Act. He has continued to work, until his last hour on my staff, for policies that further the well-being and security of all Americans. Alan's leadership and unwavering sense of justice have been the catalysts for alliances that have a real chance of remedying the disparity in sentences received by those convicted of crack cocaine, as opposed to powder cocaine, offenses.

Though young when he first arrived in 1998, Alan quickly proved able to manage my diverse staff, ranging from bookish lawyers, to foreign policy specialists to caseworkers in my Delaware office. Alan motivated, challenged, and inspired the staff. He always set the highest example for all who worked with him and has earned their unqualified respect and admiration. And Alan provided the solid leadership and needed guidance to staff when the nation was attacked on September 11, 2001, and again, when the Senate suffered the anthrax attack which forced my Judiciary Committee staff out of their Hart Building offices and landed Senator CARPER's staff in our own conference room.

Alan has unlimited patience to hear all sides of an issue whether from staff, divergent interest groups, or constituents. He understands complexity and yet is always ready with a common-sense and principled recommendation that was easily explainable to both people inside, and more importantly, outside the beltway. Importantly, he is also a trusted and respected ally to so many of my colleagues; they know they can call Alan when I am not reachable and they can always count on him to follow through.

Mr. President, this is one of those moments when saying thank you simply seems inadequate. Alan Hoffman left his then-fiancée, now wife, a high-level position at the RAND Corporation, and a settled life in California to return to my office in 2006. That kind of loyalty, dedication, and sacrifice are rare.

I understand completely that Alan is ready to go home. I wish him and his wife Lizzie all the best. I have no doubt that he will prove to be just as talented and invaluable in his new position. But the fact remains that Alan Hoffman will be deeply missed, and his work and leadership leave an enduring imprint both in Washington and in Delaware.