

But squabbles with the Kuwaiti and Saudi governments and the headaches of working in an alien environment turned the first two projects into losing ventures, said Yong See (Peter) Cho, who took over Samho in the early '80s while his father sought treatment abroad after a series of strokes. Debts mounted to about \$350 million on the Middle Eastern contracts, although Samho was confident that its latest project in Saudi Arabia would soon be turning in a tidy profit.

That set the stage, however, for the South Korean government's bankruptcy charge against Samho.

On the morning of Aug. 24, 1984, according to the Chos' lawsuit, the South Korean finance minister summoned Peter Cho to his office. The minister, Kim Mahn Je, curtly informed Cho that Samho was on the list of insolvent companies being targeted for "rationalization" by the government, part of an effort to shed financially troubled concerns and shore up the economy. Samho was to be taken over by Daelim Industrial, a smaller conglomerate.

When Cho protested, Kim advised him to stay silent. An officer with Cho Hung Bank, which worked out the details of the takeover, also warned Cho not to contest the decision or his physical safety would be threatened, the lawsuit alleges.

By day's end, Peter Cho has signed over his family's controlling share of Samho.

"I'd been brought up in this country's system, so I knew not to argue," the younger Cho recalled in an interview, smiling bitterly at the memory. The next day, "the 15 executives of Daelim came into my headquarters office to take over, like little Napoleons, in their suits and black neckties."

Samho's assets included "country clubs, farms, orchards, driving ranges, shopping, centers, apartment [and] residences," valued by the bank at a total of \$250 million but worth at least three times that, the lawsuit claims.

Even the family burial plot was seized, forcing them to exhume the body of a son who had died years earlier and bury him elsewhere. "We were left with just about nothing," said Kyung Ja Cho, 73, Bong Koo Cho's wife.

Her husband insists that his personal holdings could have more than paid off the debts from the Middle Eastern projects.

Instead, he said, the bankruptcy charge was merely a ploy to oust him for his refusal to make large donations to then-President Chun Do Hwan, and reward another company, Daelim, whose chairman had a brother high up in the South Korean government. The Chos' lawsuit alleges that Daelim agreed to pay bribes to Chun's government and his family in exchange for being given Samho.

A spokesman for Daelim in Seoul would not comment directly on the allegations.

"It was such a long time ago," the spokesman said. "Few people in the company know about the alleged takeover, and we do have any official position on the issue."

Skeptics point out that Samho itself has flourished, in part through government contracts, at a time when the South Korean government regularly colluded the business to push the tiny nation to its remarkable economic recovery since World War II.

Ultimately, such government-business complicity and cavalier lending practices helped pitch South Korea into its current economic quagmire, requiring a bailout from the International Monetary Fund. As a condition of assistance, the IMF has demanded an end to crony capitalism and easy credit.

Cho bristles at suggestions that he ever participated in palm-greasing and cronyism.

"We never benefited from any relationship with the government. We've been completely victimized by it," he said, adding that other

companies like Daelim have been the ones proven corrupt.

Indeed, Lee June Yong, who has been the head of Daelim throughout this period and whose brother was speaker of the South Korean parliament under President Chun, was found guilty in 1996 of paying a bribe to Chun's successor, Roh Tae Woo. Lee was sentenced to 2½ years in prison but received a pardon.

Daelim, meanwhile, has expanded significantly since swallowing up Samho in 1984. Once a minor player, it is now South Korea's 17th-largest chaebol, with a subsidiary in Houston that just closed its doors in January because of the escalating Asian financial crisis.

Also named as defendant in the Cho family's lawsuit is Cho Hung Bank, which facilitated the takeover of Samho. The bank has also gained a foothold in the U.S., setting up California Cho Hung Bank, based in Los Angeles and worth about \$31 million, according to Dun & Bradstreet. The U.S. unit is also a defendant.

"It's groundless," California Cho Hung's attorney, Simon Hung, said of the lawsuit. "The allegations . . . seem to be based on events that occurred many years ago, long before California Cho Hung Bank was established here in the United States. I don't know why they're bringing a lawsuit at this time here in the United States."

In fact, South Korea's own judicial system has already heard a case similar to Samho's—and ruled in favor of the confiscated company. In 1993, the nation's Constitutional Court ruled that the Chun government had illegally dissolved the Kukje conglomerate on trumped-up charges of insolvency in 1985. Kukje's previous owners are now demanding compensation.

But the Cho family feels that the best chance for recovering what was once theirs now lies in the U.S. Bong Koo Cho and his wife have nursed such hope for years as they shuttled from home to home on the Westside, finally settling in their current Brentwood apartment after giving up a condominium in Santa Monica that they could no longer afford.

The Chos maintain their simply furnished one-bedroom apartment with some financial help from their six adult children, who all reside in the U.S. With their savings dwindling, they have applied for low-income assisted housing—a far cry from the days when the two presided over their 15,000-square-foot antique-filled home back in Seoul.

Most of the last two decades have been spent trying to restore Cho's health. His strokes left him partially paralyzed, forcing him to walk with a cane.

"I cannot describe the pain of watching the man who built Seoul's subway living out his last years in a small apartment in Los Angeles," Sally Cho Seabright wrote about her father in an essay to be published in a South Korean magazine. "When I think of what my poor parents, indeed my whole family, have suffered, it makes me cry."

For Peter Cho, 47, watching Daelim and Cho Hung Bank prosper in the U.S. has been especially galling. "They brought their money to this country and expanded their business here. Obviously they must have brought my money in here."

He now lives in Pacific Palisades and stays afloat by managing his father's sole source of income: a couple hundred acres of farmland in Kern County, purchased a few years before Samho's takeover in hopes that the area was ripe for development.

"That's the only business mistake my father's made," said Seabright, who lives in Maryland. Seabright has spearheaded the family's efforts to tell its story, enlisting the aid of a public relations firm in Washington

and rounding supportive letters from politicians such as U.S. Sen. Dianne Feinstein (D-Calif.).

Her father, who hasn't returned to his homeland since Samho was seized, mostly reads and watches CNN, monitoring events in South Korea such as the inauguration Wednesday of the country's latest president, former opposition leader Kim Dae Jung. Jung has pledged to democratize the country further, an announcement Cho greets with caution.

"I don't believe it's entirely desirable for Korea to copy Western democracy and Western capitalism," Cho said. "We have different cultures. Democracy as it's practiced in Korea will be different."

But some form of democracy—including a free and open business culture—must come, Cho said, if only to prevent another situation similar to his.

"Something like this can never take place in a truly democratic country," Cho said. ●

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT

Mr. GORTON Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany H.R. 629.

The PRESIDING OFFICER (Mr. FRIST) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 629) entitled "An Act to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ms. SNOWE Mr. President, I rise today in strong support of H.R. 629, the Texas Compact Consent Act of 1997, as originally ratified by the three states of Maine, Vermont, and Texas to address the disposal of their low-level radioactive nuclear waste.

The States of Maine, Vermont and Texas are now approaching the end of a long journey that started in 1980, when Congress told the states to form compacts to solve their low-level waste disposal problems.

When this Compact is adopted as ratified by the three states, Mr. President, Texas, Maine and Vermont will become the forty second, forty third and forty fourth states to be given Congressional approval for forming a compact and will meet their responsibilities for the disposal of their low-level waste from universities, from hospital and medical centers, and from power plants and shipyards.

It is very important for my colleagues to know that the language ratified by each state is exactly the same language, and if any amendments are included by the conferees, the Compact would have to be once again returned to each state for ratification.

For the nine compacts that have been consented to by the United States Congress, not one of them has been amended by Congress. Not one of them.

Let me be clear: the law never intended for Congress to determine who pays what, how the storage is allocated, and where the site is located. To

the contrary: the intent of the law is for states to develop and approve these details, and for Congress to ratify the plan.

The Compact before us does not discuss any particular site for the disposal facility, but only says that Texas must develop a facility in a timely manner, consistent with all applicable state and federal environmental, health, and public safety laws. It is the decision of Texas as to where the facility will be sited and is not within the purview of the U.S. Senate to decide for them.

Further, absent the protection of the Compact, Texas must, I repeat must, open their borders to any other state for waste disposal or they will be in violation of the Interstate Commerce Clause of the U.S. Constitution. The Compact gives Texas the protection that oversight commissioners, mostly appointed by the elected Governor of Texas but also with a say from Maine and Vermont, will decide what is best for Texas.

As we send the Texas Compact to a Senate-House conference, I ask my colleagues to keep in mind that all that is required is the prompt approval of Congress for the Compact as originally ratified by Maine, Vermont, and Texas so that the Texas Compact members will be able to exercise appropriate control over their low level nuclear waste as Congress mandated.

I thank the Chair and look forward to my colleagues continued support of the Texas Compact as ratified by the States when it returns from conference.

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate insist on its amendment and agree to the request of the House for a conference; that the Chair be authorized to appoint conferees on the part of the Senate; that upon appointment of the Senate conferees, a motion to instruct the conferees be agreed to which provides that the Senate conferees be instructed to include the Wellstone amendments in any conference agreement; and that once this consent is granted, together with other consent items I will go into later, Senator WELLSTONE be recognized to speak for up to 1 hour.

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

The PRESIDING OFFICER (Mr. FRIST) appointed Mr. THURMOND, Mr. HATCH and Mr. LEAHY conferees on the part of the Senate.

EXPRESSING SENSE OF CONGRESS THAT STATES SHOULD WORK MORE AGGRESSIVELY ATTACKING THE PROBLEM OF VIOLENT CRIMES

Mr. GORTON. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of House Concurrent Resolution 75 and, further, that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 75) expressing the sense of the Congress that States should work more aggressively to attack the problem of violent crimes committed by repeat offenders and criminals serving abbreviated sentences.

The Senate proceeded to consider the concurrent resolution.

Mr. GORTON. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The concurrent resolution (H. Con. Res. 75) was agreed to.

The preamble was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Calendar Nos. 502, 580 and 623. I further ask unanimous consent that the nominations be confirmed; that the motions to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

UNITED STATES ENRICHMENT CORPORATION

Margaret Hornbeck Greene, of Kentucky, to be a Member of the Board of Directors of the United States Enrichment Corporation for a term expiring February 24, 2003.

DEPARTMENT OF JUSTICE

James K. Robinson, of Michigan, to be an Assistant Attorney General.

THE JUDICIARY

Robert D. Sack, of New York, to be United States Circuit Judge for the Second Circuit.

NOMINATION OF JAMES K. ROBINSON

Mr. HATCH. Mr. President, on August 31, 1995, some 1019 days ago, the head of the Department of Justice's Criminal Division, Assistant Attorney General Jo Ann Harris, resigned. Since that time, the Department of Justice has lacked a confirmed leader for this critical post. Indeed, the Acting Assistant Attorney General has had to recuse himself from one of the most important matters to come before the Department: the Clinton Administration's fund-raising abuses. The failure of the Clinton Administration to fill this crucial position has had, in my

mind, a serious impact both on the performance of the Criminal Division and the credibility of its decisions. Over two and a half years later, I am glad to support the nomination of James K. Robinson to be Assistant Attorney General for the Criminal Division. This nomination was reported out of the Judiciary Committee in April by a unanimous vote, and I believe should receive the support of all Senators.

The Criminal Division represents the front line of the federal government's commitment to fight crime. We rely on the Criminal Division to enforce over 900 federal statutes and to develop enforcement policies to be implemented by the 94 U.S. Attorneys around the country. Within the division are sections that carry out national responsibilities crucial to protecting our citizens and property, including: Asset Forfeiture/Money Laundering, Child Exploitation and Obscenity, Fraud, Computer Crime and Intellectual Property, Narcotics and Dangerous Drugs, Organized Crime and Racketeering, Public Integrity, Terrorism and Violent Crime, and the Organized Crime Drug Enforcement Task Force. The importance of each of these sections cannot be overstated.

I believe that this nominee is up to this demanding task. James Robinson has compiled an impressive record of achievement. Following graduation from Wayne State University Law School, he clerked on the Michigan Supreme Court and then for Judge George Edwards of the United States Court of Appeals for the Sixth Circuit. He served with distinction as United States Attorney for the Eastern District of Michigan during the Carter Administration. Both before and after his service as U.S. Attorney, Mr. Robinson was a member of the Detroit law firm of Honigman Miller Schwartz & Cohn, first as an associate and then as a partner. Since 1993, he has been Dean and Professor of Law at his alma mater, Wayne State University Law School. Finally, Mr. Robinson has served on and often chaired numerous bar and civic associations, many of which related to his expertise in the law of evidence. He will need all of this experience and more to fulfill such a demanding position.

One of the most important duties assigned the head of the Criminal Division is to advise the Attorney General on the appointment of independent counsels. In my mind, Attorney General Reno was very poorly served by the Criminal Division over the past year while considering whether to appoint an independent counsel related to the fund raising efforts made by the President and Vice President in conjunction with the 1996 elections. While I was pleased to see the Department secure the indictments of Johnny Chung and Charlie Trie, I believe both the Division and the Attorney General misapplied the independent counsel statute by taking into consideration factors which the law does not allow.