

S. CON. RES. 129

Whereas basic knowledge of United States history is essential to full and informed participation in civic life and to the larger vibrancy of the American experiment in self-government;

Whereas basic knowledge of the past serves as a civic glue, binding together a diverse people into a single Nation with a common purpose;

Whereas citizens who lack knowledge of United States history will also lack an understanding and appreciation of the democratic principles that define and sustain the Nation as a free people, such as liberty, justice, tolerance, government by the consent of the governed, and equality under the law;

Whereas a recent Roper survey done for the American Council of Trustees and Alumni reveals that the next generation of American leaders and citizens is in danger of losing America's civic memory;

Whereas the Roper survey found that 81 percent of seniors at elite colleges and universities could not answer basic high school level questions concerning United States history, that scarcely more than half knew general information about American democracy and the Constitution, and that only 22 percent could identify the source of the most famous line of the Gettysburg Address;

Whereas many of the Nation's colleges and universities no longer require United States history as a prerequisite to graduation, including 100 percent of the top institutions of higher education;

Whereas 78 percent of the Nation's top colleges and universities no longer require the study of any form of history;

Whereas America's colleges and universities are leading bellwethers of national priorities and values, setting standards for the whole of the United States' education system and sending signals to students, teachers, parents, and public schools about what every educated citizen in a democracy must know;

Whereas many of America's most distinguished historians and intellectuals have expressed alarm about the growing historical illiteracy of college and university graduates and the consequences for the Nation; and

Whereas the distinguished historians and intellectuals fear that without a common civic memory and a common understanding of the remarkable individuals, events, and ideals that have shaped the Nation, people in the United States risk losing much of what it means to be an American, as well as the ability to fulfill the fundamental responsibilities of citizens in a democracy: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—*

(1) the historical illiteracy of America's college and university graduates is a serious problem that should be addressed by the Nation's higher education community;

(2) boards of trustees and administrators at institutions of higher education in the United States should review their curricula and add requirements in United States history;

(3) State officials responsible for higher education should review public college and university curricula in their States and promote requirements in United States history;

(4) parents should encourage their children to select institutions of higher education with substantial history requirements and students should take courses in United States history whether required or not; and

(5) history teachers and educators at all levels should redouble their efforts to bolster the knowledge of United States history among students of all ages and to restore the vitality of America's civic memory.

### SENATE RESOLUTION 332—EX-PRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE PEACE PROCESS IN NORTHERN IRELAND

Mr. KENNEDY (for himself, Mr. DODD, Mr. LEAHY, and Mr. MACK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 332

Whereas the April 10, 1998 Good Friday Agreement established a framework for the peaceful settlement of the conflict in Northern Ireland;

Whereas the Good Friday Agreement stated that it provided "the opportunity for a new beginning to policing in Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole";

Whereas the Good Friday Agreement provided for the establishment of an Independent Commission on Policing to make "recommendations for future policing arrangements in Northern Ireland including means of encouraging widespread community support for these arrangements";

Whereas the Independent Commission on Policing, led by Sir Christopher Patten, concluded its work on September 9, 1999 and proposed 175 recommendations in its final report to ensure a new beginning to policing, consistent with the requirements in the Good Friday Agreement;

Whereas the Patten report explicitly "warned in the strongest terms against cherry-picking from this report or trying to implement some major elements of it in isolation from others";

Whereas section 405 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as contained in H.R. 3427, as enacted by section 1000(a)(7) of Public Law 106-113, and as contained in appendix G to such Public Law) requires President Clinton to certify, among other things, that the Governments of the United Kingdom and Ireland are committed to assisting in the full implementation of the recommendations contained in the Patten Commission report issued on September 9, 1999 before the Federal Bureau of Investigation or any other Federal law enforcement agency can provide training for the Royal Ulster Constabulary;

Whereas a May 5, 2000, joint letter by the British Prime Minister and the Irish Prime Minister stated that "legislation to implement the Patten report will, subject to Parliament, be enacted by November 2000";

Whereas on May 16, 2000 the British Government published the proposed Police (Northern Ireland) bill, which purports to implement in law the Patten report;

Whereas many of the signatories to the Good Friday Agreement have stated that the draft bill does not live up to the letter or spirit of the Patten report and dilutes or does not implement many key recommendations of the Patten Commission;

Whereas Northern Ireland's main nationalist parties have indicated that they will not participate or encourage participation in the new policing structures unless the Patten report is fully implemented; and

Whereas on June 15, 2000, British Secretary of State for Northern Ireland Peter Mandelson said, "I remain absolutely determined to implement the Patten recommendations and to achieve the effective and representative policing service, accepted in every part of Northern Ireland, that his report aimed to secure": Now, therefore, be it

*Resolved, That the Senate—*

(1) commends the parties for progress to date in implementing all aspects of the Good Friday Agreement and urges them to move expeditiously to complete the implementation;

(2) believes that the full and speedy implementation of the recommendations of the Independent Commission on Policing for Northern Ireland holds the promise of ensuring that the police service in Northern Ireland will gain the support of both nationalists and unionists and that "policing structures and arrangements are such that the police service is fair and impartial, free from partisan political control, accountable... to the community it serves, representative of the society that it polices...[and] complies with human rights norms", as mandated by the Good Friday Agreement; and

(3) calls upon the British Government to fully and faithfully implement the recommendations contained in the September 9, 1999, Patten Commission report on policing.

Mr. KENNEDY. Mr. President, today Senators DODD, LEAHY, MACK, and I are introducing a resolution on police reform in Northern Ireland.

Policing has long been a contentious issue in Northern Ireland. The deep historical divisions in Northern Ireland have, according to the April 19, 1998 Good Friday Agreement, made policing "highly emotive, with great hurt suffered and sacrifices made by many individuals and their families."

The Good Friday Agreement presented an historic opportunity to create a new police service that is accountable, impartial, representative, based on respect for human rights, and that works in constructive partnership with the entire community. It provided for the establishment of an Independent Commission on Policing to make recommendations for Northern Ireland, including ways to encourage widespread community support for the police. The Commission, chaired by Sir Christopher Patten, concluded its work on September 9, 1999, and issued a final report with 175 recommendations to ensure a new beginning for policing in Northern Ireland.

On May 5, a joint letter by the British Prime Minister and the Irish Prime Minister stated that "legislation to implement the Patten report will, subject to Parliament, be enacted by November 2000." On May 16, the British Government published its proposed legislation to implement in law the Patten report.

Unfortunately, the draft bill does not live up to the letter or spirit of the Patten report. It dilutes or does not implement many of its key recommendations. Northern Ireland's main nationalist parties and representatives of the Catholic Church are deeply concerned about the proposed legislation, and they have indicated that they will not participate or encourage participation in the new policing structures unless the Patten report is fully implemented. I ask unanimous consent that documents outlining concerns with the draft legislation may be included in the RECORD at the end of my remarks.

British Secretary of State for Northern Ireland, Peter Mandelson, has recognized that the bill "will need fine

tuning" as it proceeds through the Parliament. On June 15, he said, "I remain absolutely determined to implement the Patten recommendations and to achieve the effective and representative policing service—accepted in every part of Northern Ireland—that his report aimed to secure."

The resolution we are introducing today expresses the Sense of the Senate that the full and speedy implementation of the recommendations of the Independent Commission on Policing for Northern Ireland holds the best hope of ensuring that the police service in Northern Ireland will gain the support of both nationalists and unionists and that "policing structures and arrangements are such that the police service is fair and impartial, free from partisan political control, accountable . . . to the community it serves, representative of the society that it polices . . . [and] complies with human rights norms," as mandated by the Good Friday Agreement. It calls upon the British Government to fully and faithfully implement the recommendations contained in the Patten Commission report.

The Patten report explicitly "warned in the strongest terms against cherry-picking from this report or trying to implement some major elements of it in isolation from others." Section 405 of the Foreign Relations Authorization Act (as enacted in the Consolidated Appropriations Act for FY2000, P.L. 106-113) requires President Clinton to certify that the British and Irish governments are committed to assisting in the full implementation of the Patten recommendations before the Federal Bureau of Investigation or any other federal law enforcement agency can provide training for the Royal Ulster Constabulary. It would be extremely unfortunate if the shortcomings in the policing bill prevent President Clinton from making this certification.

Police reform is essential in Northern Ireland to ensure fairness and to strengthen the peace process. The Patten report has the potential to create a genuine new police service that will have and deserve the trust of all the people in Northern Ireland. It would be a tragedy if this opportunity to achieve a new beginning in policing is lost. I urge the Senate to approve this resolution.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

WHAT A TRAVESTY—POLICE BILL IS JUST A  
PARODY OF PATTEN  
(By Brendan O'Leary)

There are two ways in which the Police (Northern Ireland) Bill before Parliament should be read. The first is to check whether as promised by the Prime Minister, the Secretary of State, and the accompanying Explanatory Notes issued by the Northern Ireland Office it effectively implements the report of the Independent Commission on Policing for Northern Ireland, and thereby is

consistent with the terms of the Belfast Agreement. The second is to assess whether the Bill will provide policing arrangements that are appropriate to a democratic state, and that will stabilize Northern Ireland.

My assessment is negative on both counts. The Bill therefore requires radical amendment by the friends of the Belfast Agreement in Parliament, and if these radical amendments are not made I believe it is essential that genuine supporters of the Agreement should vote against this Bill becoming law. It does not implement the Patten Report: What it implements is a slightly re-worked version of the Police (Northern Ireland) Act of 1998, with half-hearted nods in the direction of Patten. It is not just not good enough; in some respects it is worse than the status quo.

The Patten Report, by contrast, met its terms of reference under the Belfast Agreement. Eight criteria were either explicitly or implicitly mandated for the commissioner, I shall compare these directly with what is offered in the Bill before Parliament.

#### IMPARTIALITY

The first term of reference for Patten and his commissioners was to recommend how to create a widely acceptable "impartial" service. The Commission chose to avoid proposing an explicitly bi-national or bi-cultural police. Instead it plumped for neutral impartiality between unionism/localism and nationalism/republicanism. Its preference, the Northern Ireland Police Service (NIPS), was a neutral title, not least because nationalists in the 1998 referendum, North and South, overwhelmingly accepted the current status of Northern Ireland as part of the UK, as long as a majority so determine. The RUC was not a neutral title, so it was recommended to go, period. The codes of police officers and their future training were to reflect a commitment to impartiality and respect for democratic unionism/loyalism and democratic nationalism/republicanism. The display of the Union flag and the portrait of the Queen at police stations were recommended to go to dissociate the police from identification with the Union, the Crown and the British nation. In Patten's words symbols should be "free from association with the British or Irish states".

Patten's recommendations for a territory that is primarily divided into two communities that are of almost equal size but that have rival national allegiances were entirely sensible. They flowed straightforwardly from the Belfast Agreement's commitment to establishing "parity of esteem" between the national traditions, and the British government's commitment to "rigorous impartiality" in its administration.

The Bill proposes that the Secretary of State be given the power to decide on the issues of name and emblems at some point in the future, not a stay of execution, but a stay of decision. The Bill does not deal with these matters as Patten recommended, and this must be corrected as the Bill makes its way through Parliament. It would not be a recipe for re-igniting conflict, and a gift to republican dissidents, if the Secretary of State were to opt, when he makes his decision, to retain the name of the RUC as part of the reformed police's working title.

A title such as the "Police Service of Northern Ireland incorporating the RUC whose long-serving members are not required to take the new oath of service", would be a mockery, replacing the virtues of political compromise with surrender to blackmail.

#### "REPRESENTATIVE" POLICE SERVICE

Patten's second term of reference was to establish a "representative" police service. The commissioners proposed recruiting Catholics and non-Catholics in a 50:50 ratio

from the pool of qualified candidates for the next ten years. This matches the population ratios in the younger age-cohorts. On their model—given early and scheduled retirements of serving officers—this policy would ensure that 30 percent of the service would be of Catholic origin by year 10, and between 17 percent and 19 percent within four years (above the critical mass of 15 percent that they claimed is necessary to change the police's character). This is a significantly slower pace of change than some of us advocated, but the commissioners justified it because they wished to avoid a service that would have non-Catholic Chiefs and Catholic Indians. By intending to make each successive cohort religiously representative now, and by ensuring that the new service would be seen as impartial, the commissioners had an arguable case. Steps would, of course, still need to be taken to ensure that the new Catholics are broadly representative of the Catholic community—i.e. mostly nationalist or republican in political opinion. There would also need to be sufficient secondments from the Garda Síochána and elsewhere to ensure a representative array of senior police of Catholic origin.

The Police Bill makes a mockery of these recommendations. The period in which the police are to be recruited on a 50:50 basis has been reduced to three years, with any extension requiring a decision by the Secretary of State.

The Bill is completely silent on aggregation, the policy proposed by Patten for dealing with years in which there might be a shortfall in the recruitment of suitably qualified cultural Catholics, and it is also dangerously silent on targeting. The Bill does not even make clear whether the Government will explicitly do what is necessary to meet the "critical mass" identified by Patten.

As drafted it is a recipe for minute change, that on current demographic trends will ensure that a shrinking minority of men of unionist disposition will police a growing minority of nationalist disposition.

#### FREE FROM PARTISAN POLITICAL CONTROL

A third term of reference required Patten to propose policing arrangements "free from partisan control."

The Commission's task was to ensure democratic accountability of policing "at all levels" while preventing any dominant political party from being able to direct the police to their advantage. The proposed Policing Board was to meet this objective. On Patten's model it would represent members from political parties present in the Executive, according to the d'Hondt rule of proportional allocation. The District Policing Partnership Boards (DPPBs) should also have met this objective—twenty out of twenty six local government districts now have office-rotation or power-sharing agreements.

Those seeking to amend the Bill should consider formally extending the d'Hondt principle to party representatives on the DPPBs a step entirely consistent with the Agreement.

The Bill thwarts Patten on the criterion of avoiding partisan control. By introducing a requirement that the Policing Board operate according to a weighted majority when recommending an inquiry it effectively re-establishes partisan unionist control. On Patten's model, ten members of the Policing Board would come from the parties in the current Executive—currently five nationalists and five unionists, and the other nine would have been nominated by the First Minister and Deputy First Ministers, which would likely and reasonably imply a slight majority broadly of unionist disposition—a reflection of Northern Ireland society. Under

the model proposed in the Bill, the nine appointed members will, in the first instance, be appointed by the Secretary of State, not foreseen by Patten. But even if this produces the same outcomes as joint nominations from the First and Deputy First Ministers the Bill's proposed weighted majority rule will give unionists and unionist approved members a blocking minority on matters as fundamental as pursuing reasonable inquiries into allegations about police misconduct or incompetence.

This is a direct violation of the terms of reference of the Agreement.

#### EFFICIENT AND EFFECTIVE POLICING

A fourth criterion set for Patten was to promote "efficient and effective" policing arrangements. Here the commissioners scored highly. They deliberately avoided false economies. Generous severance and early retirement packages were to ease quite fast changes in the composition and ethos of the current personnel. They reasoned that an over-sized police service could fulfill the following tasks:

Begin a novel and far-reaching experiment in community policing;

Deter hard-line paramilitaries opposed to the Agreement, and those tempted to return to active combat;

Manage large-scale public order functions (mostly occasioned by the Loyal Orders); and Facilitate faster changes in the services' religious and gender composition than might otherwise be possible.

The provisions enabling local governments to experiment and out-source policing services were also designed to "market-test" effectiveness, while the steps recommended to produce greater "civilianisation" were to free personnel for mainstream policing tasks and deliver long-run savings.

The Bill is multiply at odds with Patten on efficiency and effectiveness. It fails to provide a clearly effective system of accountability, which means that existing inefficiencies will continue to flourish, and ineffectiveness will be overlooked. The Secretary of State is, bizarrely, empowered to prevent an inquiry by the Policing Board if it is deemed not to be in the interests of efficiency and the effectiveness of the police as if the prime activity of a Board which requires a weighted majority to start an enquiry will be to embark on wasteful investigations! The Secretary of State, and not the Policing Board, is charged with setting targets and performance indicators for the police a recipe for producing an ineffective Board, 'not the strong independent and powerful Board' that Patten recommended. The full-time reserve, which Patten recommended should be disbanded, in the interests of efficiency and promoting fast changes in composition, is, so far as I can tell, left on a statutory basis in the Bill. And the District Policing Partnership Boards have been eviscerated because of propaganda about paramilitaries on the rates. It is simply amazing that grown-up people could accuse Christopher Patten, an intelligent Tory, of signing a report to subsidize paramilitarism; but it is perhaps more amazing that the Government can present this Bill as a text to implement the Patten Report.

#### HUMAN RIGHTS CULTURE

A fifth term of reference which Patten had to meet was policing arrangements infused with a human rights culture. Patten's commissioners did their job. It is proposed that new and serving officers would have knowledge of human rights built into their training and re-training (provided by non-police personnel) and their codes of practice. The astonishing absence of legal personnel within the RUC with expertise in human rights was singled out for remedy. The incorporation of

the European Convention into UK public law, and Northern Ireland's own forthcoming special provisions to strengthen the rights of national, religious and cultural minorities, were welcomed as likely to ensure that policing and legal arrangements have to perform to higher standards than in the past, but other international norms were also held out as benchmarks: 'compliance \* \* \* with international human rights standards and norms are \* \* \* an important safeguard both to the public and to police officers carrying out their duties' (Patten, para: 5.17). Patten, para: 5.17). Patten's proposed steps for normalizing the police dissolving the special branch into criminal investigations, and demilitarising the police in step with hoped-for decommissioning, also met the human rights objectives of the Agreement.

The Police Bill on this criterion, as in others is almost a parody of the Patten Report. The Bill restricts the new oath, which includes a commitment to human rights to new officers. It incorporates no standards of rights protection higher than that in the European Convention. It places responsibility for a Code of Ethics not with the Policing Board, but with the Chief Constable, who is not obligated to consult the new Human Rights Commission on its content. The Bill explicitly excludes Patten's proposed requirement that an oath of service 'respect the traditions and beliefs' of people. The Policing Board cannot inquire into past police misconduct, and the Secretary of State is empowered to prevent the Ombudsman from so doing.

This was a sixth criterion that Patten had a meet; the Commission's terms of reference included 'at all levels'. Accountable decentralisation was proposed through giving directly elected local governments opportunities to influence the policy formulation of the Policing Board through their own District Policing Partnership Boards. The latter would not merely have had the power to question police district commanders but would have the ability to use their own resources to 'purchase additional services from the police or statutory agencies, or from the private sector'.

The Patten Report sensibly also commended significant internal decentralisation within the police, stripping away redundant layers of management to free up district commanders to deliver sensitive policing according to local needs. Better still, Patten recommended matching police internal management units to local government districts.

The Bill maintains centralisation in three ways. First, it gives power to the Secretary of State that Patten intended should be immediately devolved to the First and Deputy First Ministers. Secondly, the Bill weakens Patten's recommendations regarding decentralisation to district councils and gives the Secretary of State the right to issue instructions to the DPPBs.

Patten recommended that these be able to contribute up to the 'equivalent of a rate of 3p in the pound' to pay for extra policing services to meet their distinctive needs. This provision is not in the Bill. Thirdly, Patten was committed to the establishment of neighborhood policing: that every neighborhood should have a dedicated policing team, that its officers have their names and the names of their neighborhood displayed on their uniforms, and that they should serve 3-5 years in the same neighborhood. The Bill contains no such provisions.

#### DEMOCRATIC ACCOUNTABILITY

The seventh and perhaps the most important criterion that Patten and his commissioners had to meet was 'democratic accountability'.

Patten's subject was 'policing Northern Ireland' not 'the police in Northern Ireland'.

Policing should not be the monopoly of a police force, as it is called throughout this Bill, or indeed of a service, as Patten commended. Policing should be organized in a self-governing democratic society by a plurality of agents and organizations, indeed by a network of such organisations. It should not be exclusively the responsibility of a monolithic, centralised, line-hierarchy, detached and apart from the rest of society. Ultimate responsibility for the security of persons and property in society should remain with citizens and their representatives. This logic was apparent in the title and proposed organisation of the proposed 'Policing Board' that was recommended to replace the present entirely unelected Police Authority which, despite its name, has no authority and even less legitimacy. The Board, as emphasised, was to bring together ten elected politicians drawn in proportion to their representative strength in seats, from the parties that comprise the new Executive with nine appointed members, representative of a range of sectors of civil society, 'business, trade unions, voluntary organisations, community groups and the legal profession'.

The elected members cannot be ministerial office-holders. The unelected members (under a devolved government) were to be appointed by the First and Deputy Ministers.

The Board was therefore envisaged as broadly representative, in both its elected and unelected members, and at one remove from direct executive power so that it was less likely to become the mere instrument of ministers.

A similar logic lay behind Patten's proposal to give the Board responsibility for negotiating the annual policing budget with the Northern Ireland Office, or with the appropriate successor body after devolution'.

The Report, contrary to what scaremongers and the right-wing press suggested, was not intended to destroy the operational responsibility of the police, or indeed to party-politicise its management. It was intended to let police managers manage, but to hold them, *post-factum*, to account for their implementation of the Policing Board's general policing policy, and to enhance the audit and investigative capacities of the Board in holding the police to account for their implementation, financial and otherwise, of the Board's policy.

In the Patten Report's vision the police should become fully part of a self-governing democratic society, transparently accountable to its representatives, rather than a potentially self-serving, unaccountable group of budget maximisers, mission-committed to their own conceptions of good policing. The new service would have 'operational responsibility' but would have to justify its uses of its managerial discretion.

What, by comparison with the Patten Report, is in the Bill? Proposals to strengthen the Secretary of State, to strengthen the powers of the Chief Constable, to weaken the new Policing Board from its inception, and to return policing to the police rather than have policing pressurised by and organized by a network of mutually supportive agencies.

The Chief Constable has powers of refusal to respond to reasonable requests by the Board. The Secretary of State, not the Board, sets targets and performance indicators. The Board cannot inquire into the past, and is more or less prevented from making into inquiries into police misconduct or incompetence in the future. The Board's role in budgetary planning is, so far as I can tell, downgraded into that of being a lobbying group for the Chief Constable.

The Board is in fact so weakened that the old Policing Authority has quite correctly condemned the Bill—a response no one would

have predicted when the Prime Minister and the Secretary of State welcomed the Patten Report.

The Ombudsman, the Equality Commission and the Human Rights Commission have no appropriate free-ranging rights of access to policing documentation. The Chief Constable is not even required as a measure of transparency to declare his staff's individual participation in secret societies.

#### MEETING THE AGREEMENT?

Lastly, the Patten Report and the Bill were supposed to be consistent with the letter and the spirit of the Belfast Agreement. Patten's Report definitely met its terms of reference. The Bill does not. It is incompatible with 'parity of esteem', 'rigorous impartiality' by the UK government, and the objectives set for policing in the Agreement. The Bill does not in its unamended form represent the promised 'new beginning'. It does not 'recognise the full and equal legitimacy and worth of the identities, senses of allegiance and ethos of all sections of the community'. It will not produce a 'service [that] is effective and efficient, fair and impartial, free from partisan political control; accountable . . . representative of the society it polices . . . which conforms with human rights norms'. It will not encourage 'widespread community support' (all quotations from the text of the Agreement). It has been seen through and condemned by the SDLP, the Women's Coalition, the Catholic Church in Ireland, the Committee on the Administration of Justice, the Ombudsman, the existing Police Authority, the Irish Government, and President Clinton, as well as by Sinn Fein. The Bill is a provocation, a fundamental breach of faith, perfidious Britannia in caricature.

So what does the Bill represent? It represents Old Britain. It has been drafted by the forces of conservatism, for the forces of conservatism. It is a slightly smudged and fudged facsimile of the 1998 Act. Unamended it will ensure that neither the SDLP of Sinn Fein will sit on the Policing Board, or recommend their constituents \* \* \*

#### CRUCIAL ROLE FOR THE CHURCH ON POLICING (By Fr. Tim Bartlett)

The Catholic Church has a crucial role to play in the debate about policing. On the one hand it represents the religious tradition of those who are most under-represented in the current provision of policing while at the same time, as a specifically religious institution, it exists and operates outside the confines of constitutional politics. As the trustee of Catholic schools and of numerous youth organisations it is also in a unique position to influence that specific group which will have to be encouraged to join the police service if the huge religious and cultural imbalance within policing is to be redressed, that is—young Catholics.

The Independent Commission on Policing openly acknowledged this pivotal role of the Church in regard to recruitment. It appealed directly to bishops, priests and school teachers to . . . take steps to remove all discouragements to members of their communities applying to join the police, and make it a priority to encourage them to apply. (15.2)

While acknowledging that they did have a role to play, the Catholic bishops were equally clear in their response. The responsibility for removing those things which discourage Catholics from joining the police service rests, first and foremost, with the police service itself and not with the Church or community leaders.

Drawing on their consultations with young Catholics in schools, with school principals and clergy, with lay people and legal professionals, the Catholic bishops were crystal

clear about what this would require—an end to the partisan political and cultural domination of policing by one side of the community, greater accountability and a clear commitment to human rights in all aspects of policing. This in turn would require the removal of all those things which are not essential to effective, professional policing but which continue to present a serious obstacle to recruitment among the vast majority of young Catholics. This included those aspects of current policing, such as the name and badge, which require most young Catholics to forego their legitimate political and cultural allegiances and to submit to an ethos and a culture which is not only unfamiliar but also frequently hostile. As one young Catholic put it, "How would a young Conservative in England feel if, in order to pursue a career in the police, they had to join new Labour?"

As a result of their consultations, the bishops concluded, and made clear to the government, that the only way of encouraging a sufficient number of young Catholics to join the police service was to implement the Patten Report in full.

Many people who wanted no change to the cultural domination of policing by unionism were quick to accuse the bishops of promoting 'green agenda', or of joining a 'pan-nationalist front', totally ignoring the fact that no one, including the bishops, had suggested that the unionist domination of policing should be exchanged for a nationalist one. What was being proposed was a vision of a pluralist police service for a pluralist society. The issue was not one of religious affiliation as such, but of the right of all citizens to a neutral working environment, to pursue a career in the noble profession of policing without having to subjugate legitimate political, cultural or religious convictions to an exaggerated Unionist ethos which has nothing to do with professional policing.

Those unionist spokesmen on policing who were disappointed with the Catholic Church's position decided to react by employing an offensive distinction in their public statements between what they now call "reasonable" Catholics and "unreasonable" Catholics, the latter of course referring to that overwhelming majority of Catholics who do not subscribe to a unionist point of view. Apart from labelling the vast majority of Catholics, including the Catholic bishops as "unreasonable", something which affirms the presence of an underlying ethnic superiority within unionism, those who support a continued unionist possession of policing also decided to "spin" a number of statistical findings about Catholics and policing.

The rate of Catholic applications we were told had risen to 20 percent since the ceasefires. This was heralded as proof that the main obstacle to Catholic recruitment to the RUC had been the existence of a paramilitary threat. What was conveniently ignored, however, was the fact that a 20 percent application rate was merely a return to the level of application which had existed prior to the troubles. Even then, without the existence of a paramilitary threat for almost 50 years, the maximum level of participation in policing by Catholics for any sustained period was never more than 12 percent.

We were also told the results of a survey by the Police Authority on issues such as the name and the badge. Interestingly the Police Authority Report itself points out that we must always be cautious about the way in which we interpret and use opinion survey findings (p. 42). Even more interestingly, several important aspects of this survey have been conveniently ignored by those who oppose a pluralist ethos in policing. One is the fact that in regard to the proposed change of name the survey did not ask Catholics

whether they agreed or disagreed with a change of name—it simply asked if this would lead to an increase in support for policing. This question was asked, however, in relation to the slightly less contentious issue of the badge. Here, when asked whether they agreed or disagreed with a change of the symbolism associated with the badge over 71% of Catholics agreed that the badge should be changed. This did not include the additional 19% who neither agreed nor disagreed. What this indicated clearly, but which is not admitted by those who published the report, is that there was overwhelming evidence of support in the Catholic community for a change to the symbols and ethos of the RUC.

The second major weakness of the survey was that it did not focus on the opinions of those who are most relevant to the issue of recruitment, that is—young Catholics—most notably those between 14 and 26 years of age. Principals of Catholic schools, leaders of Catholic youth clubs and clergy who were asked by the bishops about these issues were very clear about the opinion of this age group, in regard to the sectarian bias of the RUC and the need to change the name and symbols if the recruitment of young Catholics in sufficient numbers was to become a possibility. The Police Authority survey did not take account of the views of this important group.

At the end of the day the proverbial "dogs in the street" know that the most serious obstacle to the recruitment of young Catholics remains the unapologetic and ongoing effort of the unionist community to dominate policing and to obstruct the pluralist and community based ethos proposed by the Patten Report. The failure of the secretary of state to remain faithful to key elements of the Patten Report in the current Policing Bill and his willingness to subject a fundamental issue of cycle justice—the right to representative policing—to the "spin and win" of politics, has provided one of the greatest "obstacles to encouragement" for young Catholics to have emerged in recent years. In this context any appeal to the Catholic Church to ' . . . make it a priority to encourage Catholics to join' is unlikely to be taken up by Church leaders. If the government and the unionist community does have the recruitment of young Catholics as a priority, what hope has the Catholic Church?

If we are to achieve the new beginning to policing made possible through the independent adjudication of this issue by an independent commission, then it is time for the unionist tradition to let go of its cultural possession of policing and to acknowledge the real pain, suffering and sectarian bias which many Catholics have experienced, and continue to experience, at the hands of the RUC. It is time for the British government to acknowledge that most Catholics have been "locked out" of policing for the last 80 years because of their legitimately held political and cultural beliefs and that in a pluralist society this cannot continue to be the case.

The Catholic Church as gone to great lengths, in recent months, to pay tribute to the RUC and to acknowledge the great price that RUC officers have paid in the effort to maintain stability and peace. Apart from their various public statements, the decision by Archbishop Brady to attend the George Cross award ceremony was a courageous and public acknowledgement by the Catholic bishops that the future of policing, indeed of our whole society depends on giving due recognition to the suffering and sacrifice which has been part of our collective past. What a pity then that, as yet, Protestant Church leaders, unionist politicians and the British government in the current Policing Bill,

have not found it possible to offer any similar reassurance to the Catholic community about the commitment of the Unionist-British tradition to the "new beginning to policing" promised by the Belfast agreement. Such reassurances, from such voices, while surprising, would certainly be a welcome change.

• Mr. LEAHY. Mr. President, I am pleased to join Senators KENNEDY, DODD, and MACK in introducing this resolution on police reform in Northern Ireland.

Police reform is necessary in Northern Ireland to guarantee fairness and to advance the peace process.

Our resolution expresses the Sense of the Senate that the full and speedy implementation of the Patten Commission's recommendations on reforming the police service in Northern Ireland holds the promise of ensuring that the police service will gain the support of both nationalists and unionists. It calls on the British Government to fully and faithfully implement the recommendations included in the Patten Commission report. It also commends the parties to the Good Friday Agreement for progress to date in implementing all aspects of the Good Friday Agreement and urges them to move expeditiously to complete the implementation.

Mr. President, I ask unanimous consent that documents which raise concerns about police reform legislation be included at the end of my remarks. I urge my colleagues to approve this resolution.

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

LAWYERS COMMITTEE  
FOR HUMAN RIGHTS,  
New York, NY, June 16, 2000.

*Re Northern Ireland police bill.*

The Rt. Hon. PETER MANDELSON,  
Secretary of State for Northern Ireland, Northern  
Ireland Office, Stormont Castle, Belfast,  
Northern Ireland.

DEAR MR. MANDELSON: We are writing to you to convey our continued concern about the proposed Northern Ireland Police Bill. We recognise the difficult choices you face in implementing a comprehensive program of police reform in Northern Ireland. We are aware also of the deep sensitivities surrounding the police issues that cut across religious, racial and political lines. We commend you for the time and attention you have directed to this highly important subject. It is precisely because it is so important that we write to you again following our letter on May 26, to register concerns that arise out of the debate at the Second Reading of the Bill.

At the Reading, you emphasised the need to concentrate on "detail" and to move away from "rhetoric" and "hyperbole". We agree, and recognise that this is a critical time to ensure that the legislation accurately embodies the recommendations made by the Patten Commission. However, we take strong exception to your assertion that the "spirit as well as the letter" of the Bill you are proposing fully implements the Patten Commission's recommendations. To the contrary, we are greatly concerned that the proposed legislation fails to implement key elements of the Patten Commission's Recommendations especially relating to Police accountability.

#### POLICE OMBUDSMAN AND POLICING BOARD

In particular, the legislation significantly curtails the powers of the Police Ombudsman and the Policing Board. In fact, as it now stands, the legislation appears to undermine the very mechanism that the Patten Commission envisaged as necessary for holding the police force and its Chief accountable.

##### *a. Police Ombudsman*

With respect to the power of the Police Ombudsman, the Patten Commission recommended that:

"[The Ombudsman] should exercise the power to initiate inquiries and investigations even if no specific complaint has been received . . . (and) should exercise the right to investigate and comment on police policies and practices, where these are perceived to give rise to difficulties." (Recommendation 38).

In rejecting both the spirit and the letter of this recommendation, you indicated at the Second Reading that you believed you were right "to resist the suggestion that the Ombudsman should also have powers to review the policies and practices of the police service." You proposed, instead, that she would be able to raise wider issues only in the course of investigating individual complaints.

The government's proposal, if accepted, will create a system that would allow the Ombudsman to only address patterns of misconduct by chance. Such an inquiry would only be triggered if a person happens to come forward with an individual complaint that also reveals a wider issue. This is contrary to the Patten Commission's recommendation, and does not seem the most effective way to monitoring police adherence to human rights standards.

##### *b. Policing Board*

In proposing the creation of a police board, the Patten Commission recognised that the Board could only be effective if it were independent and powerful. (see Patten Report, paragraph 6.23). The Commission proposed that the Policing Board have power to initiate inquiries so that it had an alternative mechanisms to ensure accountability, and not be limited to the extreme remedy of calling upon the Chief Constable to retire.

In rejecting this recommendation, the proposed legislation bars the Policing Board's ability to inquire into past misconduct and gives the Secretary of State the power to prevent the Ombudsman from doing so. Although we are pleased that you have indicated your initial proposal has "probably gone too far in the limitations" imposed on the Policing Board's powers, we are concerned that you appear to still believe that the power to initiate inquiries is 'extreme'.

We urge you to ensure that the legislation reflects the Patten Commission's major emphasis on the centrality of human rights by granting these monitoring bodies the power proposed by the Commission.

#### OVERSIGHT COMMISSIONER

The new Oversight Commissioner, Mr. Constantine, will have a critically important role in implementing police reform and restructuring. The Patten Commission's Report proposed wide powers and latitude for the Oversight Commissioner. We are pleased that the Commissioner's terms of reference will have a statutory basis, and we look forward to studying the amendments brought forward on this point. We consider it vital that the Oversight Commissioner's mandate relates to his responsibility for overseeing the implementation of the breadth of change envisaged in the Patten Commission's recommendations, and not simply the Implementation Plan. From a cursory reading of the Implementation Plan, it is clear that it

rests considerable discretion in the Chief Constable, a constraint that is at odds with the overall approach envisioned by the Patten Report. We strongly urge that the Commission's written terms of reference give him the broadest scope, latitude and independence possible to enable him to effectively carry out his essential mission.

#### HUMAN RIGHTS STANDARDS

Finally, we are concerned that the Bill fails to establish adequate means for incorporating a human rights culture into policing in Northern Ireland. Members of the Patten Commission understood that international norms are important safeguards to both "the public and to the police officers carrying out their duties." (Recommendation 5.17). The Police Bill should reflect this principle at every opportunity—in defining the function of the Police Board, the role of the police, and organising principles of the Code of Ethics.

Official accountability is an essential key to building public confidence in a new policing institution in Northern Ireland. I am sure you can appreciate that without this public credibility, all reform efforts will be seriously undermined. You have been presented with a unique opportunity to institute effective and lasting reforms within the police in Northern Ireland which puts a premium on respect for human rights. If successful, the Northern Ireland experience could become a model for other countries around the world embarking on their own path to reform. But success must be built on a legislative framework that ensures the fullest official accountability.

We will continue to closely monitor the development of this legislation. We look forward to hearing from you and would welcome the opportunity to meet with you or your representatives to discuss these issues further.

Respectfully,

MICHAEL POSNER,  
*Executive Director.*

#### POLICE BILL LOOKS SET TO RENDER POLICING BOARD INEFFECTIVE

The Police Authority today expressed "deep concern" about the new Police (NI) Bill 2000.

Authority Chairman Pat Armstrong stressed that although the body was reluctant to criticise new legislation it felt it had no alternative.

"The Police Authority hoped to have been able to give the same broad welcome to this Bill which it gave to the Patten report when it was published.

"We want to see policing in Northern Ireland move forward. Although the main public focus on this legislation so far has been about the name and symbols of the police service, we feel that damaging limitations on the powers of the new Policing Board represent the real meat of the debate.

"The Police Authority has worked vigilantly for the last thirty years to ensure police accountability to the people of Northern Ireland and to protect the police service from political intervention. In doing so we have made no secret of the fact that our powers have always been severely limited by the restrictions imposed on us by successive Secretaries of State.

"We therefore welcomed Patten's proposal and believed it would at long last create a strong, independent and powerful Policing Board for the community at large.

"Worryingly, the early signs in this Bill are that the Secretary of State is trying to curb the powers of this new Board and substantially weaken its credibility before it even gets off the ground.

"While we haven't had the opportunity to analyze the full impact of the Secretary of

State's proposals, it seems that if the legislation goes through as it stands, the new Policing Board could actually have less power than the current Police Authority—a situation we find ludicrous and totally unacceptable."

"Police planning and financial control are two key areas where it seems the new Board will have a reduced role, while the Secretary of State enjoys greater influence.

"And where the Board was supposed to get new powers, it seems rigid restrictions have been imposed. On the power to initiate enquiries for example, it is difficult to see how the Board could ever satisfy all the conditions required by the Secretary of State."

"This is not the first time that Government has attempted to control policing in Northern Ireland. In our original submission to the Patten Commission we catalogued consistent attempts by the Government over the years to suppress the powers of the Police Authority.

"Successive Authorities have resisted such attempts by Government to directly influence policing and we will continue to do so in guarding against any weakening of the powers envisaged by Patten for the new Policing Board. The Patten report itself stated, 'we do not believe the Secretary of State . . . should ever appear to have the power to direct the police.'—this obviously signalled a clear intention on the Commission's part to curtail the powers of Government—not enhance them as the proposed legislation seems set to do."

Mr. Armstrong however said the Authority supported much of the legislation including the apparent safeguards put in place to prevent District Policing Partnerships raising money for 'freelance' police services. He added that more time would be needed to examine all the issues in detail.

The Authority will shortly publish an in-depth analysis of the Government's proposed Patten legislation and implementation plan.●

#### AMENDMENTS SUBMITTED

#### DEPARTMENT OF LABOR APPROPRIATIONS ACT, 2001

#### COLLINS (AND REED) AMENDMENT NO. 3700

Mr. SPECTER (for Ms. COLLINS (for herself and Mr. REED)) proposed an amendment to the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 34, on line 13, before the colon, insert the following: ", of which \$10,000,000 shall be used to provide grants to local non-profit private and public entities to enable such entities to develop and expand activities to provide substance abuse services to homeless individuals".

#### KERREY (AND OTHERS) AMENDMENT NO. 3701

Mr. HARKIN (for Mr. KERREY (for himself, Mr. BINGAMAN and Mr. ENZI)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 68, line 2, before the colon, insert the following: ", of which \$250,000 shall be for the Web-Based Education Commission".

#### COLLINS (AND OTHERS) AMENDMENT NO. 3702

Mr. SPECTER (for Ms. COLLINS (for herself, Mr. FEINGOLD, Mr. JEFFORDS, Mr. BIDEN, Mrs. MURRAY, Mr. ENZI, Mr. WELLSTONE, Mr. BINGAMAN, Mr. ROBB, Mr. KERRY, Mr. ABRAHAM, and Mr. REED)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 24, line 1, strike "and".

On page 24 line 7, insert before the colon the following: ", and of which \$4,000,000 shall be provided to the Rural Health Outreach Office of the Health Resources and Services Administration for the awarding of grants to community partnerships in rural areas for the purchase of automated external defibrillators and the training of individuals in basic cardiac life support".

#### JEFFORDS AMENDMENT NO. 3703

Mr. SPECTER (for Mr. JEFFORDS) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 43, line 9, before the colon, insert the follow: ", of which 5,000,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions".

#### SPECTER AMENDMENT NO. 3704

Mr. SPECTER proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 50, line 20, after the dash insert the following: "Except as provided by subsection (e)".

On page 51, line 1 strike "December 15, 2000" and insert in lieu thereof: "March 1, 2001".

On page 52, line 2, strike "2000" and insert in lieu thereof "2001".

On page 52, after line 2, insert the following new section

"(e) TERRITORIES.—None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than \$1,000,000."

#### GRAHAM AMENDMENT NO. 3705

(Ordered to lie on the table.)

Mr. HARKIN (for Mr. GRAHAM) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 54, between lines 10 and 11, insert the following:

SEC. . (a) STUDY.—The Secretary of Health and Human Services shall conduct a study to examine—

(1) the experiences of hospitals in the United States in obtaining reimbursement from foreign health insurance companies whose enrollees receive medical treatment in the United States;

(2) the identity of the foreign health insurance companies that do not cooperate with or reimburse (in whole or in part) United States health care providers for medical services rendered in the United States to enrollees who are foreign nationals;

(3) the amount of unreimbursed services that hospitals in the United States provide to foreign nationals described in paragraph (2); and

(4) solutions to the problems identified in the study.

(b) REPORT.—Not later than March 31, 2001, the Secretary of Health and Human Services shall prepare and submit to the Committee

on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations, a report concerning the results of the study conducted under subsection (a), including the recommendations described in paragraph (4) of such subsection.

#### BINGAMAN (AND OTHERS) AMENDMENT NO. 3706

(Ordered to lie on the table.)

Mr. HARKIN (for Mr. BINGAMAN (for himself, Mr. REID, Ms. COLLINS, and Mr. DEWINE)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 59, line 12, before the period insert the following: "Provided further, That of the amount made available under this heading for activities carried out through the Fund for the Improvement of Education under part A of title X, \$10,000,000 shall be made available to enable the Secretary of Education to award grants to develop and implement school dropout prevention programs".

#### REID AMENDMENT NO. 3707

(Ordered to lie on the table.)

Mr. HARKIN (for Mr. REID) proposed an amendment to the bill, H.R. 4577, supra; as follows:

At the appropriate place, insert the following:

#### NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

SEC. . Section 448 of the Public Health Service Act (42 U.S.C. 285g) is amended by inserting "gynecologic health," after "with respect to".

#### DURBIN (AND OTHERS) AMENDMENT NO. 3708

(Ordered to lie on the table.)

Mr. HARKIN (for Mr. DURBIN (for himself, Mr. DEWINE, Mr. BINGAMAN, Mr. SCHUMER, Mr. KERRY, Mr. FITZGERALD, and Mr. ABRAHAM)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 26, line 25, before "of which" insert the following: "of which \$20,000,000 shall be made available to carry out children's asthma programs and \$4,000,000 of such \$20,000,000 shall be utilized to carry out improved asthma surveillance and tracking systems and the remainder shall be used to carry out diverse community-based childhood asthma programs including both school- and community-based grant programs, except that not to exceed 5 percent of such funds may be used by the Centers for Disease Control and Prevention for administrative costs or reprogramming, and".

#### DURBIN (AND OTHERS) AMENDMENT NO. 3709

(Ordered to lie on the table.)

Mr. HARKIN (for Mr. DURBIN (for himself, Mr. REED, Mrs. MURRAY, Mr. KERRY, Mrs. HUTCHISON, and Mrs. FEINSTEIN)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 54, between lines 10 and 11, insert the following:

SEC. . In addition to amounts otherwise appropriated under this title for the Centers for Disease Control and Prevention, \$37,500,000, to be utilized to provide grants to States and political subdivisions of States under section 317 of the Public Health Service Act to enable such States and political