

Look at the Republican budget now being presented to the Senate. Hard as it may be to believe, this Republican budget is going to cut the 900 FBI agents proposed by President Clinton. It is going to reduce, as well, the number of personnel in the Drug Enforcement Agency. It is going to reduce by over 400 the proposal by the President to put more guards at the borders to stop drugs. It completely eliminates the President's proposal for 500 new ATF agents to keep an eye on gun dealers who are selling to criminals. The President proposes 1,000 new prosecutors for enforcement, the same enforcement you heard Charlton Heston, Wayne LaPierre, and other folks on that side talk about. We need more enforcement, and the Republican bill doesn't provide a penny for this Presidential initiative for more enforcement.

You can't have it both ways. Your rhetoric has to catch up with reality. The Budget Committee room is a dance studio where we have the Republican majority side-stepping the George W. Bush tax cut, saying, we are not sure we want to go with that—a Texas two-step if I have ever seen one—and waltzing away from a commitment for more enforcement to stop gun crime in America.

That isn't going to wash, folks. People across America will look at this and say that is not a recipe for America's future, it is a recipe for disaster—on the economic front and when it comes to bringing peace to our neighborhoods and schools.

So I certainly hope those who watch C-SPAN will not be lulled to sleep, as Billy Crystal suggested, but will, rather, see there are some pretty important issues being developed and debated. I hope before this all ends, we will stick with the economic plan that moves America forward, that provides opportunity for more and more Americans, for businesses and for home ownership, that we will dedicate ourselves to a sensible reduction in our debt rather than a risky, dangerous, and massive tax cut, as Governor Bush has proposed.

I hope we will follow Chairman Greenspan's advice and keep this economy moving in such a way that we create opportunity for everybody.

When it comes to gun safety, let's do both. Let's close the gun show loophole. Let's have trigger locks for the safety of guns. Let's not let the Sunday morning talk show rhetoric about enforcement die by Sunday evening. On Monday through Friday when we are in session, that rhetoric should be very much alive. I sincerely hope that during the course of this debate we can put together a bipartisan majority to achieve it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. Under the previous order, there are 30 seconds remaining in morning business.

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EXTENSION OF MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent that morning business be extended for another 15 minutes.

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

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FLAG DESECRATION AMENDMENT

Mr. DODD. Mr. President, I rise today in opposition to the resolution which will be before us later this afternoon dealing with the issue of flag burning. I will spend a few minutes to express to my colleagues and to others who may be interested at least my point of view on this. We have debated it in this Chamber a number of times over the past decade or more. We have it before us again today. I wish to take a few minutes to explain my views on this issue and how I intend to vote when the matter comes before us.

This is no ordinary resolution. It is no ordinary debate. When we speak of amending the Bill of Rights of our Constitution, we ought to do so with great care.

Our Bill of Rights has existed now for more than 200 years, and, despite literally thousands of proposals to amend it, our forebearers, and those who occupied this Chamber over the years, saw fit to not on a single occasion amend the Bill of Rights of the U.S. Constitution. It is a remarkable record when you consider the trials and tribulations this Nation has been through—a great depression, great world wars, a great civil war which ravaged this Nation. Despite more than 11,000 attempts to amend the Constitution—many of them to amend the Bill of Rights—none of our predecessors, and none of the Congresses that have preceded us, saw fit during all of those great trials and tribulations to amend the Bill of Rights of the United States.

Today, we are being asked to change that 209-year history and to amend the Bill of Rights to deal with the outrageous, indefensible behavior of those who would burn the symbol of our freedom, the symbol of our Constitution, the symbol of our democracy, the great flag of the United States. It goes without saying that every Member of this Chamber and the other body, and the overwhelming majority of Americans would find flag burning offensive and abhorrent. As many of our colleagues, I believe it ought to be a crime—whether it is criminal intent to incite violence or commit a theft. But to truly honor our Nation's history and the veterans, we must not only protect our flag but, in my view, we must also protect the Constitution and the freedoms promised by that flag.

Our former colleague, Senator John Glenn of Ohio, who served this Nation as a combat pilot in Korea, as an astro-

naut, and as Senator, well known to most Americans, well known by all of our colleagues, put it very well. I would like to quote it: "There is one way to weaken the fabric of your country, and it is not through a few misguided souls burning our flag. It is by retreating from the principles that the flag stands for. And that will do more damage to the fabric of our Nation than 1,000 torched flags could ever do. . . . History and future generations will judge us harshly, as they should, if we permit those who would defile our flag to hoodwink us into also defiling our Constitution. The Framers of the Constitution, in their boundless wisdom and notable humility, understood that succeeding generations may see fit to amend this cornerstone document. But those amendments should be limited, in James Madison's words, to "great and extraordinary occasions."

Regrettably, Madison's edict has not been heeded by many who have come after him. In this Congress alone, more than 50 proposed amendments to the Constitution have been introduced—including one to make it easier to amend the Constitution in the future.

But collectively our Nation has paid heed to the caution urged by Madison and others of his day. It is reassuring to know that, of the 11,000 amendments introduced since ratification of the Bill of Rights 209 years ago, only 17 have been adopted.

Clearly, there is no great and extraordinary occasion warranting ratification of the amendment proposed in the Senate today. Flag burning is rare, thank God. It is despicable. It is reprehensible. But it does not present a constitutional crisis for our Nation.

Indeed, in the entire history of our Nation, there have been only about 200 reported incidents of flag burning, an average of less than one a year for each of our Nation's history—one a year, 200 cases in a nation of 260 million people today. And we have less than roughly one case a year for the 200-year history of our Nation.

I would submit that the despicable acts of a few misguided miscreants do not cry out for this Congress to be the first in history to restrict the liberties of all Americans by narrowing the Bill of Rights.

Some argue that even one flag burned would be enough to warrant ratification of this proposed amendment. They say that, without such an amendment, we effectively sanction flag-burning. But toleration is not approval. We do not as a nation sanction everything which we do not punish. Indeed, I would submit that the heart of the greatness of our democracy is that we tolerate that which we disapprove of. We permit and protect that which we find most offensive and obnoxious. They will continue, and probably grow, unfortunately, in number in a disgraceful effort to attract attention to themselves. What will such a possibility portend for the respect we all have for our beloved Constitution?

I do not for a moment question the intentions of those who support the resolution before us. I respect most, if not all, of the people who are advocating this change. But, in my view, let us be clear. No amendment and no amount of amendments to the Constitution will in and of themselves result in greater respect for the flag and for the free and democratic nation that it symbolizes. You cannot mandate nor legislate patriotism. You carry it in your heart and soul. But I cannot write it for you. I cannot force it down the throats of the citizens I represent. We can change laws but we cannot change hearts by changing laws. We can only attempt to change conduct and to enshrine in our laws the eternal principles that have guided our Nation from its earliest days—principles such as liberty and equality.

Let us leave to statutory law—those already on the books, and those along the lines proposed by several of our colleagues—to sanction those who would with criminal intent burn our beloved flag. But let us leave the Constitution unsullied by a proposal such as this that would needlessly, in my view, restrict our liberties as a people.

The great genius of our Constitution is that it enshrines in word the eternal aspirations of humanity. We may try to amend it, but if we do so in a manner at odds with those aspirations, then we act at our peril and in folly.

As Alexander Hamilton said:

The sacred rights of mankind are not to be rummaged for, among old parchments, or musty records. They are written, as with a sunbeam in the whole volume of human nature, by the hand of the divinity itself; and can never be erased or obscured by mortal power.

Let us not trifle with the Bill of Rights, a document that has never been changed, not one comma, not one semicolon, not one word, in 210 years of history. Let us not change that today over this issue.

I urge the defeat of this resolution.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. L. CHAFEE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I thank the Chair.

(The remarks of Mr. SMITH of New Hampshire pertaining to the introduction of S. 2314 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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MEASURE READ THE FIRST
TIME—S. 2314

Mr. SMITH of New Hampshire. Mr. President, I rise for the purpose of in-

roducing another bill that I send to the desk and ask that it be read for the first time.

The PRESIDING OFFICER. The clerk will report the bill or title.

The legislative clerk read as follows:

A bill (S. 2314) for the relief of Elian Gonzalez and other family members.

Mr. SMITH of New Hampshire. Mr. President, I now ask for the second reading and, on behalf of the minority, I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read for the second time on the next legislative day.

Mr. SMITH of New Hampshire. Mr. President, this bill refers to a matter that is on everyone's mind. I know the Senator from Nebraska has had some concerns on this. I rise to explain what this legislation does.

I think timeliness is important. This is an urgent matter. I introduced this bill along with my colleagues from Florida, Senators MACK and GRAHAM. I am pleased to have their support in introducing the bill. I am doing it today to correct an injustice.

There is an injustice being committed, as we speak, by the Attorney General and the Immigration and Naturalization Service against Elian Gonzalez. I thank Senator MACK for his leadership in sponsoring a private relief bill to grant Elian Gonzalez citizenship. A grant of citizenship to Elian Gonzalez has the practical effect of removing the Elian Gonzalez controversy from the immigration law and places the controversy in the Florida courts for a custody proceeding.

This bill today does not grant Elian Gonzalez citizenship. Again, I am doing this with the full support of Senator MACK and Senator GRAHAM. This grants what is called family permanent residency to the family of Elian Gonzalez—that would be Elian, Elian's father in Cuba, Elian's father's current wife in Cuba, Elian's father's son in Cuba or child in Cuba, Elian's two grandmothers and one grandfather, all of them—so they can now come to America, sit down as a family and resolve this matter. If they have to go to custody court, it takes it out of immigration and puts it into the custody court. This does not grant citizenship. It does not interfere in any way other than to say, let's do it in a custody matter, the same way as any other 6-year-old boy would have to do.

Permanent residency status will settle the status of Elian Gonzalez under immigration and nationality law and leave the case to be resolved in the Florida State courts in a custody matter, not an immigration matter.

Some ask: What is the difference between permanent residency and citizenship? Why are they doing this as opposed to citizenship? Frankly, a lot of my colleagues have expressed concern about citizenship. We want to make it palatable because of the confrontation that is beginning to brew now and may come to a head as early as tomorrow

morning where we have a deadline of 9 a.m., where literally this boy could be dragged kicking and screaming from the arms of his uncle, put on a plane, and sent to Havana.

Do we want to see that in America tomorrow? Do we want to see that? That is a confrontation I don't want to see. It is not called for. We don't have to let it happen. This Senate could act today, but under the rules, we may have to act on Tuesday or Wednesday, if it is delayed. Apparently, some have indicated they want to delay it.

I wish to make it clear, it could be acted on if there weren't delays being called for. Permanent residency status would make Elian Gonzalez a resident alien. Resident aliens don't have the privileges of citizenship. They are not allowed to vote and can be deported for committing a crime. Their status is as a resident alien, subject to Federal laws regarding deportation provisions. A citizenship bill would grant the individual all the rights of citizenship: voting rights, no deportation, and all other rights associated with being a citizen.

Do I support that? I happen to support that. I would be glad to give Elian Gonzalez citizenship. I know a majority of my colleagues do not. I am looking out not for what BOB SMITH wants to do but I want to do what is right for Elian Gonzalez. I want Elian to have his day in court as any other child would have in a custody matter where relatives were trying to determine who should have custody.

At 4 p.m. today, Lazaro Gonzalez, his uncle, Elian's uncle in Miami, is going to meet with representatives of the INS. They are going to ask Lazaro, in this meeting at 4 o'clock, to give up all rights to this boy, all rights to keep the boy in the country pending a possible appeal to the U.S. Supreme Court. If Lazaro Gonzalez says, "No, I will not give up those rights," then as early as 9 a.m. tomorrow, Elian Gonzalez's parole status will be revoked and the boy could be sent back to Cuba without Elian's appeal being heard by the Eleventh Circuit Court of Appeals.

Very seldom do we come down on the floor with an issue as urgent as this. This is an outrage. This is urgent. I have heard some people say: We don't want to vote on this thing. We should not have to vote on this. We don't want to deal with it. It is too hot to handle. We are not going to vote on this.

Whatever way they vote, I am not trying to tell Senators how to vote. I am asking for a vote. I think the Senate should say to the United States of America, to Fidel Castro, and to the Cuban American community, that we don't want to see this confrontation—and frankly, to Janet Reno—at 9 a.m. tomorrow or 9 a.m. on Friday or 2 o'clock on Saturday or Sunday or next week or next month. I don't want to see on my television screen pictures of Elian Gonzalez being dragged from his home in Miami and placed on that airplane crying and screaming and kicking. I don't want to see that. Not only