

TOM COBURN, M.D.
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United States Senate

WASHINGTON, DC 20510-3604

June 19, 2008

Senator Harry Reid
528 Hart Senate Office Building
Washington, DC 20510

Dear Senator Reid:

The purpose of this letter is to reiterate my willingness to enter into a unanimous consent agreement allowing floor consideration of S. 535, the Emmett Till Unsolved Civil Rights Crime Act. I understand that your staff, along with that of the bill's sponsor, is still considering the four amendments I have proposed as a condition of my consent. My hope is that we can resolve this issue soon, so that the Senate may consider S. 535 immediately.

I have been disappointed in the progress of this bill. Although I made known my specific concerns over the bill's cost as early as August 2006, my intentions have repeatedly been questioned both by members of the media and the Senate. The attacks have been disingenuous, as I have always supported the admirable goal of this legislation: namely, to ensure that perpetrators of heinous civil rights cold case crimes are finally brought to justice. Consistent with the position I have taken toward all legislation authorizing new spending in the 110th Congress, I exercised my right to withhold consent on S. 535.

I have, however, always made known my willingness to work with bill sponsors on identifying needed offsets. Because they have been unwilling to accept my offers and have shown no willingness to otherwise negotiate, the Senate must now consider the bill on the floor. In order for this to happen, we must reach an agreement as to time and amendments. I have put forth my request for consent to offer four amendments and continue to await a response.

Although my office has not been contacted since last year by any Senator seeking to move this bill, I have been in frequent contact with the Emmett Till Justice Campaign. That Campaign is undoubtedly the bill's greatest supporter, and the persistent efforts of President Alvin Sykes have outdone any member of the Senate, both in character and enthusiasm. It has been my privilege to work directly with Mr. Sykes, and it is to his credit that so much progress has been made these past few months. We could all stand to learn from his example.

This weekend marks the 44th anniversary of the murders of three civil rights workers in Mississippi. The occasion makes consideration of this bill especially timely, and I want to make clear that I support prompt consideration. Please give me a response

COMMITTEE ON HOMELAND SECURITY
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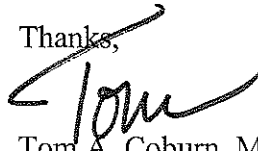
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COMMITTEE ON INDIAN AFFAIRS

on my request to offer four amendments so that the Senate is able to take up S. 535 as soon as possible.

Thanks,

A handwritten signature in black ink, appearing to read "Tom", with a large, sweeping flourish extending from the end of the name.

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

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

Dear Senator Dodd:

As you are aware, I am ready to enter into a unanimous consent agreement on S. 535, the Emmett Till Unsolved Civil Rights Crime Act. This weekend marks the anniversary of the murders of three civil rights workers in Mississippi, and I believe it is an opportune time for the Senate to give this bill the vote it deserves. To that end, I have offered four amendments for your consideration. Unfortunately, until you agree to allow me to offer these amendments on the floor, the Senate is prevented from moving to the bill. My hope is that we can resolve this issue soon, so that the Senate may consider S. 535 immediately.

I have always supported the admirable goal of this legislation: namely, to ensure that perpetrators of heinous civil rights cold case crimes are finally brought to justice. I was pleased to learn of the Government's efforts to identify and prosecute these crimes, initiated a full year before your bill was introduced. It remains my desire to see these efforts continue, but I insist that they be done in a fiscally responsible manner.

My concerns with this bill have always involved its cost, and I have worked consistently to identify possible offsets. I made known these concerns as early as August 2006, when the measure was first considered by the Senate Judiciary Committee. At that time, the bill's sponsor worked with me to find an agreeable offset; however, our proposals were ultimately rejected by an unnamed Senator. In June 2007, I had another opportunity to explain my concerns when the bill again came before the Committee. Additionally, more than three months before I publicly objected to your request for unanimous consent to consider the bill on the floor, I sent you a letter explaining in detail my position on the bill. Finally, in October 2007, I offered an amendment to provide \$1.68 million to investigate and prosecute unsolved civil rights crimes by transferring funds from other wasteful programs. That amendment was defeated after a majority of the Senate, including 11 of the bill's sponsors, voted to table it.

Even if I had not been so vocal about this bill in the 109th Congress, the letter I sent to you and all of my Senate colleagues in February 2007 should have left no doubt about my position this year. That letter outlined the principles I use to evaluate legislation, which include:

- 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.

Because S. 535 both creates a new, duplicative government program and authorizes new government spending without offsetting the costs, you had ample notice — long before you hotlined the bill — that I would object.

Because of the knowledge you had about negotiations that occurred in the previous Congress, my staff's earlier failed efforts to negotiate an offset with your staff, and my own public statements, there has been a consistent understanding of my willingness to allow the full Senate to consider S. 535. My only desire is to be permitted to offer amendments to the bill. I regret that my position has been unfairly — and incorrectly — characterized as an insurmountable obstacle to final passage.

Although my office has not been contacted by yours (or any other bill sponsors) since before the press conference you held to question my intentions on this bill, I have been in frequent contact with the Emmett Till Justice Campaign. That Campaign is undoubtedly the bill's greatest supporter, and the persistent efforts of President Alvin Sykes have outdone any member of the Senate, both in character and enthusiasm. It has been my privilege to work directly with Mr. Sykes, and it is to his credit that so much progress has been made these past few months. We could all stand to learn from his example.

In short, the purpose of this letter is to secure your commitment to a UC agreement allowing me to offer four amendments to S. 535 during floor debate. If you will do so, I am prepared to take up the bill immediately. Especially given the timeliness of this weekend's memorials commemorating the 44th anniversary of the deaths of three civil rights martyrs, I see no reason for further delay.

Sincerely,

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

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