



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146

WASHINGTON, MONDAY, OCTOBER 2, 2000

No. 120

Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 12 noon, on the expiration of the recess, when called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, source of enabling strength, we thank You that You have promised, "As your days, so shall your strength be."

As we begin a new week, it is a source of both comfort and courage that You will be with us to provide the power to finish the work to be accomplished before the recess. Help us to trust You each step of the way, hour by hour, issue after issue. Free us to live each moment to the fullest. We commit to Your care any personal worries that might cripple our effectiveness. Bless the negotiations on the budget. We ask that agreement may be reached.

Father, be with the Senators. Replace rivalry with resilience, party prejudice with patriotism, weariness with well-being, anxiety with assurance, and caution with courage. Reclaim that magnificent promise through Isaiah, "But those who wait on the Lord shall renew their strength; they shall mount up with wings like eagles; they shall run and not be weary; they shall walk and not faint." Is. 40:31. May it be so for the Senators all through this week. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The honorable JEFF SESSIONS, a Senator from the State of Alabama, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

Mr. LOTT. I thank the Chair.

THE PRESIDENT PRO TEMPORE

Mr. LOTT. Mr. President, we note with great pleasure that the distinguished President pro tempore, Senator THURMOND of South Carolina, is present and accounted for, as always. We are truly blessed and thankful for the indomitable spirit and the magnificent personality and the leadership of Senator THURMOND. It is good to see him here looking great this morning.

Mr. THURMOND. Thank you very much.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will be in a period of morning business until 2 p.m. with Senators THOMAS and BYRD in control of the time.

Following morning business, the Senate will resume consideration of the motion to proceed to S. 2557, the bill regarding America's dependency on foreign oil. At 5:30 p.m. the Senate will proceed to a vote on the conference report accompanying the energy and water appropriations bill unless some other agreement is reached. As a reminder, on Tuesday morning the Senate will begin final debate on the H-1B visa bill with a vote scheduled to occur at 10 a.m. Therefore, Senators can expect votes at 5:30 p.m. this evening and 10 a.m. tomorrow.

I thank my colleagues for their attention.

I might also note that we could have a vote or votes on the Executive Calendar this afternoon. So there could be at least two votes beginning sometime

around 5:30, maybe as many as three. And then, of course, there will be the other vote at 10 a.m.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from West Virginia is recognized now for 60 minutes.

Mr. BYRD. I do not expect to take 60 minutes, but I thank our floor staff for arranging for me to use that time.

A CATSKILL EAGLE

Mr. BYRD. Mr. President, on a cold winter afternoon in 1941, a young boy of fourteen went about his daily business, engaged in his humble profession. I can imagine that to many of the pedestrians who made their way down Central Park West that day, this youngster perhaps was nothing extraordinary, just another shoeshine boy. However, this was not just another winter day; it was December 7, 1941. It marked the beginning of America's active participation in the greatest struggle of the twentieth century, a war that would take this boy and make him a man. And it was, perhaps, the last time DANIEL PATRICK MOYNIHAN was left standing on the sidelines as the controversies and events that would affect our Nation unfolded. So this was not just another boy. Today, I honor this man and commemorate his transformation from a humble shoeshine boy to the senior Senator from the State of New York. It is with a heavy heart, a heart that is filled with admiration, that I bid Senator MOYNIHAN farewell and thank him for his ceaseless efforts on behalf of the people of New York and this Nation.

He will not be leaving this afternoon or tomorrow or the next day, but this is his final year, by his own choice, in which he will serve the Nation and his State of New York from his position in this Chamber.

Raised by a journalist and a bar-keep in Manhattan's melting pot, Senator

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S9559

MOYNIHAN climbed the ladder of academia with the calloused hands of a blue-collar laborer to become a man of accomplishment and great learning, the embodiment of the American Dream. He once arrived for an examination at City College of New York with a dockworker's loading hook tucked into his back pocket next to his pencils, as if it were a study in contrasting worlds.

It was this unrelenting desire, this hunger, this thirst for knowledge that led this former shoeshine boy from the sidewalks of New York, that led this longshoreman who had worked out in the cold with the swirling snow and the wintry winds about him, to his improbable destiny in the life of our Nation.

Having served honorably in the U.S. Navy during World War II as a gunnery officer aboard the U.S.S. *Quirinus*, he earned a doctorate from the Fletcher School of Law and Diplomacy in 1961. He taught briefly at both Harvard University and Tufts University and then worked in a series of high positions in the Kennedy, Johnson, Nixon, and Ford administrations. Now get that, high positions in four administrations—the Kennedy, the Johnson, the Nixon, and the Ford administrations. He became the first and only man ever to serve in the Cabinets or subcabinets of four successive Presidents.

What an outstanding career. What an outstanding man for that career. However, this was only the beginning, for this great thinker among politicians. He was also to become one of the finest politicians among thinkers.

A true visionary, Senator MOYNIHAN is the kind of philosopher-politician who the Founding Fathers had fervently hoped would populate the Senate. Men, who, like Socrates' philosopher-kings described in Plato's Republic, "are awake rather than dreaming"—men who have broken the bonds of ignorance and have sought the truth of fine and just and good things, not simply the shapes and the half-defined shadows of the unthinking world; men who have shared the light of their learning, illuminating the path for others—some of whom always seem to be left in the dark.

If there is, in fact, one man among those of us in the Senate who truly epitomizes Socrates' philosopher-king, it is surely, indubitably, and without question, the senior Senator from the State of New York, Mr. MOYNIHAN.

With a pragmatic eye and a unique talent for seeing the issues that face our Nation on a larger scale—on a grand scale—Senator MOYNIHAN has spent most of his life breaking through the partisan politics inside this beltway. He possesses both a startling ability to foresee future problems, far beyond the ken of most men, and the courage to address these problems before they become apparent to common men. Issues that few others tackle with insight, such as Social Security, health care, and welfare reform, he has passionately addressed for many years—

crossing party lines, challenging every administration—and all without personal concern for political backlash. Simply put, Senator MOYNIHAN states facts, the cold, hard truths that many others in high places refuse to face and that some are unable to see. His conscience is his compass, and his heart is steadied by his unfaltering belief in the power of knowledge and the possibilities of government.

As Senator MOYNIHAN steps away from his desk on the Senate floor for the final time—he will never step away from it in my memory. I will always see him at that desk. I will always see his face—that unkempt hair, the bow tie, the spectacles which he frequently readjusts. I can hear him say: "sir; sir."

As he steps away from his desk on the Senate floor for the final time, he will walk away with his head held high, with his legacy intact, and with a distinguished and singular place in our Nation's history well secured. He will always be looked to as a leader of men, as an author of many books—more books than most Senators have read—and as a compassionate intellectual who has no peer in this Senate, who has used his considerable talents to become one of the principal architects of our Nation's foreign policy and our Nation's social security safety net. He will be remembered thusly, for these and more.

U.S. Permanent Representative to the United Nations, author of the Welfare Reform Act of 1988 and the Intermodal Surface Transportation Efficiency Act of 1991, chairman of the Senate Committee on the Environment and Public Works from 1992 to 1993, chairman of the Senate Committee on Finance from 1993 to 1994, DANIEL PATRICK MOYNIHAN has left his indelible mark on this country.

He served as the chairman of that Finance Committee, one of the oldest of the few committees that sprang into being early, I believe it was in 1816. It was from that Committee on Finance that the Appropriations Committee was carved in 1867, a half century later. In the beginning, the Finance Committee handled both the finance and the appropriations business of the Senate. The Finance Committee was well led when DANIEL PATRICK MOYNIHAN sat in the chair.

I certainly will never forget the role that Senator MOYNIHAN played in our battle against the line-item veto. Like Socrates' quoting the shade of the dead Achilles in Homer's epic, the "Odyssey," Senator MOYNIHAN would rather, "work the Earth as a serf to another, one without possessions," and go through any sufferings, than share their opinions and live as they do."

Incapable of indifference and unable to sit by as others were paralyzed by ignorance, Senator MOYNIHAN rose up and fought the good fight—the just fight—and he won, sir. He won.

In the 24 years that Senator MOYNIHAN has walked the marble halls of

the Capitol, he has graced us all with intellectual vigor and a stellar level of scholarship. He has helped us all to ascend the path of true knowledge and reach for wisdom. Each of us, Democrat and Republican alike, recognizes that when Senator MOYNIHAN speaks, we should listen for we may learn something that could fundamentally shift our thinking on a given matter. Senator MOYNIHAN has been a guiding light, a sage of sages, the best of colleagues, and always, always a gentleman—always a gentleman.

On this day, when I state this encomium in my feeble way—feeble because I cannot meet the challenge, strive though I must, I cannot meet the challenge to gropingly find the appropriate words to express my true and deep abiding admiration and love. I cannot find it for this man.

I have served with many men and women in this Senate. Everyone here knows of my great admiration for some of those men—I say "men" because, for the most part, of these more than two centuries, only men served in this body. Every colleague of mine knows of my deep admiration for certain former Senators—Senator Richard Russell, Senator Russell Long, Senator Lister Hill, Senator Everett Dirksen, and others—and yet Senator MOYNIHAN is uniquely unique. He is not the keeper of the rules as was Senator Russell. He is not the great orator that was Senator Dirksen, but this man is unique in his knowledge, in his grasp of great issues, in his ability to foresee the future and to point the way, always unassuming, always courteous, always a gentleman. Ah, that we could all be like this man!

I wish I could have been so fortunate as to sit in Senator MOYNIHAN's classes at Harvard or, to paraphrase Garfield, on a log in the West Virginia hills with PAT MOYNIHAN on one end and me on the other. That is the picture I have of one to whom I look up, one whom I admire and at whose feet I would gladly sit to learn the lessons, the philosophy, the chemistry of the times.

Erma and I offer our best wishes to his lovely and gracious wife Elizabeth as our esteemed colleague, Senator MOYNIHAN, embarks on yet another adventure—retirement. I thank him for being this special man, always a philosopher-Senator. He will be sorely missed here. Whence cometh another like him?

Herman Melville, in his classic work, *Moby Dick*, said this:

There is a Catskill Eagle in some souls that can alike dive down into the blackest gorges and soar out of them again and become invisible in the sunny spaces. And even if he forever flies within the gorge, that gorge is in the mountains; so that even in his lowest swoop, the Mountain Eagle is still higher than the other birds upon the plain, even though they soar.

Many who have passed through these halls have soared, but very, very few could ever truly be likened to a Catskill Eagle.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. When I arrived at the Senate near 25 years ago, it was very clear to me that I would look to ROBERT C. BYRD as my mentor; and he has been. I have sat at the foot of this Gamaliel for a quarter century. As I leave, sir, he is my mentor still. I am profoundly grateful.

If I have met with your approval, sir, it is all I have hoped for. I thank you beyond words. And I thank you for your kind remarks about Elizabeth. And my great respect and regard to Erma.

Thank you, Mr. President.

Mr. BYRD. Mr. President, I thank the Senator.

REMEMBERING CARL ROWAN

Mr. BYRD. Mr. President, recently, a great voice was silenced when Carl Thomas Rowan passed away. As a newspaper columnist, he articulated the problems and predicaments of working Americans. As a Presidential advisor, Mr. Rowan spoke for the rights not only of minorities but also for all Americans who were getting the short end of the stick, as we say back in the West Virginia hills.

Carl Rowan and I came from similar backgrounds. We both grew up in poor coal-mining communities and we never forgot our roots. Carl often talked about growing up without running water, without electricity, without those basic amenities that so many people take for granted today. As they did for me, those humble beginnings provided Carl Rowan with the burning desire to make a difference in his community and in his country. And make a difference he did.

The only thing stronger than Carl Rowan's voice was his conviction. He stood for basic principles—equality and freedom—and those principles guided him at every step in his life. Earlier this year, Carl Rowan wrote:

Men and women do not live only by what is attainable; they are driven more by what they dream of and aspire to that which might be forever beyond their grasp.

That ideal resonated not only in his columns but also in his life. Instead of simply bemoaning the fact that a college education was too expensive for many underprivileged children, Mr. Rowan in 1987 created the Project Excellence Foundation, which has made nearly \$80 million available to students for academic scholarships. Instead of allowing the amputation of part of his right leg to slow him down, Mr. Rowan walked—and even danced; even danced—faster than doctors expected, and he then pushed for greater opportunities for the disabled. When others saw obstacles, Carl Rowan saw challenges. When others saw impossibilities, Carl Rowan saw opportunities. Instead of cursing the darkness, Carl Rowan lighted the candles.

Mr. Rowan wrote:

Wise people will remember that the Declaration of Independence and the Preamble to our Constitution are mostly unattainable

wishful thinking or make-believe assertions that were horizons beyond the reality of life at the time they were written.

Carl Rowan always reached beyond the horizon—he always went beyond the horizon—and he helped others to aspire to do the same. With the passing of Carl Rowan, journalism has lost one of its best, the underprivileged have lost a friend, and the Nation has lost a part of its social conscience.

Mr. President, I yield the floor and 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. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

JOSEPH A. BALL

Mr. SPECTER. Mr. President, I have sought recognition to comment upon the death of one of America's great lawyers, Joseph A. Ball. On Saturday, the New York Times carried an extensive account of his background and history and accomplishments. I ask unanimous consent that at the conclusion of my remarks the copy of the New York Times article be printed in the RECORD.

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

(See Exhibit 1.)

Mr. SPECTER. The Times article details the specifics on the positions held by Mr. Ball in the lawyers associations, his professorial associations as a teacher, his experience as a criminal lawyer, and his experience, most pointedly, as one of the senior counsel to the Warren Commission, the President's commission which investigated the assassination of President Kennedy. It was on the Warren Commission staff that I came to know Joe Ball.

The original complexion of the Warren Commission on staffing was that there were six senior counsel who were appointed and six junior counsel. That distinction was replaced by putting all of the lawyers under the category of assistant counsel. But if there was a senior counsel, it was Joe Ball.

Then, in his early sixties, he was a tower of strength for the younger lawyers. When the commission began its work, I was 33. Most of the junior lawyers were about the same age. We looked to Joe Ball for his experience and for his guidance. He had a special relationship with Chief Justice Earl Warren, which was also helpful because Joe Ball could find out what Chief Justice Warren had in mind in his capacity as chairman and provide some valuable insights that some of the younger lawyers were unable to attain.

Joe Ball worked on what was called area two, along with the very distinguished younger lawyer, David Belin from Des Moines, IA. Area two was the area which was structured to identify

the assassin. Although the initial reports had identified Lee Harvey Oswald as the assassin, and on television, on November 24, America saw Jack Ruby walk into the Dallas police station, put a gun in Oswald's stomach and kill him, the Warren Commission started off its investigation without any presumptions but looking at the evidence to make that determination as to who the assassin was.

My area was area one, which involved the activities of the President on November 22, 1963. There was substantial interaction between the work that Joe Ball and Dave Belin did and the work which was assigned to me and Francis W.H. Adams, who was senior counsel on area one.

Frank Adams had been New York City police commissioner and had been asked to join the Warren Commission staff when Mayor Wagner sat next to Chief Justice Warren at the funeral of former Governor and former Senator, Herbert Lehman. Mayor Wagner told Chief Justice Warren that Frank Adams, the police commissioner, knew a lot about Presidential protection and had designed protection for motorcades in New York City, with dangers from tall buildings, which was an analogy to what happened to President Kennedy.

There was question as to how we would coordinate our work, and it was sort of decided that Joe Ball and Dave Belin would investigate matters when the bullet left the rifle of the assassin in flight, which was no man's land, and when it struck the President. That came into area one, which was my area: the bullet wounds on President Kennedy, the bullet wounds on Governor Connally, what happened with the doctors at Parkland Hospital, what happened with the autopsy, all matters related to what had happened with President Kennedy.

We had scheduled the autopsy surgeons for a Monday in early March. They were Lieutenant Commander Boswell, Lieutenant Commander Humes and Lieutenant Colonel Pierre Finck. The autopsy was done at Bethesda, where President Kennedy was taken, because of the family's preference that he go to a naval installation because he was a Navy man, so to speak, who had served in the Navy.

The testimony was to be taken on this Monday in March. There was quite a debate going on with the Warren Commission staff as to whether we should talk to witnesses in advance. It seemed to many of us that we should talk to witnesses in advance so we would have an idea as to what they would testify to so we could have an orderly presentation, which is the way any lawyer talks to a witness whom he is about to call. The distinguished Presiding Officer has been a trial lawyer and knows very well to what I am referring. There was a segment on the Warren Commission staff which thought we should not talk to any witnesses in advance, lest there be some overtone of influencing their testimony. Finally, this debate had to come