

The PRESIDING OFFICER. The question is on the first-degree amendment, No. 4388, as now amended.

Mr. WARNER. I urge adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4388), as amended, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### THE 220TH ANNIVERSARY OF OUR NATION'S BIRTHDAY

Mr. BYRD. Mr. President, in earlier days of my Senate career, I recall that prior to the Independence Day break, Senators would comment on that great and forthcoming historic day. Seeing no Senator who seeks recognition at this time, I shall take advantage of the opportunity to do a little reminiscing in contemplation of the forthcoming 220th anniversary of our own Nation's birthday.

In a few days, this fair city will throw its annual birthday party. Truly, the Independence Day celebration here in the Nation's Capital, is like nowhere else in the country. It is larger, louder, and features a fireworks display to amaze and delight even the most jaded of watchers.

And I think we all have become jaded. We have gotten away from the old-fashioned patriotism that marked our July 4 holidays of yesteryear. In the national capital, Independence Day really should be a show stopper—a sight and sound extravaganza fit for TV viewing.

While not many things are fit for TV viewing—I should not say it that way—I should say TV viewing is not fit anymore, except on certain occasions, but this is an event that is, indeed, fit for TV viewing.

But, in all honesty, I must admit that it is not my cup of tea. No, I prefer to recall a simpler time and smaller celebrations back in the hills and hollows, and the rural towns of my native West Virginia.

The high school band would don its very best regalia, shine up its buttons and march down the dusty small streets lined with moms and dads, children perched atop shoulders so that they could see and point fingers as the parade went by. The baton twirlers would twirl their batons and step high.

Young boys and girls would run along-side just to be part of the spec-

tacle. Meanwhile, the ice cream cones would drip, drip in the sultry heat, seemingly keeping time with the marchers as they proudly passed by.

Somewhere nearby, perhaps inside a church, cakes, pies, fried chicken, potato salad, cole slaw, baked beans and hot barbecue, and a cold Coca-Cola awaited all who felt inclined to take part in the holiday feast.

And those were the days, Mr. President, when a Coca-Cola really tasted—really tasted—unique, and had an unforgettable flavor. Coca-Cola's today do not taste like they did, like a 5-cent bottle of Coca-Cola did back in the days of my boyhood.

And in the evening, a fireworks display, lasting all of 15 minutes, perhaps 20, and boasting at least three different colors in the night sky would captivate all who could stand in a nearby field or climb the lower branches of a not-too-distant tree.

There was pride and happiness on every face, then respectful silence when the stars and stripes was hoisted high and we all thanked God that we were free.

The stars and stripes fluttering in the breeze. There is just nothing like it. I contemplate those ancient Fourth of July.

I am confident that in the many small towns in my home State and in many other States, the Fourth of July celebration is still much like those that I remember—a joyful, yet thoughtful reflection on our blessed freedoms.

And in the midst of all the small-town hoopla, in these communities, the traditional customs and values which have been the fabric of American society over these 220 years are still preserved and revered.

In this vast, vast Nation which has come to be so dissimilar from one coast to another, and with an economy so diverse that interests seem always to be at war for some kind of advantage, nothing is needed more than are reminders of our common bonds and traditions.

This Nation is an ongoing experiment in making one out of many—"e pluribus unum," as our coins proclaim. Our intricate constitutional system of government tries to combine diverse ethnic and racial backgrounds, competing economic interests, and dissimilar geographic areas into some semblance of manageable commonality, while also attempting to guarantee individual freedoms without undermining the rule of law. Meanwhile, our all too distracted citizens are preoccupied with raising a family, earning a living, and coping daily with the increasing complexity of ordinary life. At times we seem less like a cohesive Nation and more like a collection of continually warring tribes.

Often, especially in this city, there is so much political sniping, so much game-playing, so much negativity and criticism that it seems as if the focus is always on what is wrong with America or what is faulty about our system.

So we all need to stop and contemplate and think and remember on that day, the Fourth of July, and ponder the miracle of Philadelphia: the republic—not the democracy—the Republic of the United States.

Anymore it is only on such special days that we cease the constant barrage of criticism and together appreciate the sweet air of our freedom. Would any of us really choose to live elsewhere? I think not.

On this coming Independence Day, I hope we pause and think about the things that unite us as a people, rather than about the things that seem to divide us. Perhaps also on that day we can spend some time with children and grandchildren, turn off—turn off—the TV sets, turn them off, and hopefully leave them off and actually talk with one another. Maybe some can even find time to go stand on the sidewalk, view that small, local parade, the kind they have in Kentucky and West Virginia, and, just for a moment, be completely swept away by the sight of our glorious flag as it goes by.

Hats off!

Along the street there comes  
A blare of bugles, a ruffle of drums,  
A flash of color beneath the sky:

Hats off!

The flag is passing by!

Blue and crimson and white it shines,  
Over the steel-tipped, ordered lines.

Hats off!

The colors before us fly;

But more than the flag is passing by:

Sea-fights and land-fights, grim and great,  
Fought to make and to save the State;  
Weary marches, sinking ships;  
Cheers of victory on dying lips:

Days of plenty and years of peace;  
March of a strong land's swift increase;  
Equal justice, right and law,  
Stately honor and reverend awe;

Sign of a nation great and strong  
To ward her people from foreign wrong:  
Pride and glory and honor,—all  
Live in the colors to stand or fall.

Hats off!

Along the street there comes  
A blare of bugles, a ruffle of drums;  
And loyal hearts are beating high:

Hats off!

The flag is passing by!

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

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

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with consideration of the bill.

AMENDMENT NO. 4420

Mr. McCAIN. Mr. President, I am happy to say the objection to the Conrad amendment has been removed. I had spoken with Senator CONRAD. I do

not believe he seeks to return to the floor on this issue. If he does, we will give him ample time to speak.

I ask unanimous consent we return to the Conrad amendment, and I ask that the amendment be agreed to.

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

The question is on agreeing to the amendment.

The amendment (No. 4420) was agreed to.

Mr. McCAIN. I move to reconsider the vote and I move to table the motion.

The motion to lay on the table was agreed to.

Mr. McCAIN. Mr. President, I expect us to be able to shortly finish up on this bill. There are still discussions among the leaders on a unanimous consent agreement which we hope we will have in a relatively short period of time. Senator NUNN will be returning, and we will be doing some cleared amendments to the bill. We hope that will happen shortly.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, I ask that I be permitted to speak 2 minutes as in morning business.

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

#### ACCOLADES TO SENATOR BYRD

Mr. DOMENICI. Mr. President, I note the presence on the floor of Senator BYRD. I wanted to say to him yesterday—I was not on the floor, but I happened to listen to the comments the Senator made with reference to alcoholism and the problem it presents in the United States, and more particularly his concern about the Seagram & Sons company violating or breaching the pact that had been agreed upon years ago that hard liquor would not be advertised either on radio or television.

I wanted to come down then and congratulate the Senator on his remarks and indicate that it made me very proud to hear a Senator come to the floor and speak as the Senator did about that issue. That does not mean I have to agree with every bit of the substance of the Senator's comments, but I do want to say that I thought it was very courageous on your part, Senator, to come to the floor and share those views with Americans, and obviously with the company that has proposed to change this many-year-old agreement, voluntary as is. They are not violating any law, and you made that clear. They are not in breach of any rules or regulations of the U.S. Government.

I thought it was very timely that you addressed that issue. I want to once

again congratulate you on it and indicate that I think those kind of remarks are absolutely necessary and they must be made by people in positions such as ours. Again, I congratulate you on the remarks.

Mr. BYRD. Mr. President, I thank the very distinguished Senator, my friend from the State of New Mexico.

Mr. DOMENICI. Mr. President, I yield the floor.

Mr. McCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### TRIBUTE TO ELBERT PARR TUTTLE, SR.

Mr. NUNN. Mr. President, I rise today in tribute to Judge Elbert P. Tuttle, Sr., who died in Atlanta this week at the age of 98. He was an extraordinary man who served his Nation in many important capacities, but whose service was best characterized by two words: wisdom and courage.

Judge Tuttle was born on July 17, 1897, in Pasadena, CA. He lived in California and Washington, DC, before he and his family moved to Hawaii in 1906. He graduated from Punahou Academy in 1914, and he then attended college at Cornell University. Judge Tuttle received his bachelor of arts degree in 1918. Following service in World War I as a second lieutenant in the U.S. Army Air Corps, he returned to Cornell and received his law degree in 1923.

In 1923, Judge Tuttle moved to Atlanta and established, along with his brother-in-law, William Sutherland, a tax practice. With but one notable exception, he continued this law practice for the next 30 years.

The exception, however, is very notable. Judge Tuttle resumed his active duty military career during World War II. He served as commander of the 304th Field Artillery, 77th Infantry Division and saw action in Guam, Okinawa, Leyte, and Ryukyu. He was decorated for bravery under fire, and was awarded several medals for his actions, including the Purple Heart with Oak Leaf Cluster and the Bronze Star. After the end of World War II, Judge Tuttle rose to the rank of brigadier general in the U.S. Army Reserve before his retirement. In recognition for his long service to our Nation, President Carter awarded Judge Tuttle with a Medal of Freedom in 1981.

During his 30 years of private practice, I believe there are two events which demonstrate Judge Tuttle's character and his commitment to preserving the rights of all Americans.

The first event occurred in 1931. One night Judge Tuttle, than a major in

the Georgia National Guard, received a call from the Georgia adjutant general about a "near riot" in Elbert County, GA. A mob had formed intent on lynching two black men in custody for allegedly raping a white woman. Through the use of tear gas, the threat of machine guns, and the deployment of Georgia National Guardsmen with bayonets drawn, Major Tuttle was able to escort safely the two prisoners away from the scene and defuse the situation—all without serious injury to anyone involved.

Judge Tuttle later represented one of the prisoners on appeal in a case before the Supreme Court. He successfully argued that the defendants were denied due process since they had been convicted by a jury unfairly influenced by a mob. Although the defendants later lost on retrial, Judge Tuttle's efforts established an important foundation for the rights of blacks in our courts.

The second action concerned a case involving a marine accused of counterfeiting. Judge Tuttle filed an appeal that resulted in the Supreme Court ruling that an indigent accused of a Federal felony is entitled to legal representation. More than a quarter century later, Supreme Court rulings affirmed these same rights to defendants in State courts.

Mr. President, by this time, Judge Tuttle's career was a storied one. He had helped found a law firm, which is now one of the most prestigious in the country. His actions in the courtroom reaffirmed precious constitutional notions of due process and equal protection. He was a devoted husband, father and community leader. Even to the dismay of some of my Democratic forefathers, he found time to breathe new life into the two party system in Georgia.

However, these accomplishments were just the beginning of his career. In 1953, Judge Tuttle was selected by President Eisenhower as the general counsel for the Department of the Treasury. In 1954, President Eisenhower appointed Elbert Tuttle to the Fifth Circuit U.S. Court of Appeals. The "historic Fifth" then had jurisdiction over the Federal courts in Florida, Georgia, Alabama, Mississippi, Louisiana, Texas, and the Panama Canal Zone. Judge Tuttle became chief justice of this court in 1961, a position he held until 1967 when at age 70 he was required to take senior status. Judge Tuttle continued his active work for the court almost another 30 years.

It was on this bench that Judge Tuttle left his mark throughout the modern South. During his tenure, the court was itself at the forefront of the civil rights movement. Under his leadership as chief justice, Judge Tuttle's decisions and opinions had a significant impact on ending racial discrimination in voting, jury selection, equal access to public facilities and education. He issued decisions that resulted in the desegregation of Southern universities and the improvement of