

We have heard the arguments and now is the time to vote. We need an ambassador in Iraq. We need this ambassador in Iraq.

This should not be a controversial nomination. Ambassador Hill is a proven expert negotiator. He is a problem solver and one of the best diplomats we have in the corps. As has been discussed, he has a great deal of experience with the skills that matter the most for the resolution of the remaining issues in Iraq, and he has been particularly involved in ethnic and sectarian conflicts not unlike those he will face when he gets over there. He has worked on multiparty international negotiations, and he is going to have to bring every skill he has learned in the fullness of his career to this task.

Particularly, I want to say we join Senator BROWNBACK in expressing the full concern of every Member of the Senate that we give meaning to the words "never again." That is a solemn responsibility. It is a solemn responsibility particularly on this Holocaust Remembrance Day.

But it is also clear from the record, from Secretary Rice's own words, that the decision to leave the Special Envoy for Human Rights out of these negotiations was not made by Chris Hill and we should not, in our votes today, hold that decision of his superiors against Chris Hill. It was a decision which Secretary Rice has spoken to publicly and I think we have addressed the major concern that was raised by the Senator from Kansas.

We have also shown the fullness of Chris Hill's own record on human rights and I think that record speaks for itself.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KERRY. I thank the Chair and look forward to this vote. I hope it will be an overwhelming vote in favor of our ambassador to Iraq.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the cloture motion with respect to the motion to proceed to S. 386 be withdrawn, and that on Wednesday, following a period of morning business, the Senate proceed to the consideration of Calendar No. 28, S. 386.

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

Mr. REID. There will be no further rollcall votes today, of course after the Hill vote. Tomorrow we will consider financial fraud legislation. I encourage those Members who have indicated to the managers interest in offering amendments or coming to speak on the bill, that they do that. I have spoken to the Republican leader today. He said he believes there are a number of amendments—not long in number—that the Republicans wish to offer. We solicit those amendments. There could be several amendments from this side also. It would be good if we could get to legislating on this tomorrow.

I also say I think it set a good tone. We should not have to file cloture on every motion to proceed. I appreciate very much the Republicans not necessitating that wasteful vote. This bill has been on the calendar and available since March 5. No one has to be concerned about not having seen this financial fraud legislation.

Members who have amendments should be ready to go forward with them tomorrow morning.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Christopher R. Hill, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iraq?

Mr. KERRY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 23, as follows:

[Rollcall Vote No. 159 Ex.]

YEAS—73

Akaka	Feingold	Merkley
Alexander	Feinstein	Mikulski
Barrasso	Gillibrand	Murkowski
Baucus	Gregg	Murray
Bayh	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hutchison	Pryor
Bingaman	Inouye	Reed
Boxer	Isakson	Reid
Brown	Johanns	Sanders
Burr	Johnson	Schumer
Byrd	Kaufman	Shaheen
Cantwell	Kerry	Snowe
Cardin	Klobuchar	Specter
Carper	Kohl	Stabenow
Casey	Landrieu	Tester
Chambliss	Lautenberg	Udall (CO)
Cochran	Leahy	Udall (NM)
Collins	Levin	Voinovich
Conrad	Lieberman	Warner
Corker	Lincoln	Webb
Dodd	Lugar	Whitehouse
Dorgan	Martinez	Wyden
Durbin	McCaskill	
Enzi	Menendez	

NAYS—23

Bennett	DeMint	McConnell
Bond	Ensign	Risch
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burr	Hatch	Thune
Coburn	Inhofe	Vitter
Cornyn	Kyl	Wicker
Crapo	McCain	

NOT VOTING—3

Kennedy	Roberts	Rockefeller
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The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to re-

consider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

#### MORNING BUSINESS

Mr. DORGAN. Madam President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

#### FLOODING IN NORTH DAKOTA

Mr. DORGAN. Madam President, I have come to the floor to talk for a moment about the unprecedented flooding that has occurred in the State of North Dakota in recent weeks. My colleague, Senator CONRAD, discussed it some yesterday, and I want to discuss it as well.

We have had flood disaster assistance now approved for 38 of North Dakota's 53 counties, and it has been the most unprecedented, unbelievable flooding we have ever seen in the State of North Dakota. This chart I have in the Chamber shows, in red, the counties that have been declared disaster areas as a result of flooding. You can see it covers nearly three-fourths of the State of North Dakota. And we have had more snow, more moisture, more difficulty, more blizzards, and so on, and the rivers across our State have exceeded their banks and threatened very dramatic flooding, which I am going to talk about some today. But before I talk about the water, I want to talk about the people of North Dakota.

The unprecedented flooding that has driven people from their homes and caused so much damage and so much difficulty for so long has caused people in North Dakota to come together to do the most unusual things I have ever seen.

At midnight one night, I peered down the stairs of what is called the FARGODOME to see this large expanse. Inside this large dome building, at near midnight, I peered down on that floor, and there were thousands and thousands of people on the floor of that dome filling sandbags. They filled 3½ million sandbags in about 5½ days—3½ million sandbags in 5½ days. And they did not hire anybody to do that; they just put out a notice on the radio to say: We need people, and people showed up. The most unbelievable thing in Fargo, ND, was to watch what they did with just the people power that showed up. No one thought a group of people could do that, but they did—3½ million sandbags.

The Anne Carlsen School over in Jamestown, ND—on the James River that began flooding—the Anne Carlsen School previously, many years ago, was called the Crippled Children's School. Children who are in that school need a great deal of care. There needed to be an evacuation of the Anne Carlsen School. Eighty athletes from the college and the high school showed up, and in 4 hours, not just the children but the special beds and special equipment and all the things that are necessary to help take care of those children was moved to higher ground and moved to safer quarters.

It is unbelievable that people all over our State just showed up. When all of these volunteers were out there walking the dikes—and particularly the National Guard that walked all of those dikes on the Red River especially, and now in Valley City, which has very high levels at the moment and is in a very difficult circumstance—we had all of those people involved 24 hours a day.

As is very typical in a State such as mine, hundreds and hundreds of people decided that one way they could participate is to prepare hot dishes and casseroles and meals. I was in meetings where people would show up with big platters of homemade sandwiches. I know volunteers who worked for hour after hour on end would find that people would show up with casseroles and hot dishes, as they call them in our part of the country. One of the ways you fight floods as well is to feed those who are hungry out there in the dike lines and out there who are sandbagging.

Let me show a couple of the sites from the Red River Valley. This is a photograph of a National Guard helicopter. I cannot say enough about the National Guard and how critically important they have been to this flood fight.

But, as you can see from this picture, this area is as flat as a table top. Someone once described the Red River and the Red River Valley as a table top with a scratch in it, the scratch being the Red River. You can see there is not a hill in sight. This is totally, completely flat. You see water simply spreads everywhere. Here is a farmstead completely surrounded by water. That is in the Red River Valley of North Dakota.

In Pembina, ND—and by the way, this Red River runs north and runs out of North Dakota at Pembina into Lake Winnipeg—you will see the city of Pembina is surrounded by water. As shown in this picture, this is an interstate highway surrounded by water. The folks in Pembina, almost every year, have to fight these floodwaters, and this year was no different.

As reported in the Valley City Times Record, a substantial portion of Valley City had to be evacuated. In the middle of this unbelievable fight in Valley City—and by the way, that is on the Sheyenne River—the fight to the finish line here was with so many volunteers

to build dikes and to try to do what is necessary to save the city of Valley City. I walked into the Valley City Winter Show facility and saw once again an unbelievable sandbagging operation. Just blowing the city whistle and putting out a notice over the radio meant that people flocked to the area where they were needed to fill sandbags. In Valley City, even as I speak, they are still fighting those floodwaters. As shown in this picture, this is part of the diking around Valley City, as you can see. This happens to be the Sheyenne River. I mentioned the Red River Valley, which is the Red River. The Red River runs north, one of the only rivers in America that run north. The headwaters are in the southern part of North Dakota and South Dakota, so the headwaters are south and the river runs north. But this is the Sheyenne River, which then eventually runs into the Red River as well. That happens to be the Valley City issue.

This is a picture of Fargo, ND. This photograph is all water. Obviously, this house is flooded. But we had the Coast Guard there. We had propeller boats evacuating people. It is an unbelievable sight.

This is a copy of the Bismarck Tribune: "Forces of Nature." It shows a number of head of cattle simply gathered here on the only piece of dry ground, stranded by all of the water.

Of course, Linton, ND, a little community, a smaller community south of Bismarck, was hit with a significant flood.

Beulah and Hazen were hit with a significant flood, and Bismarck, ND, with ice jams, has a threat to a substantial portion of that city of a wall of 3 or 3½ feet of water that would inundate the southern part of that city if the ice jams broke.

All of these communities were facing those kinds of challenges.

Ransom County, ND. This is dead cattle shown in this picture. We do not know the count yet of how many dead head of livestock we will have, but it will be plenty, and our ranchers will have suffered a substantial amount. In addition to the dead livestock that is going to happen, we will have, undoubtedly, more than 3 million acres of ground that cannot be planted this year because of water—another difficulty as a result of this flood to the agriculture community.

As shown in this picture, this is one block from Main Street in Beulah, ND. I will be in Beulah on Saturday of this week. Here is the threat that Beulah faced, a city in the center of our State, and all of these communities: Valley City, Lisbon, La Moure, Fort Ransom, Mott, Beulah, Linton, Bismarck—and the list goes on—Pembina. All of these cities faced very substantial flooding this year.

Here, shown in this picture, is a feed lot west of Mandan, ND, with a couple dogs and a bucket. All you can see is water because that is all there was because of complete total flooding.

This is a photograph of a flooded yard and outbuilding in Fargo, ND, with a dog looking over the dikes.

Let me say the Corps of Engineers has done a masterful job. Let me also say the mayor and the vice mayor and the folks in Fargo and so many other communities have done an extraordinary job. The mayor of Valley City even today is continuing to fight this fight. If you go into a fight, a flood fight, you want the Corps of Engineers on your side because they have sent hundreds of people into our State to try to fight these floods.

This is a photograph of sandbagging, in this case by National Guardsmen, in Bismarck, ND.

This is a photograph of the dropping of 2,000-pound sandbags in areas of the dike that were about to breach, dropping from a helicopter 2,000-pound sandbags into a crevice to see if they could stop a breach.

These are just a few of the challenges we have faced in so many different communities: Jamestown, La Moure, Linton, Beulah/Hazen, Mott, Fort Ransom—so many other communities.

I want to say that I think almost everyone in North Dakota has been overwhelmed by what the notion of being a good neighbor really means. It means showing up, just showing up when you are needed—not because somebody asked you to but because you just felt you should because it was part of the destiny and the future of your community to be involved in fighting floodwaters.

This is a natural disaster, and it is going to take some long while for our State to recover. But our State is a community of interests that has made me enormously proud. The folks who settled the northern Great Plains are pretty special people. My ancestors showed up there from Europe a long, long time ago and pitched a tent on the prairies and raised a family and then built a house and started a farm. That is the way they started populating the prairies of the northern Great Plains.

In North Dakota, they still look after each other when times are tough. And this is about as tough a time as I have ever seen in my lifetime in the State of North Dakota with respect to natural disasters. We know that 12 years ago, in 1997, the city of Grand Forks faced a flood and the dike breached and the city of 50,000 people was evacuated. It was the largest evacuation of a major city at that time since the Civil War. We well understand a flood fight, well understand the consequences of natural disasters and flooding, and I am proud to say Grand Forks has come roaring back as a city.

I am also proud to say the cities of Fargo and Moorhead and Wahpeton and Breckenridge and others have fought back these floodwaters, and we did not have a breach in the dike, so that a major portion of the cities were protected. But other areas were not. The mayor of Oxbow, ND, for example—I recall standing on a dike with him, and

his eyes were full of tears as he recalled and recounted the fight they fought and lost in some areas because they simply could not hold back the waters.

There are so many stories and so much misery as a result of a natural disaster, but I think there is also a second side to it, and that is a very inspirational side of what people can do for each other and with each other to try to deal with these difficult times. The one thing about life is, success is pretty easy to handle. The question is, How do you handle things when times get a little tough?

I wanted to say I am so proud of the people of my State, the State I am privileged to represent. We have a lot now to do with the Corps of Engineers, with future water projects, and the kinds of protections that are needed to be improved for future flood protection. That will come at a different moment in the weeks and months ahead, but for now I simply wanted to describe to my colleagues some of the circumstances we faced in our State and especially the stories about what people did together to try to make a big difference, fighting back the waters of these many rivers that exceeded their banks and caused such havoc in many of our communities.

#### TRIBUTE TO JOHN HOPE FRANKLIN

Mr. WEBB. Madam President, I would like to take some time today and talk a little bit about an individual for whom I have great admiration who passed away without much comment from this body last month, John Hope Franklin. I think perhaps the most eminent Black historian in America. Even that does not do justice to John Hope Franklin, one of the most eminent historians in our country, who happened to be of African-American descent.

I make these comments as someone who spent a good deal of my life as a writer and dedicated to examining American history, and also I make them in the spirit that our Attorney General offered when he said: Maybe we should have a little more courage when we are talking about issues like race in America.

It is interesting to take a look at the paper this morning and see the Pulitzer Prizes that were awarded this year, the Pulitzer Prize for history being awarded to Annette Gordon-Reed for a book entitled "The Hemingses of Monticello: An American Family," which ties into the continuing saga of Thomas Jefferson; and for general nonfiction, a book entitled "Slavery by Another Name: The Re-Enslavement of Black Americans From the Civil War To World War II," by Douglas A. Blackmon, which is another examination of the situation of Black America in the American South.

Those are both important contributions to our understanding of American

history. When I look at John Hope Franklin, who died at the age of 94 last month, and the contributions he made and the environment in which he grew up and basically conquered through his success, I look at an individual who had a lot of impact on me when I was a young man trying to put the history of the American South into some context because John Hope Franklin had the courage to not only address Black history but to place it into the context of American history, not to deal with it as a separate issue.

There is a very fine obituary that was written in the Economist April 4 edition which outlined a lot of the high points and the challenges of John Hope Franklin's life. I ask unanimous consent this obituary be printed at the end of my remarks.

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

(See exhibit 1.)

Mr. WEBB. I am going to hit a couple of points in this obituary, then I want to talk about the American South as John Hope Franklin understood it and where we are today, White and Black.

John Hope Franklin grew up in Oklahoma. His father moved to Oklahoma when he was 6 years old to practice law. He had his own challenges in that environment during the Jim Crow laws. He then went to Fisk University, was an outstanding scholar, got a doctorate at Harvard. He became the first African American to lead an all-White history department at Brooklyn College.

He later taught at the University of Chicago, and as the Economist pointed out:

Unlike many after him, he did not see "black history" as an independent discipline and never taught a formal course on it. What he was doing was revising American history as a whole. His books, especially "From Slavery to Freedom" which was first published in 1947, offered Americans their first complete view of themselves.

When I was at Georgetown Law Center, after I left the Marine Corps, and was studying on my own stead, sort of an avocation, of ethnic settlement patterns in America, I was being confronted with a lot of rhetoric that had come out of people who did not understand the American South, who did not really understand that, in truth, the American South has never been White against Black, even during its worst times. It was more a three-tiered than a two-tiered society. It was a small veneer of White aristocrats in many ways manipulating White against Black.

White and Black in the majority of the American South economically differed very little at all. I started reading John Hope Franklin's classic book, "From Slavery to Freedom." I saw that he was an intellectually honest observer, a passionate observer of true history, and he commented in this book on that in 1860, at the height of slavery right before the Civil War began.

Region-wide, less than 5 percent of the Whites in the South owned slaves.

If you think about what the American perception is on the issue of South versus slavery, you will realize what an astounding statistic that happens to be. He also went on to say:

Fully three-fourths of the white people of the South had neither had slaves nor an immediate economic interest in the maintenance of slavery or the plantation system.

So contrary to a lot of rhetoric today and a lot of misunderstanding, John Hope Franklin was giving an actual context that in the South, fully 75 percent of the Whites living alongside Blacks during the Civil War and afterwards had never benefitted from slavery or had never participated in it as an economic institution.

The aftermath of the Civil War was a very difficult time for the American South, White and Black. As I wrote in my book "Born Fighting," between the end of the Civil War and the beginning of World War II, the South was basically an owned place. It was a colonized place and, in fact, it was colonized doubly. It was colonized from the outside, an entire region owned from the outside in its basic infrastructure, its banking systems, its schools not properly funded, and it was also colonized from the inside.

This is the area that we see so many historians commenting on even today; that is, the planters society, early, before the Civil War, became, in many ways, this aristocracy that kept White and Black down at the same time, and it has taken us a very long time to get past that.

In 1933, President Roosevelt published probably the most comprehensive document on the economic conditions of the American South that has ever been written. He pointed out in this document in 1933, the educational base of the South has been decimated, White and Black. Illiteracy in the South was five times as high in the North Central States and more than double the rate in New England than the Middle Atlantic States.

The total endowments of all of the colleges and universities in the South were less than the combined endowments of Harvard and Yale alone. The South was being required to educate one-third of the Nation's children with one-sixth of the Nation's school revenues. The richest State in the South in 1933 ranked lower in per-capita income than the poorest State outside the region.

In 1933, the average annual income in the South was only \$314, while the rest of the country averaged more than \$600. This report pointed out, importantly, using the terms of the time:

Whites and Negroes have suffered alike. Of the 1.8 million tenant families in the region, about 66 percent are white [the South's population at this time was 71 percent white] . . . half of the sharecroppers are white, living under conditions almost identical with those of Negro sharecroppers.

The region had 28 percent of the country's population. In 1937 it had 11 percent of the Nation's bank deposits.