

# President examines Lee options

By Sonya Ross  
THE ASSOCIATED PRESS

WASHINGTON - Amid fresh warnings against alienating Congress, President Clinton is nearing a decision on whether he will ignore Republican opposition and install Bill Lann Lee in the federal government's top civil rights job.

White House spokesman Mike McCurry today would not rule out the prospect of Clinton appointing Lee while Congress is out of session. While the White House would like to win more Senate support for the nomination, McCurry said, "If we don't, I think it's clear what we will do."

"Clearly there would be some price to pay for a recess appointment, and we prefer to do things by regular order because that's what the nominee deserves," McCurry said. "Abandoning Lee's nomination is 'not an option,' the spokesman said.

Attorney General Janet Reno today urged the Senate to confirm Lee once it recovers early next year. Speaking at a Justice Department ceremony marking the 40th anniversary of its civil rights division - with Lee nearby - Reno said the arguments used to block his nomination are not valid.

"Some say he should be denied the job simply as a payback for the rejection of past nominees. Others say he should be rejected because he shares the views of the president on affirmative action," Reno said. "I say 'no' to that, and so does the president."

In his brief remarks, Lee avoided mention of the controversy surrounding his nomination, telling the audience that the promise of America that "every individual deserves an opportunity to learn, to work and to live ... inspired my parents to cross an entire ocean."

"The (civil rights) division has been a constant guardian of the American dream. There is no higher calling," Lee said.

Senate Judiciary Committee Chairman Orrin Hatch urged Clinton not to appoint Lee during the congressional recess. The maneuver would allow Lee to serve through 1998, when the current term of Congress ends.

"I would like to ... urge that you not make such an appointment," Hatch, R-Utah, told Clinton in a letter Saturday. "Mr. Lee's nomination lacks the 10 votes (in the committee) required by Senate rules. In my view, the committee has spoken."

Lee, Western regional counsel for the NAACP Legal Defense and Educational Fund, is Clinton's choice for assistant attorney general for civil rights. If confirmed, he would become the first Asian American to hold the job.

Lee, a resident of Los Angeles, return to Washington Monday to attend a ceremony at the Justice Department honoring the 40th anniversary of its Civil Rights Division.

Aides to Clinton said Sunday that no final decision had been made on Lee. "We have not changed our position on this," said White House spokesman Eric Rubin.

But McCurry hinted last week that Clinton would act in coming days, fully aware that a recess appointment would anger congressional leaders and "would not make the working relationship easier."

"The prospects for an up-or-down vote are quickly coming to the point where we're going to either have a shot at it or we're not," McCurry said. "The president recognizes that it's important to move forward and will have to act appropriately when the time comes."

U.S. News & World Report said in its current issue that the White House had tentatively decided to appoint Lee.

The magazine quoted an unidentified senior White House official as saying that if the appointment drew a negative reaction from GOP leaders,

that - plus the allegedly anti-Asian tone of congressional fund-raising investigations - would cause "a double whammy for Asian Americans from Republicans" and an advantage for Clinton.

White House aides have said they would rather see Lee confirmed by the Senate and believe there is still a chance Republican leaders will allow a vote next year.

Hatch has led Republican opposition blocking Lee's confirmation, saying the views Lee has expressed through his NAACP work make him an unfit nominee. Opponents argue that Lee effectively promoted racial quotas by forcing companies into out-of-court settlements to avoid expensive trials.

In testimony before Hatch's committee, Lee said he opposes racial quotas, and would uphold the law regardless of his beliefs. But he would not disavow supporting affirmative action.

Hatch noted that there were two civil rights nominees from Republican administrations who, like Lee, failed to draw approval from a Democratic-controlled committee: Bill Lucas in 1989 and William Bradford Reynolds in 1985.

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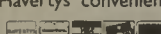


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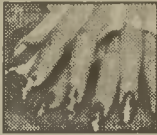
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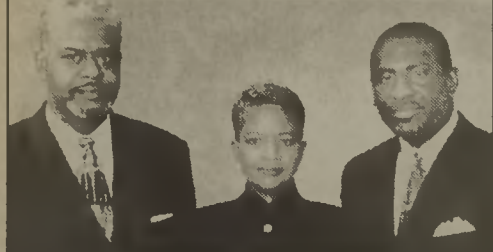
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