

October 1, 2007

The Honorable Mitch McConnell
Senate Minority Leader
United States Senate
Washington, D.C.

Dear Senator McConnell:

On Monday, October 1, 2007, I objected to a unanimous consent request to pass S. 535/ H.R. 923, the Emmett Till Unsolved Civil Rights Crime Act. I objected, not because I disagree with the well intended motives of the legislation, but because the authors of the bill refused to work with me to make some commonsense changes.

Let me be clear, I absolutely support the goals of this legislation and believe that those who committed civil rights crimes must be brought to justice, but I believe that we can and must do so in a fiscally responsible manner.

Just last week, the Senate voted to increase the federal government's debt limit to \$9.815 trillion. It is beyond irresponsible to pass any bill that will add to this debt that will be inherited by our children and grandchildren. Even our best intentions need to be paid for with offsets from lower priorities or wasteful spending.

On February 5, 2007, I sent a letter to my colleagues outlining my intent to object to any legislation authorizes new spending that is not offset by reductions in real spending elsewhere. I strongly believe that Congress should stop borrowing and spending beyond our means. Instead, Congress, like all families, ought to prioritize spending and reduce less important spending when greater priorities arise.

S. 535/ H.R. 923 violates two of the principles that I outlined in my February letter. These are:

- If a bill authorizes new spending, it must be offset by reductions in real spending elsewhere; and
- If a bill creates or authorizes a new federal program or activity, it must not duplicate an existing program or activity; and

This bill authorizes unpaid for new spending and creates a new government program that duplicates existing government efforts. Both of these concerns could be easily addressed if the sponsors of the bill where interested in securing its passage.

In June of this year, my office contacted the bill's sponsors to suggest possible offsets so that I could give my consent - but there was no desire, at the time, to amend the bill. This was unfortunate because last Congress, when Senator Jim Talent (R-MO) was

the lead sponsor, he agreed to include offsets in exchange for my consent, but the compromise language was opposed by an unidentified Senator.

It is also unfortunate because there is no shortage of potential offsets for this bill within the Department of Justice, which would administer the proposed program. The bill authorizes \$12 million each year for ten years. The Department has \$1.6 billion in unobligated balances, which are funds that have been appropriated but which there are no plans to spend. In fiscal year 2006, the Department spent \$45.9 million on conferences, a 34 percent increase since fiscal year 2000. The Inspector General examined just ten conferences and found that the Department spent an estimated \$1.5 million on food and beverages. This included paying \$4 per meatball at one lavish dinner and spreading an average of \$25 worth of snacks around to each participant at a movie-themed party. It is estimated that the current fiscal year 2008 Commerce, Justice, Science Appropriations bill contains Congressional earmarks totaling \$587 million and the bill exceeds the President's request by more than \$2 billion. Clearly, there is wasteful spending that can be reduced to pay for this program.

Just like American taxpayers, Congress needs to learn to pay for what it spends. This is a reasonable expectation but one that has been ignored by Washington politicians who tend to put off difficult decisions and, as a result, have charged up a \$9 trillion debt.

This bill also creates a new federal program that duplicates an existing federal government initiative that seeks to address unsolved civil rights crimes. The Department of Justice and the Civil Rights Division of the Federal Bureau of Investigation are currently working with States and non-profit groups to pursue unsolved civil rights era crimes that resulted in death.

In February 2006, the FBI began an initiative to identify hate crimes that occurred prior to December 1969, and resulted in death. Since then, the Bureau's 56 field offices began to re-examine their unsolved civil rights cases and determine which ones might still be viable for prosecution. To date, they have identified nearly 100 case referrals. Furthermore, the U.S. Attorney General and the FBI director announced a partnership with the NAACP, the Southern Poverty Law Center and the National Urban League to investigate unsolved crimes from the civil rights era.

I am very supportive of this effort and I am also encouraged that these cases are currently being pursued.

On August 2, 2007, I sent a letter to the Attorney General requesting more information about these efforts to ensure that any legislation passed by Congress would assist the Department meet its goals. I am awaiting a response.

I do believe that solving these crimes is imperative to remedying past injustices and ensuring future justice. These types of crimes should never have been and never again tolerated or ignored.

I also believe that because of the nature of the crime, the time elapsed, and that fact that many witnesses and potential murderers have moved to different states, this is an area of the law that rightly requires federal assistance.

Consequently, it is my hope that the bill's sponsors will support my efforts to find funding for this worthy program. It is unfortunate that such a well intentioned effort is being held up because Washington politicians refuse to live under the same budget rules that every family in America adheres. In the meantime, the American people can rest assured knowing that the Department of Justice and the FBI are already conducting the investigations that this bill seeks to address.

Sincerely,

Tom A. Coburn M.D.
U.S. Senator