

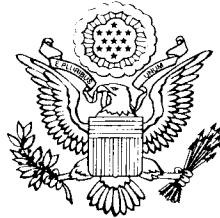
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Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEDICATION OF THE SOUTH DAKOTA KOREAN WAR MEMORIAL

Mr. DASCHLE. Madam President, over the weekend, South Dakota honored a debt long overdue.

With the dedication of the South Dakota Korean War Memorial on the capitol grounds in Pierre, our State paid tribute to the extraordinary heroism of those men and women who defended freedom and democracy on the Korean peninsula.

More than 1.8 million Americans fought in the Korean war, facing some of the fiercest fighting the world has ever seen.

More than 36,500 soldiers made the ultimate sacrifice in this effort, including nearly 200 South Dakotans. Another 103,000 Americans were wounded.

The cause for which they fought, and the freedom they won, is clear today for all to see.

On the south side of the 38th parallel lives a prosperous, free nation, fully welcomed into the family of nations.

On the north side, 22 million Koreans live under tyranny and in hunger.

The regime is rightly condemned for its abuse of its own citizens and their fundamental rights, and is an international outcast due to its spreading of missile technology and weapons-of-mass-destruction technology throughout the world.

The map shows nothing more than a line separating the two. But in a real sense, what separates North from South Korea is the heroism of the American soldiers who fought there.

Several years ago, under the direction of Sheila Hansen, a teacher in the Spearfish Middle school, the children of South Dakota set out to tell the stories of each of the 2,200 South Dakotans who gave their lives in World War II.

The project is called Fallen Heroes, and the stories of heroism these children uncovered taught all South Dakotans a lesson about the true meaning of patriotism and service.

Recently, Sheila Hansen asked her class to do the same for those South Dakotans who gave their lives in the Korean war.

I commend and thank Sheila and her eighth grade class at Spearfish Middle School, as well as Stanley County Middle School teacher Shirley Swanson, whose seventh grade class joined in the effort.

Together, the students prepared biographical profiles for those South Dakotans who lost their lives in service to their country during the Korean war.

One of the young men and women profiled was Walter Baptist LaPointe, from Mosher, SD.

Walter was the youngest of eight children born to Albert and Elizabeth Ringing Shield LaPointe.

Like so many Native Americans in South Dakota and across our country, Walter felt an obligation to serve his country.

Walter enlisted at the age of 19 and was sent overseas in 1951. Just 4 months after arriving in Korea, Walter was killed in an intense firefight near Homang-ni. He was awarded a posthumous Silver Star for "gallantry in action" and I would like to read from his citation.

It says:

As Company F attacked Hill 347, Private LaPointe moved ahead of the company line, seeking out and firing on enemy emplacements.

Ignoring the intense fire the foe was directing on the area, Private LaPointe displayed superb courage and determination by advancing whenever possible and setting up his weapon in unprotected but commanding positions.

He bravely continued in this manner, providing much needed automatic weapons fire for his comrades, until mortally wounded. Private LaPointe's gallantry reflects the highest credit on himself and the military service.

Walter was buried at the Advent Cemetery near his home in Mosher. His mother Elizabeth was touched by the warmth local veterans displayed at her son's passing.

The following Spring, Elizabeth decided to serve lunch to the local American Legion Post. She decided to make it a tradition, and each year since the Legion Post in Mosher has enjoyed a luncheon served by the LaPointe family.

Even after Elizabeth's passing, the tradition continues, and still today the members of the local Legion Post know the enduring gratitude of the LaPointe family.

Many friendships have been built over the years and a special connection between the family and Mosher's veteran community has grown. Speaking of the tradition, a family member recently said:

In this manner, we will forever preserve [Walter's] memory.

Indeed, they have done much more than that. With their generosity, they have strengthened the ties of friendship between the citizens of South Dakota and the men and women who fight to protect them. They have shown our veterans that their service will never be forgotten.

This, too, is the ultimate contribution of the Fallen Heroes project and the South Dakota Korean War Memorial dedicated this past Saturday.

Because our country was still war-weary from the end of World War II, few returning Korean war veterans were greeted with the ticker-tape parades and community celebrations that were common after World War II. The Korean war became known as the Forgotten War.

For the 12,000 Korean war veterans still living in South Dakota, and all those with whom they served, we have a simple message—you will never be forgotten.

The statue that stands on the capitol grounds in Pierre will be an enduring reminder of your contribution. But even this memorial is just a token of the gratitude and reverence South Dakota feels for you. The true memorial to your heroism is cast not in bronze, but in the hearts of millions of Koreans whose freedom you won, and in the memories of the Americans inspired by your courage.

We thank you for your service, and we salute your valor. And we will always remember.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

CELEBRATING THE CONSTITUTION

Mr. BYRD. Mr. President, every event memorable enough to be recorded becomes a part of history. But some events define and shape history with the force of plate tectonics, moving the world onto a new path. On September 17, 1787, just such an event occurred when the Constitution of the United States was signed.

I hold this Constitution in my hand.

With the adoption of this document, a new and powerful nation was created. That Nation, our Nation, still guided by the powerful hand of God in many ways and certainly still guided by the governmental structure laid out in this Constitution, is the heavyweight champion of world politics and the global economy. Actions of our Government influence world events with a speed and force of a category 5 hurricane.

The Declaration of Independence was historic. And I have it, too, here in my little book which I carry in my shirt pocket—the Declaration of Independence. The signers of that Declaration of Independence committed treason against the king. And those brave men—and they were men—who signed the Declaration of Independence, any one of them, each of them, could have been arrested, thrown into prison, sent to England in chains, and executed.

So we ought to ponder those men, their lives and those documents that they signed. We don't often enough think about the sacrifices they made, the risks they were willing to take as they pledged their lives and their fortunes and their sacred honor.

The Declaration of Independence was historic, for without it and the events that it set in motion there would be no fledgling United States of America.

The surrender at Yorktown on October 19, 1781, was also historic, marking the successful conclusion of the War for Independence. Without that surrender, there would be no United

states. But the early days of our new Republic were difficult ones, burdened with war debts and hampered by the weak and ineffective structure that was the Confederation Government. The Nation was independent but not truly united. The central Government was weak, relative to the State governments, dependent on whatever contribution the States chose to make. The national Government could not speak convincingly as the official voice of the whole Nation. It was not until the Constitutional Convention in Philadelphia completed its work and constructed in less than 100 days a strong yet flexible governmental structure that our young Nation was ready to make a name for itself on the world stage.

Our Constitution is a remarkable document—truly remarkable, this Constitution which I hold in my hand. It is remarkable for its simplicity, and it is remarkable for its astute understanding of human nature. The governmental structure that was devised in Philadelphia did not depend on extraordinary men in order to work but, rather, the system relied upon the ambitions of many ordinary men to check and balance each other, keeping any one man or any one branch of Government from becoming another tyrant like King George.

The Framers of the Constitution put the greatest power where? In the people and in their elected representatives—like you and you and you and me—and made those representatives responsible and responsive to the people. That is why, every 2 years, the entire membership of the House of Representatives and one-third of the membership of the Senate face the people—face the people—in an election. The President, as will happen later this year, faces the people every 4 years. Only judges, who must remain independent and free from such public pressures, are appointed for life.

The Framers also put a premium on civilian control of the military. Now, we ought to remember that. We hear all these sayings about the Commander in Chief—the Commander in Chief. And some speak with awe of the Commander in Chief. But the Commander in Chief is only the Commander in Chief of the Army, the Navy, and the militia, when it is called into service. But who creates an army? The Commander in Chief would not have any army over which to be commander if the Congress—this House and the other body—did not create an army and provide for a navy and provide for the calling up of the militia. It is the Congress, you see.

So the Framers put a premium on civilian control of the military. Again, this reflected their desire to prevent a military dictatorship from arising. They did not want a President to act as a king, ordering armies to war in remote lands on his say-so alone. Nor did they want a powerful general to seize political power. In their day, and for

the first century of our history, the United States did not have a large standing army, only a small navy and marine corps. In the event of an invasion, citizens were expected to grab their guns and form a militia, as was done in the Revolution.

The Congress would call up the militia, which only then would be led by the President in his role as Commander in Chief. The President is not the Commander in Chief of industry. He is not the Commander in Chief of the Senate. He is not the Commander in Chief of Congress. The Congress, under the Constitution, provides for the military. Congress is the paymaster, just as the Roman Senate was the paymaster in the days of ancient Rome. No consul could pay his legions of Roman soldiers unless the Roman Senate provided therefore.

So Congress is the paymaster, the armorer, and the rulemaking body for the military—not the President, not the Commander in Chief, nor his generals. The President commands the militia only when the militia is called into action by Congress or when necessary to repel an invasion. The Framers ensured that the people—the first three words in the preamble of this Constitution, which I hold in my hand, are: "We The People." That is you; that is you; that is you; that is you; that is you. "We The People." That is you, the people out there over the broad hills and valleys and mountains of this great Nation who are watching through these electronic eyes and hearing the words that are being spoken on the floor of the Senate—the people. The Framers ensured that the people, through their elected Representatives in Congress would control the military so that it could not become a tool of Government repression against their own people or a way for Presidents to lead the Nation into foreign misadventures.

The Framers created a barebones governmental structure—a barebones governmental structure. All rights not expressly given to the Federal Government were to be left to the States and to the people. In the course of ratifying the Constitution, however, it became clear that many people wanted to have these rights codified. And so from this sentiment came the first 10 amendments to the Constitution. How many words are there in the preamble and the original Constitution? How many words? There are 4,379 words in the preamble and the Constitution, as it was signed by the Framers. And then later came the first 10 amendments, and they are known to us as the Bill of Rights. How many words, then, are there in the preamble and the Constitution and the Bill of Rights? There are 4,861 words. How few are those words, how few.

And so the first 10 amendments, commonly known as the Bill of Rights, include the familiar freedom of speech, freedom of assembly, freedom of worship, the right to a speedy trial, the

right to bear arms, and others. These rights and freedoms, too, had their immediate roots in the prerevolutionary treatment of the colonists by the tyrant king. If the Constitution is the bones of our national body, then the Bill of Rights must be its heart and soul. These rights are what the colonists fought for, the things for which they were willing to risk losing their lives and their property and their fortunes.

These rights are what set the United States above other nations, what make the United States such a shining beacon—such a shining beacon—for the peoples of other nations to aspire to and to establish for themselves. Our ideals of freedom, set forth and realized in our Constitution, are our greatest export to the world. How about that. Those of you who are sharpest on foreign trade, those of you who pride yourselves on being trade experts, what is the greatest export? What is the greatest export of the United States? Well, our ideals of freedom, realized in the Constitution, are our greatest export to the world.

For more than 200 years, our Constitution has demonstrated its unique adaptability. The Nation has grown and changed in ways that the Framers would not have imagined, whatever their greatest hopes and ambitions for the Nation might have been. Our national interests and responsibilities engage us in activities and places that span the globe. We possess a military that is unmatched in size and capability. Our military spending outstrips most of the rest of the world combined. Why? We wonder why. That is food for thought on another day.

Our technology, our culture, our humanitarian goodwill reach out into the most remote areas of the world. But our Constitution, despite all these societal changes, continues to provide a government structure that allows us to manage these great enterprises while protecting the individual rights that each of us is guaranteed in the Constitution and its Bill of Rights. Only we—not somebody out there from Mars, some distant planet, only we can erode those rights or change that structure. Our greatest enemy is not armed with guns, you see; our greatest enemy is our own ignorance and our own inattention to the Constitution, this great legacy.

Last Friday marked the 217th anniversary of the Constitution's signing. I doubt that many Americans celebrated or even took heed to that occasion, and that is a mistake. For September 17 is more important to our everyday lives than Columbus Day, more important to our everyday lives than Thanksgiving, more important to our everyday lives than the Fourth of July. Our flag is precious to us. There it stands, majestic. How inspiring, that flag. Our flag is precious to us—and never more so than in the days after September 11, 2001. Our flag is celebrated every June 14, but our Constitution is more important than that flag by far.

The flag is a potent symbol of our Nation, but this Constitution which I hold in my hand is the soul of the Nation. The Constitution is the foundation upon which each stone of our governmental structure is laid. It is our bedrock. It touches every day of your lives. I say to the pages on both sides of the Chair. This Constitution touches every day, every hour, every minute of your lives. Practically everything you do is made possible by or is guaranteed or is protected by this Constitution. It is the prism through which each act of our Government should be examined and judged. If such an understanding were in place, we would not have to question aspects of the PATRIOT Act that might threaten privacy and due process rights of Americans because those elements would not have been included. But in our fear of terrorism and due to our inattention to the Constitution, we were stamped into legislation that erodes some of your rights, some of every citizen's rights. Every time the executive assumes powers that are not challenged by the Congress, and every time Congress gives up its powers to the executive, our Constitution is eroded, and we come one step closer to tyranny when that happens, one step closer to the dictatorship of the executive.

I believe the Constitution deserves greater prominence in our national life. A survey conducted by Portrait of America in 2000 found—now think of this: I just couldn't believe it until I read it myself—that only half of Americans, just 51 percent, would vote for the passage of the U.S. Constitution if it were presented in ballot form today. That is incredible. Some 22 percent of respondents would vote against the Constitution. I will tell you, that is about enough to make your hair stand on end. And 27 percent were not sure if they would support it. Those are eye-opening findings. I say they are hair-raising, hair-curling findings. That ought to curl your hair. If you don't have any, it ought to make your hair grow where there is none. Twenty-seven percent were not sure if they would support it. Those are eye-opening findings, to be sure.

While some attribute this outcome to a general disaffection with Government, I believe that the survey findings are the result of ignorance. Too many citizens do not know what the Constitution does. Many citizens revere the Constitution, but they don't know what is in it. Many Members of this body really don't know what is in the Constitution. They have read some portion. If they are lawyers, they might be very familiar with this portion or that portion, this amendment or that one, but to know about the Constitution, what is in it, what it does, many of us are ignorant. Even fewer know why the Constitution was designed the way it was.

Most people do not appreciate all of the safeguards created by the Framers to prevent our new government from

becoming like a colonial government, subject to the whims of a tyrant. They do not understand what the checks and balances in our governmental structure are meant to do, nor the importance of maintaining those checks and balances.

Frankly, there are too many Members of Congress who do not appear to understand or appreciate those checks and balances. When it comes to the Executive, too many Members of this body want to side with the Executive. They are monarchists, I would say. They almost look upon the President as a king. As a result, over the years, the power of the legislative branch has eroded, while the power of the executive branch has grown. Congress has ceded much of its power, and it does so willingly. It has ceded much of its power willingly to the Executive, to the point that we have few tools remaining with which to rein in an autocratic Executive.

When the Constitution was circulated for ratification in 1787, there was active political debate. Pamphlets were written and essays were written. The Constitution was a topic of conversation around dinner tables and at public meeting places. The Federalist Papers were widely printed, widely read, widely discussed. They were the centerpiece of the debate over the form of this new government. I doubt that one could today find many people outside of collegiate American history and politics majors who have read the Federalist Papers. In these days of television, radio, and movies, we no longer have the quiet evenings of discussion that the Founders knew. We are too busy with pseudo "reality" shows to spend time worrying about our own reality, our own government.

Without such a national debate, the results of a similar survey in 1787 might have been the same as in 2000. As a nation, we are fortunate such a debate took place. The 2000 survey shows unequivocally that greater knowledge about our Constitution is needed.

I believe a necessary step in raising the profile of the Constitution involves giving it equal billing with Christopher Columbus, with Flag Day, and with the Fourth of July. September 17, the anniversary of the signing of the Constitution, should be declared a national holiday. And so, Mr. President, on Wednesday of last week I submitted to the desk legislation to do just that. That legislation would declare September 17 "Constitution Day" and would encourage citizens to observe the day with appropriate ceremonies, including a reading of the Constitution. Currently, September 17 is designated "Citizenship Day," recognizing all who, by birth or by naturalization, are citizens of the United States. Citizenship in our great Nation is certainly a worthy topic, and it merits recognition. But more importantly, I believe, this is the document that establishes the duties and rights of citizenship, the document that establishes this Nation

as one in which all people may aspire to become citizens—the Constitution of the United States.

My hope is that observances of Constitution Day would encourage all citizens to learn more about the Constitution and their government. An informed public is our best defense against tyranny.

I know that it is late in the legislative session to introduce legislation, but I hope the calendar will not deter the Congress from taking up and adopting this legislation. It is not a partisan matter. The Constitution is there for all Americans, regardless of their political party, irrespective of whatever political events might be on the calendar. In fact, it might be more important because of the upcoming election.

During election years, it becomes even more vital that all Americans look at the candidates and ask themselves which one will best support and defend the Constitution from all enemies, foreign and domestic. As Americans exercise the fundamental right to choose their representatives, they participate in the enduring system of government set forth in the Constitution. It is fitting and appropriate that we honor the document that established this government, and that we as a nation take steps to ensure that our Constitution and our system of government are known, understood, and cherished by the people they were established to serve.

I yield the floor.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2005

The PRESIDING OFFICER. Under the previous order, the hour of 5:20 p.m. having arrived, the Senate will resume consideration of H.R. 4837, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4837) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

The PRESIDING OFFICER. There will now be 10 minutes of debate, equally divided, prior to the vote on passage of the bill. The 5 minutes on the Democratic side has already been consumed.

The Senator from Texas is recognized.

Mrs. HUTCHISON. How much time is remaining on either side?

The PRESIDING OFFICER. The majority side has 5 minutes. The minority side has exhausted its time.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senator from California get 2½ minutes of the majority time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, this is a bill that is cut and dried. My distinguished colleague, Senator FEINSTEIN, and I have worked very closely on this bill. We are in agreement on its