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From: Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP [WHO])

To: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO]), Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO]), Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO]), Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO]), Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO]), Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO]), Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO]), Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO]), Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO]), David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP]), Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

Subject: : December 6 floor statement by Senator Hatch on USCCR

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-DEC-2001 19:17:59.00

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TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

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TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

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TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

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TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

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TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

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TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

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TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

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TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

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07:17 PM -----

P6/b(6)

12/06/2001 07:02:25 PM

Record Type: Record

To: See the distribution list at the bottom of this message

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Subject: December 6 floor statement by Senator Hatch on USCCR

Floor Statement of Senator Orrin G. Hatch
United States Senate
???Concern for the Integrity and Reputation of the
United States Civil Rights Commission???

December 6, 2001

?? ?? Mr. President, I rise today to address an unfortunate situation that has come to my attention concerning the United States Civil Rights Commission.??

One might even say that it is unbelievable.
?? ?? Mr. President, there is no one in this body that has greater appreciation for the work and history of the United States Civil Rights Commission than I do, and for the need of having a body such as this that can review issues that may arise in the area of civil rights without the taint of partisanship or ideologies.?? It is comforting to know that there is such a body that gathers disinterested public servants of unimpeachable integrity with a passion for the great work of securing the freedoms which belong to all citizens, without discrimination.????

?? ?? As you know, Mr. President, the Congress has taken a great interest in the appointment of the Commission???'s eight members.?? In fact, four of the eight are appointed by the Congress, two by the Senate and two by the House.?? The President appoints the other four.?? In each case, whether appointed by the President or by the Congress, the Commission must have an equal number of Commissioners from each party.?? ?????

?? ?? Mr. President, it appears that there is a controversy brewing as to when the term of a Commissioner expires.?? I believe that this controversy could do severe harm to the reputation of the Civil Rights Commission and the trust that is placed in it by the American people.?? ?? I hope that this is a matter that will have an immediate resolution.????

?? ?? Apparently, one of the presidential appointees of the previous Administration, Victoria Wilson, is refusing to accept the expiration of her term.?? Ms. Wilson claims that she was appointed for a six-year term, although it

appears that President Clinton expressly appointed her for only one year to complete the unexpired term of Judge Leon Higgenbotham, who died before his term

expired.???? It appears also that the Chairwoman of the Committee, Mary Frances

Berry, has told the White House that she refuses to recognize the President???'s

new appointee, a person, by the way, of impeccable credentials who is an attorney with a distinguished career.?? Chairwoman Berry has indicated that it

would take federal marshals to seat the President???'s appointee when the Commission next meets.

?? ?? Now, Mr. President, as if the American people did not have enough drama in

their lives, we hardly need something like this to further erode the public???'s

confidence in the Civil Rights Commission.???? I think many of us are already

concerned with the work of the Commission in recent years.?? They have taken on

rather partisan issues, or at very least they have prosecuted issues in what

often appears to be partisan ways, and arguably injudicious ways.?? I will not

get into these concerns, Mr. President, but I am afraid that the Commission is

doing great harm to the trust of the American people.??

?? ?? Rather, I would like to comment on the current situation, which is a matter

of existing law.?? What is especially troubling is that it appears that Chairwoman Berry and Ms. Wilson are refusing to comply with the legal opinion

of the White House Counsel, Judge Gonzales, as well as the independent opinion of the Justice Department.??

?? ?? As you know, Mr. President, in 1994 Congress amended the provisions governing the appointment of the Civil Rights Commissioners.???? Congress???'s

intent was to ensure that the terms of the Commissioners would not expire all at once.

We made provision for staggered terms for the Commissioners, adopting what is

universally deemed good practice in the private corporate and nonprofit arenas.

Staggered terms preserve institutional memory and experience.?? To have staggered

terms requires that an appointee named to fill an unexpired term serve for only

the remainder of that term.?? To do otherwise would completely eviscerate the

staggering that Congress intended.?? The argument that Ms. Wilson, and Chairwoman

Berry, is making ??? that all appointments, and Ms. Wilson???'s appointment in

particular, are always for terms of six years ??? would create the untenable opportunity for mischief if Commissioners were to resign at the end of a particular Administration.?? Commissioners could resign as a group, allowing a departing Administration to fill several seats for six year terms, and denying the incoming Administration the right to name any Commissioners.?? ?? ?? ?? This argument, Mr. President, not only makes no sense, but I am also afraid that this sort of confrontational approach does very real harm to the reputation of the Commission and its individual members who the American people expect to be disinterested, apolitical public servants.?? I invite my colleagues to urge the immediate resolution of this matter.
?? ?? Thank you, Mr. President.?? I yield the floor.

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Message Sent

To:

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P6/b(6)

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File attachment <P_Q4VX4004_WHO.TXT_1>

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Mr. President, there is no one in this body that has greater appreciation for the work and history of the United States Civil Rights Commission than I do, and for the need of having a body such as this that can review issues that may arise in the area of civil rights without the taint of partisanship or ideologies. It is comforting to know that there is such a body that gathers disinterested public servants of unimpeachable integrity with a passion for the great work of securing the freedoms which belong to all citizens, without discrimination.

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Mr. President, it appears that there is a controversy brewing as to when the term of a Commissioner expires. I believe that this controversy could do severe harm to the reputation of the Civil Rights Commission and the trust that is placed in it by the American people. I hope that this is a matter that will have an immediate resolution.

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Now, Mr. President, as if the American people did not have enough drama in their lives, we hardly need something like this to further erode the public's confidence in the Civil Rights Commission. I think many of us are already concerned with the work of the Commission in recent years. They have taken on rather partisan issues, or at very least they have prosecuted issues in what often appears to be partisan ways, and arguably injudicious ways. I will not get into these concerns, Mr. President, but I am afraid that the Commission is doing great harm to the trust of the American people.

Rather, I would like to comment on the current situation, which is a matter of existing law. What is especially troubling is that it appears that Chairwoman Berry and Ms. Wilson are refusing to comply with the legal opinion of the White House Counsel, Judge Gonzales, as well as the independent opinion of the Justice Department.

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