

June 25, 2007

Senator Christopher J. Dodd  
448 Russell Senate Office Building  
Washington, DC 20510

Dear Chris,

As you know, I have not agreed to a unanimous consent request for the Senate to approve S. 535/H.R. 923, not because I disagree with the well intended motives of the legislation, but because it violates the principles I use to evaluate every piece of legislation. I sent you and the other members of the Senate a copy of these principles in February.<sup>1</sup>

Among these principles are:

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

Your bill both creates a new government program that duplicates an existing program and authorizes new government spending without offsetting the costs.

The bill authorizes \$115 million over 10 years to investigate murders committed before 1970 that have gone unpunished. Perhaps you are unaware, but the Department of Justice initiated an effort over a year ago to do just this.

In February 2006, a full year before you introduced your bill, 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. Attorney General Alberto Gonzales has pledged that "The Justice Department is committed to investigating and prosecuting civil-rights era homicides for as long as it takes and as far as the law allows—because there is no statute of limitations on human dignity and justice."<sup>2</sup>

<sup>1</sup> [http://coburn.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore\\_id=ba8ba5f1-2fc0-433e-9efd-118f0db5c109](http://coburn.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore_id=ba8ba5f1-2fc0-433e-9efd-118f0db5c109)

<sup>2</sup> FBI press release, "PARTNERSHIPS ESTABLISHED WITH NAACP, THE NATIONAL URBAN LEAGUE, AND THE SOUTHERN POVERTY LAW CENTER," February 27, 2007, <http://www.fbi.gov/pressrel/pressrel07/coldcase022707.htm>

According to the FBI, “in February 2006, the FBI enacted an initiative to identify hate crimes that occurred prior to December 1969, and resulted in death.” The Bureau’s 56 field offices have been directed to re-examine their unsolved civil rights cases and determine which ones could still be viable for prosecution. The FBI has partnered with a number of state and local authorities, civic organizations, and community leaders to reexamine old files. Since the initiative began, the FBI has received nearly 100 such referrals. The FBI is continuing to assess each referral for its investigative and legal viability and, given the updated investigative and forensic tools, move forward in investigating these cases.<sup>3</sup>

The Department of Justice is not lacking resources either. At the end of Fiscal Year 2006, the Department had \$2.5 billion in unobligated balances, which is unspent money. The Department is expected to have \$1.6 billion in unobligated balances at the end of Fiscal Years 2007 and 2008.<sup>4</sup>

Because the FBI is already working on this issue and the Justice Department has billions of unspent dollars, I am unsure why creating new government programs and authorizing more than \$100 million in new spending is necessary.

If authorizing more spending for this ongoing effort, however, is necessary, we could pay for it with unspent Department funds or with offsets from existing lower priority spending, as I have proposed doing.

I realize that many members of the Senate do not care about our national debt which is why it is nearly \$9 trillion. Most Senators, including you, voted to kill a Sense of Senate resolution stating that Congress has a moral obligation to offset the cost of new Government programs and initiatives.<sup>5</sup> You even voted to fund the infamous “Bridges to Nowhere” in Alaska which cost half a billion dollars!<sup>6</sup>

So while you may not concern yourself with our national debt or the impact of adding to it, I do. That is why I was very disappointed that you issued a press statement last week claiming that I am “delaying this bill’s passage under false pretense.”

If you really care about this issue and the economic future of our nation, I would hope that you would actually discuss the matter directly with me instead of holding press

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<sup>3</sup> FBI press release, “PARTNERSHIPS ESTABLISHED WITH NAACP, THE NATIONAL URBAN LEAGUE, AND THE SOUTHERN POVERTY LAW CENTER,” February 27, 2007, <http://www.fbi.gov/pressrel/pressrel07/coldcase022707.htm>

<sup>4</sup> “BALANCES OF BUDGET AUTHORITY, Budget for Fiscal Year 2008,” OFFICE OF MANAGEMENT AND BUDGET, pages 40 and 41, <http://www.whitehouse.gov/omb/budget/fy2008/pdf/balances.pdf>

<sup>5</sup> Roll call vote 140, motion to table Coburn amendment 917, April 24, 2007, [http://www.senate.gov/legislative/LIS/roll\\_call\\_lists/roll\\_call\\_vote\\_cfm.cfm?congress=110&session=1&vote=00140](http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=110&session=1&vote=00140)

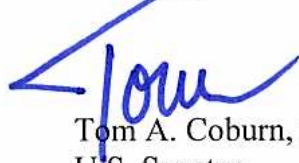
<sup>6</sup> Roll call vote 262, Coburn amendment 2165, October 20, 2005, [http://www.senate.gov/legislative/LIS/roll\\_call\\_lists/roll\\_call\\_vote\\_cfm.cfm?congress=109&session=1&vote=00262](http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=109&session=1&vote=00262)



conferences and issuing press releases. In fact, my office did make an offer to your staff to find a way to pay for this bill, which was rejected.

If you have any interest in passing this bill in a fiscally responsible manner, please contact me. In the meantime, you can rest assured that the Attorney General and the FBI are already conducting the investigations that your bill seeks to address.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom", with a large, sweeping flourish extending to the left.

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