September 14, 2001

EXECUTIVE SESSION

NOMINATIONS PLACED ON THE EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to executive session and that the Commerce Committee be discharged from further consideration of the nominations of Ellen G. Engelman to be Administrator of the Research and Special Programs Administration at the Department of Transportation, and Kirk Van Tine the General Counsel of the Department of Transportation, and they be placed on the Executive Calendar.

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

NOMINATION OF BRUCE COLE OF INDIANA, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES

NOMINATION OF JOHN W. GILLIS, OF CALIFORNIA, TO BE DIRECTOR OF THE OFFICE OF VICTIMS OF CRIME

Mr. REID. Mr. President, I ask unanimous consent the HELP Committee be discharged from further consideration of the nomination of Bruce Cole to be the Chairperson of the National Endowment for the Humanities and that the Judiciary Committee be discharged from the consideration of the nomination of John W. Gillis to be Director of the Office of Victims of Crime; that the nominations be considered and confirmed in executive session and that the nominations be printed in the Record.

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

The nominations considered and confirmed are as follows:

NATIONAL ENDOWMENT FOR THE HUMANITIES
Bruce Cole, of Indiana, to be Chairperson of the National Endowment for the Humanities for a term of four years.

JUDICIARY
John W. Gillis, of California, to be Director of the Office of Victims of Crime.

NOMINATION OF JOHN GILLIS

Mr. LEAHY. Mr. President, yesterday the Judiciary Committee conducted confirmation hearings that included the President’s nomination of John Gillis to direct the Office for Victims of Crime at the Department of Justice. These hearings had been scheduled long before the tragic events of Tuesday, September 11, 2001. This was the first hearing of the committee since the terrorism Tuesday morning that prompted the postponement of hearings on Tuesday and Wednesday.

Mr. Gillis had come from California before air traffic was suspended on Tuesday. Also included in the hearing were judicial nominees from New York-Connecticut-Delaware, who were able to drive to Washington in order to participate in the hearing. I thank Senator McCONNELL for serving as the Ranking Republican.

Mr. Gillis recounted his background in law enforcement as a police officer with the Los Angeles Police Department and his work with the New York Port Authority. We also heard first hand of the tragic loss of his daughter and of his work on behalf of homicide victims and other victims of crime.

We discussed the outstanding staff of the Office for Victims of Crime, the important work in which they are engaged, and the incredible challenges that Mr. Gillis faces.

I have worked closely with Mr. Gillis, my predecessor in the Office for Victims of Crime for several years. With Aileen Adams, I worked on victims legislation to assist in our response to the bombing of the Alfred P. Murrah Building in Oklahoma City in April of 1995. Indeed, I sponsored the Victims of Terrorism Act amendment when the Senate considered anti-terrorism legislation in June 1995 and I continued working to ensure that legislation remained part of the Anti-Terrorism and Effective Death Penalty Act, which was finally enacted on April 24, 1996.

Thereafter, we worked on special appropriations to assist the victims of the Oklahoma bombing and special legislation to ensure their rights in connection with the trial. Last year, working with Katherine Turman, we were able to enact improvements to our 1995 legislation for victims of terrorism in order to double the cap on the Victims of Crime Act emergency reserve fund to $100 million and provide greater flexibility to the Office for Victims of Crime to use the emergency reserve in innovative programs that assist vic-
tims of terrorism and mass violence.

In addition, over the years I have worked with Senator Specter and others on a series of legislative actions to provide financial and educational benefits to federal and state public safety officers killed or injured in the line of duty, including educational benefits for their dependents.

We will be reviewing all of these provisions in the days and weeks ahead in the wake of the devastation of Tuesday.

Although nominees to head the Office for Victims of Crime traditionally have not always participated in a confirmation hearing, I consider Mr. Gillis at a Senate hearing to highlight the importance of the work of this Office, the critical importance of crime victims’ rights, and the assistance and compensation provided by the Federal Government.

Along with other Senators strongly committed to assisting crime victims and protecting their rights, I reintroduced the Crime Victims Assistance Act of 2001 in April of this year. In preparing our bill, we consulted closely with a number of victims organizations and with the Office for Victims of Crime. That legislation, which enhances the rights and protections of victims of crime, establishes innovative new programs to help promote compliance with State victim’s rights laws and improves the manner in which the Crime Victims Fund is managed and preserved, is an important matter and a high priority for me. I was heartened when Mr. Gillis pledged to work with us on this initiative.

Toward the end of yesterday’s hearing, I suggested that I would try to clear the nomination of John Gillis to be Director of the Office for Victims of Crime on an extraordinary and expedited basis. I noted that Attorney General Ashcroft had, on the eve of the nomination hearing, called me at home in support of this nomination. Yesterday I requested that the Majority Leader proceed to the nomination and that the Senate confirm John Gillis. I thank the Majority Leader for taking action and I want to thank all Democratic Members of the Senate and my colleague from Vermont for approving that request. In these difficult days, confirming Mr. Gillis to head the Office for Victims of Crime so that he may lend his hand to the efforts of those working so diligently in that Office and in state and local government and private efforts in New York, Virginia and around the country, is a small but significant step that the Senate can and should take.

I am gratified that overnight what would have been a number of nominees had threatened to delay Senate action on this nomination has been resolved. I thank all Senators for their willingness to move forward under these extraordinary circumstances to confirm John Gillis to be Director for Victims of Crime. In particular, I thank the senior Senator from Oklahoma (Mr. NICKLES) for his effort to clear this nomination for expedited Senate action today. His personal intervention helped make this possible. I have had the privilege of working over the years with Senator NICKLES on victims legislation. He has shown again today his commitment to the interests of victims of crime and terrorism.

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the following nominations be considered on the Calendar Nos. 363 through 383: that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate’s action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.
The nominations considered and confirmed en bloc are as follows:

**DEPARTMENT OF JUSTICE**

- Richard A. Peddle, of Texas, to be District Attorney for the District of Puerto Rico.
- David A. Lewis, of North Carolina, to be United States District Judge for the Eastern District of North Carolina.
- Donald W. McCullough, of Illinois, to be United States District Judge for the Central District of Illinois.
- Donald J. Stone, of Oregon, to be United States District Judge for the District of Oregon.
- Joseph P. Varga, of Mississippi, to be United States District Judge for the Southern District of Mississippi.
- John G. Brown, of Maryland, to be United States District Judge for the District of Maryland.

**DEPARTMENT OF EDUCATION**

- Brian Jones, of California, to be General Counsel, Department of Education.

**DEPARTMENT OF JUSTICE**

- Paul J. McNulty, of Virginia, to be United States Attorney for the Eastern District of Virginia.
- Joseph J. Van Bokkelen, of Indiana, to be United States Attorney for the Northern District of Indiana.
- Gregory F. Van Tatenhove, of Kentucky, to be United States Attorney for the Eastern District of Kentucky.
- Coim F. Connolly, of Delaware, to be United States Attorney for the District of Delaware.
- Michael G. Heavican, of Nebraska, to be United States Attorney for the District of Nebraska.
- Thomas B. Heffelfinger, of Minnesota, to be United States Attorney for the District of Minnesota.
- Mary Beth Buchanan, of Pennsylvania, to be United States Attorney for the Western District of Pennsylvania.
- Peter W. Hall, of Vermont, to be United States Attorney for the District of Vermont.

**DEPARTMENT OF STATE**


Patrick Francis Kennedy, of Illinois, a Career Member of the Foreign Service, Class of Career Minister, to be a Representative of the United States of America to the United Nations for the U.N. Management and Reform, with the rank of Ambassador.

The following named officer for appointment as the Chairman of the Joint Chiefs of Staff and appointment to the grade indicated while assigned to a position of impropriety and responsibility under title 10, U.S.C., sections 601 and 152:

To be general


**NOMINATION OF JOHN NEROGPONTE**

Mr. DODD. Mr. President, yesterday the Foreign Relations Committee held a hearing to consider the nomination of John Negroponte to be the U.S. Permanent Representative to the United Nations. I was unable to attend yesterday's hearing because I was with my wife Jackie attending the birth of our daughter Grace.

I believe that it was very important yesterday that the Committee hearing focused in part on a careful review of new information that has come to light related to Ambassador Negroponte's tenure in Honduras during 1981-85 to see whether Congress had been kept fully informed about all aspects of U.S. policy with respect to Honduras during his watch.

I recognize, that this is not a normal week for the Senate or for the American people. President Bush has indicated that he wants the United States to be represented by an Ambassador at the United Nations as quickly as possible, particularly in light of this week's tragic events. I don't disagree with that view.

However, the Foreign Relations Committee did have a responsibility to review the questions raised in connection with this nomination. They proceeded expeditiously, professionally and fairly with Ambassador Negroponte's nomination.

It requested and receive documents from the State Department and CIA, and those documents were reviewed, consisting of several thousand pages, the committee proceeded with the hearing yesterday and today the Senate is ready to act. There have been no undue delays.

Let's review the time line of this nomination to date. The President announced his intent to nominate Ambassador Negroponte for the U.N. post on March 6. The nomination was not submitted to the Senate, however, until May 14, nearly four months into the Administration, by contrast, Madeleine Albright was nominated for the U.N. post on January 20, 1993 and confirmed six days later.

On May 8, over a week before a nomination was submitted, the Committee Democrats wrote the President to request that the Administration provide documents to the Committee so it could review issues related to Negroponte's tenure in Honduras. On May 8, Committee staff submitted a list of required documents to representatives of the White House and the State Department. The last document responsive to the original request of May 8 was not provided, however, until late July. The Committee staff reviewed several thousand pages of documents responsive to the request and determined that a number of documents which were still classified contained important information on questions raised about Ambassador Negroponte's tenure in Honduras.

The chairman of the committee then requested that the State Department and CIA undertake a review of documents within the committee's possession that remains with a goal of making public as much information as possible in order to shed additional light on what role if any the United States played in the human rights abuses that were perpetrated against the Honduran people in the first half of the 1980's, specifically what knowledge or involvement the United States Ambassador, at the time, had in those abuses.

The committee also offered to begin hearings prior to the August recess on U.N. issues, with another hearing to follow in September on issues related to Negroponte's service in Honduras. The administration chose to wait until September to begin the hearing process. So we are talking about a period of approximately fourteen weeks of working days of the Senate from the time the nomination was submitted until today. This compares quite favorably when compared to the Holbrooke nomination which took from February 1999 to August 1999.

Some conservative columnists have suggested that I and others are trying to re-fight the Central America conflict of the 1980's. Nothing could be further from the truth. Rather, I would argue that there is an effort underway in some quarters to rewrite the history of U.S. involvement in that conflict and sweep under the rug how politically painful and damaging that policy was. In the early 1980's, the Congress and the American people were told that the United States had no involvement in using Honduras as a staging ground for a covert Contra program to overthrow Nicaragua's Sandinista government. Later, when the so called Boland amendment cutting off assistance to the Contra was passed we were told that the United States was not violating that provision of law. That of course proved to be untruth as the Iran Contra Investigation demonstrated. Similarly we were told that the American military was not as a matter of policy violating human rights of its citizens or that the Salvadoran High Command had no known or culpability for the torture and murder.
of the American church women or the Jesuit priests. Of course we now know that none of that was in fact true. It is indisputable that this fabric of untruths caused deep fissures in the Congressional-Executive branch relationship and in the trust of the American people in their government. Those fissures will only be fully healed if there is honesty and full candor between the Executive and the Congress.

Our policy was also controversial throughout Central America. Tens of thousands of Central Americans lost their lives during the 1980’s, many at the hands of their own governments. Tens of thousands more had their lives permanently marred by losses of loved ones. Fortunately, in 1987 Central American leaders took their fate into their own hands and crafted the Central America Peace Agreement. This agreement, as well as the Peace Accords in El Salvador, were significant steps forward in order to de-politicize Central America.

Elections followed in Nicaragua, as did a negotiated settlement to the civil conflict in El Salvador. The military conflict in El Salvador, Honduras ceased to be a staging area for the U.S. backed contra’s. El Salvador and Honduras have undertaken to come to grips with the past by attempting to investigate and assign responsibility for the atrocities that occurred in their respective countries as an important step in the process of peace and reconciliation.

Since Ambassador Negroponte was last confirmed by the Senate as Ambassador to the Philippines in 1993, a great deal of new information has come to light about the nature and extent of human rights abuses during his tenure in Honduras. This information also raised questions about the appropriateness of this and the U.S. Embassy’s response, and whether Ambassador Negroponte had been forthright with the Committee in 1989 when I asked him questions about these matters.

How has this new information come to light? It is the result of a number of investigations into this subject from 1992-1998: First in 1992, Leo Valderrama, the Honduran National Commissioner for the Protection of Human Rights undertook to catalog the disappearances and other human rights abuses that occurred in Honduras in the eighties. That investigation is still ongoing.

Prompted by the Valderrama investigation the Baltimore Sun undertook its own year long investigation which resulted in a part series detailing human rights abuses by the Special Battalion 316 under the supervision of the Military Intelligence Division of the Armed Forces General Staff; and six, the FUSEP special unit and Battalion 316 counter terrorist tactics included torture, rape and assassination against persons thought to be involved in support of the Salvadoran guerrillas or part of the Honduran leftist movement; seven, as many as 250 instances of human rights abuses in Honduras are officially documented, including disappearances, torture, extra judicial killings; and eight, at least one death squad was known to have operated during 1980-84. This death squad was called ELACH, The Honduran Anti-Communist Liberation Army. There is information that leads to the chief of the National Intelligence Directorate of the Honduran Public Security Forces.

When Ambassador Negroponte came before the committee in 1989 in the context of the death squad activities, I was also troubled by Ambassador Negroponte’s unwillingness to admit, that as a consequence of other U.S. policy priorities, the U.S. embassy, by acts of omissions ending up shading the truth about the extent and nature of ongoing human rights abuses in the 1980s. Moreover, in light of all the new information that I have just mentioned, I do not know how Ambassador Negroponte would treat this committee and this body so cavalierly in his responses to my questions. I wonder who he thinks he stands with.

I was also troubled by Ambassador Negroponte’s unwillingness to admit, that as a consequence of other U.S. policy priorities, the U.S. embassy, by acts of omissions ending up shading the truth about the extent and nature of ongoing human rights abuses in the 1980s. Moreover, in light of all the new information that I have just mentioned, I do not know how Ambassador Negroponte would continue to believe that it was simply ‘deficiencies in the Honduran legal system’ or ‘insufficient professionalism of law enforcement authorities that ‘led at times to abuses of authority by Honduran police officials.’ And, quoting his written answer to a committee member, he surely knew that ‘I did not believe then, nor do I believe now, that these abuses were part of a deliberate government policy.’
The InterAmerican Court of Human Rights had no such reluctance in assigning blame to the Honduran government during its adjudication of a case brought against the Government officials in Honduras by the InterAmerican Commission on Human Rights in 1987. In deciding the case of Honduran citizen Velasquez Rodriguez the Court found that “a practice of disappearances carried out by Honduran officials existed between 1981-84.” And, as I mentioned earlier, based upon an extensive review of U.S. intelligence information by the CIA Working Group in 1996, the CIA is prepared to stipulate that “during the 1980-84 period, the Honduran military committed most of the hundreds of human rights abuses reported in Honduras. These abuses were often politically motivated and officially sanctioned.

Moreover, Mr. Negroponte should have been forewarned to look for signs of government sponsored human rights abuses in light of concerns that his predecessor Ambassador Jack Binns, a career foreign service officer, had raised with the State Department concerning the mind set of the architect of Honduras’ domestic countersubversion program with respect to a willingness to extrajudicial means in the context of such programs. Ambassador Binns was speaking about General Gustavo Alvarez who had headed the Honduran Armed Forces in 1982, and who had been Commander of Honduran Public Security Forces, FUSEP, from 1980-82.

Based upon the Committee’s review of State Department and CIA documents, it would seem that Ambassador Negroponte knew far more about government perpetuated human rights abuses than he chose to share with the committee in 1989 or in Embassy contributions to annual State Department Human Rights reports. For example, a Negroponte cable summarizing meetings between Congressman Solarz and Honduran government officials in January 1985 makes note of a Honduran official’s concerns about future human rights abuses due to “fears that there might still be some ‘secret operating cells’ left from the Alvarez era,” here referring to General Alvarez who had headed the Honduran armed forces until he was removed in 1984 by his fellow officers.

I don’t quite know the difference between a “death squad” and “secret operating cells”, but since Ambassador Negroponte is officially on record as saying that death squads existed in Honduras during his tenure, there must be some difference. There are also discrepancies with respect to when he became aware of certain cases where Honduran authorities were secretly detaining and torturing Hondurans suspected of subversion. And how he chose to report those cases to Washington. The case of dual national Ines Consuelo Murillo comes most readily to mind. Her detention and torture was described in detail on April 15, 1995 in the Baltimore Sun. There are but a few examples. There were others which taken together, paint a very mixed picture of whether the U.S. embassy was doing much to discourage Honduran government practices or how comprehensively it was involved in such abuses. Having said that, there were no “smoking guns” in the documents that have been provided to the Committee.

I know that this week is not just any week. I also know that the President is anxious to have an ambassador at the United Nations is a high priority, particularly in light of recent events. I will not stand in the way of the Senate moving forward with this nomination. I believe that yesterday’s decision by the Committee on Foreign Relations to put on the public record all the additional declassified information that it has compiled in reviewing this nomination will contribute to the healing and reconciliation that is still ongoing in Honduras.

Finally I would say a word of caution to other career foreign service officers, particularly junior officers, that they not consider this nominee’s lack of candor before the committee as a model to be emulated. A United States Ambassador is a representative of the United States Government and ultimately works for the American people. That means that our ambassadors have an obligation to be truthful and forthcoming in relations with Congress as we are the people’s representatives. If they are under instruction to withhold information as a matter of policy they should say so. Then, we can take it up with their superiors if we choose to do so. In my estimation, Mr. Negroponte did neither in his dealings with the Congress. I am deeply saddened to come to that judgement. Having said that Ambassador Negroponte has had a distinguished career and on balance has discharged his responsibilities ably and honorably. For that reason, I intend to give him the benefit of the doubt in light of how extremely polarized relations between the Congress and the Executive were over U.S. policy in Central America when he was serving as Ambassador in Honduras. I will therefore support his nomination to the position of the U.S. Permanent Representative to the United Nations.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc and that the motion to reconsider be laid upon the table, with no intervening action.

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

The resolution (S. Res. 159) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 159

Whereas there are 105 historically black colleges and universities in the United States;
Whereas black colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;
Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;
Whereas black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and
Whereas the achievements and goals of historically black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK.

The Senate—
(1) designates the week beginning September 16, 2001, as “National Historically Black Colleges and Universities Week”; and
(2) requests that the President of the United States issue a proclamation calling on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities in the United States.

ORDER THE RECORD REMAIN OPEN UNTIL 3:30 P.M.

Mr. REID. Mr. President, I ask unanimous consent that the RECORD remain open today until 3:30 for statements and introduction of bills.

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

MEASURE INDEFINITELY POSTPONED—S. 1426

Mr. REID. Mr. President, I ask unanimous consent that the RECORD remain open today until 3:30 P.M.