

I still see Ron, coming to play tennis on early mornings before work. He'd arrive with three rackets, dressed to the nines, looking like he was ready to play at Wimbledon. He always won, and that's why I always made sure he was my partner in doubles.

He had a style and a soaring spirit. He had a host of friends who were honored to serve with him—many of us assembled here today—those who were with him on his last journey—and one other I must mention who was with him on that remarkable journey to victory at the DNC—his sidekick, Paul Tully. Ron, of course, never had his tie out of place, while Paul never had his shirt tucked in. What a marvelous combination they were for their party and their country. Ron saw and called on the best in Paul, and in all of us.

The great physicist Lord Rutherford was once asked how he always happened to be riding the crest of the wave, and he replied, "Well, I made the wave, didn't I?" That's how I felt about Ron Brown. He was one of those few who make the waves that carry us to a better distant shore.

For his nation, Ron was more than an ambassador of commerce. His missions were pilgrimages of peace, of economic hope and democracy's ideals.

For his party and his President, he was close to the indispensable man.

For his friends, he was a Cape Cod day and a cloudless sky.

For his family, he was everything—as they were for him. Sometimes, I'd call during the day to see if he and Alma could drop by that evening. He'd call back and ask for a rain check. Michael and Tami were going out, and Ron and Alma were babysitting for their twins. How he loved those two young boys, Morgan and Ryan. His whole face would light up when he talked about them.

And how proud he was and how much he loved his children, Michael and Tracey. Everyone who knew Ron knew how special they were to him, how much pride he took in their accomplishments, how close he was to them.

And Alma, dear Alma, how he loved you. I remember vividly one time when Vicki and I were talking to Ron and we saw Alma across the room. I mentioned how beautiful she looked, how extraordinary she was. Ron's face lit up with that sparkling trademark smile, and he said, "She's pretty spectacular, isn't she?" That said it all, and the word "spectacular" was made for Ron Brown too.

Now Ron's journey of grace has come to an incomprehensible end. But for this generation and generations to come, he is spectacular proof that America can be the land of opportunity it was meant to be.

We love you and we miss you Ron—and we always will.

#### CIVIL RIGHTS POLICY AND THE NATION'S FUTURE

Mr. HATCH. Mr. President, our country stands at a crossroads in the path it travels in relations among the different races and ethnic groups that make up the American people. Down one path is the way of mutual understanding and goodwill; the way of equal opportunity for individuals; the way of seriously and persistently addressing our various social problems as America's problems. It is the way, ultimately, of greater unity among our people. Down the other path is the way of mutual suspicion, fear, ill will, and indifference; the way of group rights and group preferences. On this path we

march toward greater division. And, on this path, the signpost is marked: equal results for groups, not equal rights for individuals.

This is a time when our national leadership needs to lead us down the proper path. I am concerned, however, that the President views this subject too much as a political issue. It has been an issue which he has sought to manage in order to avoid an intra-party challenge or independent candidacy from his left, rather than simply base policy solely on the merits. Thus, he has firmly and resolutely defended, in principle, the current racial, ethnic, and gender preference regime in this country. And, in practice, he has preserved the vast bulk of the actual preferential programs, of which there are dozens at the Federal level and many more at other levels of government, that make up this regime. At the same time, he apparently believes he can nibble at the edges of this problem of preferences, to look like he is doing something meaningful about it.

We must start with a genuine dialog on race, ethnicity, and how public policy can be changed for the better.

In my opinion, the discussion of this issue must begin with the understanding of this country's history of discrimination against some people because of their membership in a particular racial, ethnic, or gender group.

Indeed, one aspect of this history, the continued subjugation of people enslaved because of the color of their skin, is not merely an unspeakable evil that mocked our principles and ideals; in fact, slavery, together with the continuing discrimination following its eradication, still has consequences today.

I think many members of the white majority in this country have difficulty appreciating just how significantly different and less hospitable an experience black people, and members of other nonwhite minorities, have had in our country. This does not mean, of course, that Irish, Italian, Eastern European, and other peoples in the white majority did not suffer discrimination in America, or that religious minorities in America, such as Catholics, Jews, and Mormons, have not been victimized because of their religion. Some of this discrimination, regrettably, still occurs. But the color line in this country, was, and is, one of the harshest lines that has ever confronted our people.

It was not so long ago that State Governors stood in schoolhouse doors to bar black students from entering. Black and Hispanic youngsters were discriminated against at all levels of education in many parts of the country. It was not so long ago that U.S. marshals and Federal troops had to protect public school children and college students in exercising their constitutional rights. People were murdered because of their black, brown, and yellow skin—a crime still committed in our country in recent years.

And people lost their lives in trying to remove the color line in our law.

It was not so long ago that Americans of black and brown skin could return from service in our Armed Forces, be able to afford an apartment or house, yet be lawfully turned away because they were regarded as the wrong color for the neighborhood. Many of the basic necessities of life—jobs, housing, public accommodations, the right to vote—were legally denied or curtailed because of race, color, and ethnicity.

We will never go back to those days. But we must never forget them. And it is necessary for white Americans to have understanding in their hearts, empathy in their actions and attitudes, and a willingness to address social problems in this country—not just the problems they and their neighbors face, but problems all of our people face.

We need, in my view, a mutual understanding among the races that the legacy of past and present-day discrimination, and its social effects, must be addressed, and that our actions and remedies addressing these problems must be fair and must avoid penalizing innocent persons. We can do this.

This mutual understanding might be summed up this way: The legacy of distant discrimination, committed beyond the statute of limitations of our civil rights laws, must be treated as a socioeconomic problem, and not as a problem calling for preferences against innocent persons today. Further, present-day violations of our civil rights laws, of course, must be vigorously pursued; but, again, persons not victimized by present-day violations should not be preferred over innocent persons in any remedy.

One way to illustrate this point is this: While title VII, which prohibits discrimination in employment, can ensure that the best qualified person not be denied a job because of race, ethnicity, or gender, title VII does nothing to help anyone become the best qualified person for a job.

We need a mutual understanding that our pride in our racial, ethnic, and religious backgrounds in America is exactly that, pride in an important part of ourselves, and hostility to no other person on its account.

We need a mutual understanding that we live in a free and good society, with all of its flaws, where opportunity and the ability to dream big dreams remain open to us, where progress has been made in making the great possibilities of America available to all, and where we are not yet finished.

Indeed, I say to my fellow Americans, we are not ultimately defined by our race, ethnicity, or color, but by our common humanity and our common citizenship. American values, American principles, American ideals must be our guide. Our Declaration of Independence says it well: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain

unalienable rights \* \* \*.' We had to learn that this included women and men other than white men, but we have learned it. We must make it work in every generation. We are in life's journey together. We are inextricably bound together by our God-given humanity, common citizenship, and common heritage as Americans.

Over 200 years ago, a very wise member of our founding generation, Benjamin Franklin, referred to his fellow ragtag rebels in 13 discordant, often quarreling colonies fighting the world's greatest superpower and said: "if we do not hang together, we will all hang separately."

Today, I say, if we Americans do not progress together as a people, we will surely decline in our own separate, squabbling groups.

Today, Americans face many challenges: world economic competition; instability in parts of the world, hostility in others; international and domestic terrorism; crime in our streets; improving our educational systems. We must face these challenges together.

Some things must come from within the individual, and from within our families, our neighborhoods and communities. These are clearly the places where our work must begin and where our progress must occur. But we must help each other and work together.

While we cannot, and should not, compel people to associate with one another socially, if all we have done is replace a government imposed color line with a voluntary color line imposed by our indifference, fear, mistrust, or superior attitudes, we will all be the losers. And, if all we have done is replace one set of discriminatory practices with another, in the name of non-discrimination no less, we will never reach our full potential as a united people.

I think it is useful to pose this fundamental question: What is it our fellow citizens whose skin color is other than white really want?

I claim no special expertise. I speak for myself only as a citizen and public servant, to offer this observation: Americans who are part of a racial or ethnic minority group want decent and secure jobs; good schooling for their children; safety in their streets and neighborhoods; decent housing; a chance to go as far as their abilities and drive take them; a chance to earn some of the finer things in life.

Am I not describing the very same things the white majority in this country wants? As different as our experiences may be, and as different as our skin color may be, are we Americans really so very much different from one another? My answer is no.

If I am right, two things follow. First, sound general public policies that help all of our citizens are needed. These include policies to strengthen and nurture families. These policies include an emphasis on traditional values such as honesty, hard work, individual responsibility, compassion, and

respect for others. I believe that religious institutions must play a vital role in helping foster these values in our young people and that government should encourage such a role, not place needless obstacles in the way. Sound general policies include tough anticrime and antidrug strategies. They include welfare reform aimed at fostering greater independence and self-sufficiency. They include sound policies for generating economic growth and job creation, including job training; improving our schools; and policies favoring housing construction and low interest rates. Reducing trade barriers, reducing taxes, lightening the regulatory burden, creating and sustaining a growing economy—all of this is the foundation of our progress as a people. To borrow what has become a familiar phrase—a rising tide lifts all boats.

But second, Americans must understand, that for the descendants of slaves and for others whose history in this country includes a color barrier, there are special problems in achieving their piece of the American dream. These problems require acknowledgment and response. A mix of focused private and public action, guided by fair play for all, is called for.

It is to this second point I now wish to turn.

Racial, ethnic, and gender discrimination, of course, regrettably, continues down to the present day.

Fortunately, this Nation finally adopted an array of civil rights laws aimed at eradicating discrimination based on race, ethnicity, color, disability, and gender. Our civil rights laws should be vigorously and sensibly enforced.

But, Mr. President, there is danger and risk as we address problems stemming from past and present discrimination. You don't put out a forest fire by pouring gasoline on it, and you do not cure discrimination—past or present—with more discrimination.

Every individual is made in God's image and should be treated in the workplace, the business world, schools, public accommodations and the like without regard to race, ethnicity, or gender. If we cannot stand as a nation for that simple, powerful, yet historically elusive principle today, when will we ever stand for it? And what do we stand for, as a nation, if we do not stand for equal opportunity for every individual?

I stand for the primacy of the individual. Our rights as Americans do not turn on the color of our skin, our ethnic background, or our religious faith. Just as we should never forget that America has often departed from her founding principles and ideals of equal opportunity for individuals, we should never forget that those are the principles and ideals we should ever be striving to fulfill. And in our necessary effort to right old wrongs, let us not create new wrongs.

A person denied a job, a promotion, a contract, a training program, or admis-

sion to school because of race, ethnicity, or gender should be made whole. In the case of employment discrimination, for example, back pay and the next available job with retroactive seniority should be made available to the victim of discrimination. The discrimination should be enjoined.

But, no innocent third party should be forced to lose or delay a job, a promotion, a training opportunity, or be laid off in favor of a person not victimized by discrimination because that person is the same color as someone who was, in fact, discriminated against. That is the difference between a policy of individual rights versus group rights.

President Clinton, in defending policies of group rights that are one significant part of the modern day affirmative action structure says, mend it, don't end it. I say, with respect to the preferences that are a significant part of affirmative action, two civil wrongs do not make a civil right.

Affirmative action that utilizes or encourages preferences on the basis of race, ethnicity, or gender in actual selection decisions—hiring, promotion, layoff, contract awards, school admissions, scholarship awards, government benefits—whether labeled goal, quota, or otherwise, is wrong and should be ended. These preferential devices are merely another form of discrimination. I stress that preferences come in many forms—not just quotas and not just in numerical formulations.

It is acceptable, in contrast, for an employer to engage in affirmative action that calls for reviewing personnel practices to ensure they are free of discrimination. It is acceptable for employers to make an effort to recruit applicants from among those who traditionally do not apply for the job—or in other contexts, for a contract, or school admission—after which the selection is made without regard to race, ethnicity, or gender. In appropriate circumstances, other affirmative steps, targeted to disadvantaged persons, but open to all on a nondiscriminatory basis, are acceptable. Thus, a job training program aimed at the chronically unemployed, or the urban unemployed, is fine, so long as no one is ever turned away because of race, ethnicity, or gender. If such a job training program is established in New York City or Washington, DC, for example, no doubt many racial and ethnic minorities should be able to take advantage of it. But nonminorities also live in these cities and if they otherwise qualify for the program, they should not be denied entry because of race or be subject to express or implied numerical limitations. Former New York City Mayor Ed Koch testified on October 23, 1995, before the Subcommittee on the Constitution, that he was unhappy at one point with the low numbers of minorities passing police exams in New York City. He put a training course in Harlem—open to all. That is affirmative action in the right sense.

Instead of government setting aside a percentage of contracts on the basis of race, ethnicity, or gender, why not establish and foster a mentor program whereby established, experienced contractors provide advice, guidance, and contacts to new or small businesses, regardless of the race, ethnicity, or gender of their owners? This will benefit minority- and women-owned businesses without denying anyone such help. State and local governments, instead of trampling on equal opportunity by setting racial numerical requirements or goals, could sponsor seminars about the contract bidding process, methods of obtaining bonding, and so on—open to all, but located where they can benefit minority- and women-owned businesses. Rather than discriminate, why not enhance people's abilities to compete? This is what the Federal Government should be encouraging State and local governments to do.

The September/October 1995 issue of *The American Enterprise* mentions an Austin, TX nonprofit organization called the National Council of Contractors Association [NCCA]. It was formed with a small grant from the city of Austin. It is 2 years old, and its help is available to all small businesses, though most of the businesses it helps are minority or women owned. NCCA provides firms with expert advice on how to win contracts, donates accounting services, and helps them win bonding. In a year and a half, NCCA helped 83 firms win 171 contracts. We should encourage such programs, open to all, but located where they can benefit minority and women owned businesses.

I think we ought to take some calculated risks to help small businesses. I am willing to support a small pilot program at the Small Business Administration, where the Government insures the bonding of new, small companies owned by persons of any race or gender—with less net worth, fewer capital reserves, and less experience than current programs require. I am willing to see whether such an approach, especially if coupled with technical assistance, can make a difference in getting new small businesses off the ground and able then to compete in the marketplace. If it turns out that reducing current requirements in providing this help does not work, and these businesses do not successfully perform, we should then drop the program. If it does make a difference, we can expand it in an orderly way. But we have to try approaches that get us away from race and gender lines.

Government can look for more opportunity to contract out some of its services—creating more opportunity for businesses, at less cost.

Instead of racially exclusive scholarship programs operated by colleges, colleges could make aid available based on need, without racial preference. Instead of preferences in college admissions based on race, we need to strengthen elementary and secondary education so children are better able to

perform pursuant to the same standards. Of course, taking into consideration an applicant's overcoming poverty or other barriers to success, as one part of the evaluation of an applicant, is acceptable in college admissions so long as those criteria are applied equally to all races, and are not thinly veiled proxies for race. But we need to start earlier than that. Then New York City Schools Chancellor Cortines proposed a math and science institute for 350 seventh and eighth graders to help prepare them for the difficult examinations for admission to three academically selective high schools. Students of all races and all parts of the city are eligible under that proposal, but the emphasis would be on those parts of the city that send the fewest kids to those high schools. Mostly black and Hispanic kids would benefit from the extra preparation. And the standards for admission for the three high schools would not be altered. As I understand it, there is to be no racial or ethnic preferences for admission to the preparatory program or to the three high schools—but an effort to improve people's abilities in this urban school district.

We need to evaluate the concept of public and private school choice, through vouchers or similar programs. Businesses need to lend a hand to our public schools. It is in everyone's interest. Businesses need workers who can perform, or they lose out in this global economy.

I received in the mail a report of the Lindahl Foundation, founded in 1991 and privately endowed by the chairman of State Industries, Inc. of Tennessee, the largest manufacturer of water heaters in this country. John R. Lindahl established the foundation to ensure that any child of his employees has the financial aid to get an education after high school. He expanded it to other students in the county. It is based on need, aimed at academically worthy kids who may not be scholastic superstars, but who could do the work in college or vocational school, if only they could afford it. Nearly 350 young people have received awards of \$1,000 to \$4,000 as a result of this patriot's effort. The brochure has pictures and words of thanks from grateful young men and women, black and white, including one young woman who was able to fulfill her dream of attending Brigham Young University.

Our public schools need to improve. The August 20, 1994, *New York Times* carried a statement from Albert Shanker, president of the American Federation of Teachers. He tells the story of the principal of an inner-city elementary school in Baltimore. The principal eventually prevailed upon the Baltimore school system to use a private school's model for teaching. The model is conservative in both educational philosophy and curriculum, with a strong emphasis on reading and writing, and specific week by week, year by year benchmarks of what the

children should learn. The performance of the kids at this school is way up—a school which is 94 percent minority and where 82 percent of the kids are eligible for free or reduced price lunches.

Prof. Susan Estrich has written about the efforts of the new California Superintendent of Education. I'll summarize the gist of the column by citing its title: "A Novel School Plan: Back to Basics."

Some of us believe at least part of the answer also lies in reducing government barriers. This should include a meaningful entry level training minimum wage for teenagers, enterprise zones, repeal of the Davis-Bacon Act, and encouragement of private sector initiatives for everything from job training and mentoring young people from disadvantaged backgrounds, to ways of strengthening the family.

Local and State governments need to remove barriers to entry into different occupations.

I do not claim to have all the answers. I expect others have different ways of looking at these issues, and different solutions. But I do believe we need to talk about this in a civil and serious way.

And I believe that a stubborn defense of preferences sidetracks us from finding better, fairer solutions. I will have more to say about this in later remarks.

But, let us engage in this dialog. Let us examine the ramifications of our choice of the road to take. And let us not sweep these issues under the rug in our national debate. Let us deal openly with these issues and help lead our country down the road to a more united people.

(The remarks of Mr. KENNEDY pertaining to the introduction of S. 1668 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield myself 20 minutes from the time allotted to the minority leader.

The PRESIDING OFFICER. The Senator is recognized for 20 minutes.

#### THE MINIMUM WAGE

Mr. DORGAN. Mr. President, we will be dealing with some interesting and very important issues here in the U.S. Senate this week. This follows a break during which, in the intervening couple of weeks, most of us spent time in our States. I was in North Dakota, and I met a wonderful man in North Dakota who was our State's oldest citizen, 110 years old. His name is Nels Burger. He is a wonderful Norwegian man who grew up and lived on a farm in North Dakota. He has a vivid recollection and memory of farming in North Dakota all those many years.

I was thinking, as I was preparing to come to the floor today, of the things