

proud of its distinguished and remarkable achievements in athletics, research, and academics.

Saturday's dramatic football victory fills the alumni, staff, students and friends of the university with understandable pride. And, importantly, our entire state of North Dakota shares the pride in this memorable triumph.

And so I salute the school's administration, athletic program, football staff—led by coach Dale Lennon, and, most importantly, the young men of the University of North Dakota football team. The hard work, the long hours, and the pain have paid off. We can all learn important lessons about life from these champions—lessons about perseverance, about working together and helping each other, about being a good sport.

In fact, one of the images from the game that's brightest in my mind is how the members of the Sioux team were repeatedly helping their opponents up off the turf and patting them on the back in an encouraging way it was an admirable display of sportsmanship.

These scholar-athletes play football because they love the game and, in the process, serve as role models for youngsters. In fact, they can serve as role models for the adults of this world.

And we can savor the feeling of having national champions in our midst. My congratulations to a truly superb team.

AMTRAK AMENDMENT ON DOD APPROPRIATIONS

Mr. MCCAIN. Madam President, late Friday night the Senate agreed to an amendment to the Department of Defense appropriations bill related to Amtrak. The amendment bars the use of Federal funds or revenues generated by Amtrak for preparation by Amtrak of a liquidation plan, until Congress has reauthorized Amtrak. This amendment does not, however, affect in any way the obligation of the Amtrak Reform Council to prepare and submit to Congress a plan to restructure Amtrak. Nor does it affect in any way the existing law with respect to Congressional review of the restructuring plan, and the requirement, if a restructuring proposal is not approved, for Congressional consideration of a liquidation disapproval resolution. Given Amtrak's dire financial situation, as identified by the ARC, the GAO, and the DOT Inspector General, Congress must take action early next session to provide for a restructured and rationalized passenger rail system.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to

current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in August 1990 in Burlington, VT. A gay man was brutally assaulted by two men. The assailants, Dominic P. Ladue, 28, and his brother Richard W. Ladue, 17, were convicted in connection with the assault. Dominic LaDue was sentenced to 2½ to six years in prison under Vermont's hate crime law.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

THE ANTI-WESTERN IMPULSE

• Mr. KYL. Mr. President, John O'Sullivan is one of the wisest men I know. Advisor to Margaret Thatcher, editor of National Review and author of political commentary here and abroad, O'Sullivan has been concerned for years about the future of Western civilization in general and the United States in particular.

In the December 17, 2001 issue of National Review, he weaves together ideas of John Fonte of the Hudson Institute, Samuel Huntington and James Burnham to elaborate on his theme that our civilization is under fundamental assault from modern liberalism, what he calls an "anti-Western impulse" assaulting "the institutions invented by classical and constitutional liberalism in its great creative phase, not merely the free market, but also individual rights, free scientific inquiry, free speech, the rule of law, majority rule, democratic accountability, and national sovereignty."

Skeptical? Then I challenge you to read what follows: "Safe for Democracy, and a Nation—The idea of this country post-9/11." It is the best statement I've seen of the challenges we face from what Fonte calls "trans-national progressivism."

I ask that the commentary be printed in the RECORD.

The commentary follows.

[From the National Review, Dec. 17, 2001]

SAFE FOR DEMOCRACY, AND A NATION—THE IDEA OF THIS COUNTRY POST-9/11
(By John O'Sullivan)

One of the difficulties bedeviling political science is the protean nature of political words. As Robert Schuettinger pointed out in his study of European conservatism, the phrase "a conservative socialist" could mean a hardline Stalinist, a social-democratic revisionist, or merely a socialist who dressed and acted in a modest, inconspicuous way. When words like "conservative" and "liberal" are being used, context is all. So the theme of this article is advertised in neon when I begin with the definitions of these

philosophies advanced by two distinguished American political theorists: Samuel Huntington and James Burnham.

Writing in The American Political Science Review in 1957, Huntington defined conservatism as that system of ideas employed to defend established institutions when they come under fundamental attack. As Huntington himself put it: "When the foundations of society are threatened, the conservative ideology reminds men of the necessity of some institutions and the desirability of the existing ones."

And in his 1964 book, The Suicide of the West, James Burnham described liberalism as "the ideology of Western suicide"—not exactly that liberalism caused that suicide; more that it reconciled the West to its slow dissolution. Again, as Burnham himself put it: "It is as if a man, struck with a mortal disease, were able to say and to believe, as the flush of the fever spread over his face, 'Ah, the glow of health returning' . . . If Western civilization is wholly vanquished . . . we or our children will be able to see that ending, by the light of the principles of liberalism, not as a final defeat, but as the transition to a new and higher order in which mankind as a whole joins in a universal civilization that has risen above the parochial distinctions, divisions, and discriminations of the past."

If we put these two quotations together, the function of contemporary conservatism becomes clear: to defend the institutions of Western civilization, in their distinct American form, against a series of fundamental assaults carried out in the name of liberalism and either advocated or excused by people calling themselves liberals.

To say that liberalism advances Western suicide, of course, is to say something controversial—but something much less controversial than when Burnham wrote forty years ago. When Ivy League students from mobs chanting "Hey, hey, ho, ho, Western Civ has got to go," when their professors happily edit the classics of Western thought out of their curricula, and when the politicians preside happily over a multicultural rewriting of America's history that denies or downplays its Western roots, no one can plausibly deny that an anti-Western impulse is working itself out.

This liberal revolution is an assault on the institutions invented by classical and constitutional liberalism in its great creative phase—not merely the free market, but also individual rights, free scientific inquiry, free speech, the rule of law, majority rule, democratic accountability, and national sovereignty. It promises, of course, not to abolish these liberal institutions so much as to "transcend" them or to give them "real substance" rather than mere formal expression. In reality, however, they are abolished, and replaced by different institutions derived from a different political philosophy. John Fonte of the Hudson Institute has mapped out the contours of this revolution in a series of important essays, and most importantly in "Liberal Democracy vs. Transnational Progressivism." What follows in the next few paragraphs borrows heavily from his work, though the formulations are mine. Among the more important changes advanced by transnational progressivism (as I shall here follow Fonte in calling it) are:

One: The replacement of individual identities and rights by group identities and rights. Race and gender quotas are the most obvious expression of this concept, but its implications run much further—suggesting, for instance, that groups as such have opinions or, in the jargon, "perspectives." Individuals who express opinions that run counter to the perspectives of their group, therefore, cannot really represent the group.

Two: An attack upon majority rule as the main mechanism of democratic government. Majority rule, its opponents contend, gives insufficient weight to minority or "victim" groups, and should be replaced by a power-sharing arrangement among different groups. This ambitious concept has not been totally enacted anywhere, but steps towards it have been taken. The Voting Rights Act, for example, requires that election districts be drawn in such a way as to ensure specific racial outcomes; and some European nations have recently introduced laws requiring political parties to ensure that a given percentage of their election candidates are women.

Three: Transferring power from political institutions directly accountable to the voters, such as Congress, to judges, bureaucratic agencies, and international organizations outside the control of the voters. Originally, this transfer of power required the consent of the elected bodies; increasingly, however, judges interpret international law, including treaties that have not been ratified or that have been greatly expanded in scope since ratification, as overriding domestic law. This process, still in its nervous infancy in the U.S., is far advanced in the European Union—where the courts have overruled national legislatures on issues as different as territorial fishing rights and the right of soldiers to become pregnant. If allowed to continue, this trend must first erode and eventually render obsolete both national sovereignty and self-government.

Four: De-constructing and re-constructing the self-understanding of America. Every nation has a sense of itself and its history that is embedded in a national narrative marked by heroic episodes. In this traditional narrative, America is the progressive universalization of English civilization—Magna Carta expanded to accommodate slaves, and later immigrants, and enriched by the cultures they brought with them. It is therefore a branch of a branch of Western civilization; but multiculturalism seeks to undermine this self-understanding and to replace it with an entirely different narrative, in which America is seen as a "convergence" of European, African, and Amerindian civilizations (and therefore the natural basis for a political system based on group identities and rights). This re-constructionist impulse has become the orthodoxy in many public schools.

Five: Re-constructing the people by mass immigration from other cultures. As long as new immigrants are assimilated into the existing nation, no problem arises; if assimilation fails to occur, the nation is gradually dissolved into a Babel of different cultural groups with conflicting allegiances. Under existing law, however, assimilation is not only made difficult by the sheer numbers of people arriving, it is also discouraged by official policies of multiculturalism and bilingualism.

Six: Divorcing citizenship from nationality and bestowing the rights of citizens—including the right to vote—on all residents in the nation, including illegal immigrants. According to this theory, citizenship should be carried on an immigrant's back to whichever nation he manages to sneak into. If seriously implemented in law, it would transform nations into mere places of residence; the symbol of this kind of citizenship is Mohamed Atta, the hijacker who destroyed the World Trade Center.

In the post-national world Fonte described, nations are no longer peoples united by a common history and culture, and "the mystic chords of memory"; they are simply the varied inhabitants of an arbitrary piece of real estate. Political authority is no longer constitutionally limited and located in particular national institutions; it is diffuse,

and scattered among bodies at different levels. Politicians no longer have to take responsibility for hard decisions; they can pass them onto higher organs of unaccountable power. Civic patriotism is no longer the prime civic virtue; it is displaced either downwards, by a narrow ethnic loyalty, or upwards, by a cosmopolitan loyalty to international institutions.

But a terrible beauty has not been born. Instead, Leviathan, by dividing itself up into several spheres, has slipped free of constitutional restraints and popular control. For the ordinary voter the world has become a mysterious place, far more difficult to navigate, let alone control. For political elites, it has become a market in power in which bureaucrats, pressure groups, businesses, and international lawyers exchange favors behind a veil of post-national irresponsibility.

For years, this progressivist revolution proceeded rapidly, chiefly because the public was paying little or no attention to it. But whenever it emerged into the light of controversy—as when Lani Buiner's nomination led to the revelation that law professors believed in something like John C. Calhoun's "concurrent majorities"—the public reacted violently against it. The typical lack of public interest was due in part to the GOP's nervous reluctance to raise such issues as racial preferences, bilingual education, or even the International Criminal Court. Although conservatism dictated a principled defense of the Constitution against these attacks, the Republicans backed off. In effect, they went from ignoring such assaults under Reagan, to going along with them quietly under George H. W. Bush; to even embracing some of them with a show of enthusiasm under George W. Bush. If the revolution were to be stopped, the political equivalent of a thunderbolt would be required.

To everyone's horror, that thunderbolt was delivered, in the form of the attack on September 11; as everyone agrees, that changed everything. In particular it revealed that America had deep reserves of patriotism and that there was a wide, though not universal, desire for national unity. In one terrifying moment, it created or revived constituencies for a firm assimilationist approach, for tighter immigration policies that protected U.S. security, for a reading of American history as the narrative of a great achievement, and for the celebration of U.S. power against all the recently fashionable follies of post-nationalism. In foreign policy, the Bush administration met this public appetite with a clear declaration of war on terrorism, and a clear military strategy for waging it; it has been rewarded for this with high popular support.

In domestic policy, however, it has been largely inert—preferring to constrain liberties internally rather than to strengthen protections against external threats. In the less tangible but vitally important matter of national unity and moral, it has concentrated entirely on (very proper) warnings against anti-Muslim sentiment—but without asking for expressions of loyalty from Muslim leaders or, more generally, asking immigrant communities to make a public commitment of their loyalty to the American nation. That is a profound mistake. Most immigrants would be happy to make such a commitment; it is America's cultural elites who would resist it most strongly.

But then, they are the shock troops of post-national progressivism; and they would realize that the demand for loyalty would be an unmistakable sign that America had recovered complete confidence in itself, in its own institutions of constitutional democracy, and in its historical mission. Without such a demand, moreover, many decent moderate people might drift idly into the kind of

multicultural extremisms that helped shelter the World Trade Center attackers. For, as Americans above all should know, you can't beat something with nothing.

This, then, is a moment of great significance and opportunity in American politics. Democracy and the nation-state are the Siamese twins of political theory; democracy rarely survives apart from its twin. Every attempt to create a multicultural democracy either has failed or is deeply troubled. Bush could very reasonably weave a national appeal around the theme of defending American democracy—with equal emphasis on both words. It would resonate strongly with the American majority; command the support of many voters in minority groups; provide the GOP with a raft of popular domestic policies; and attract Democratic constituencies such as patriotic blue-collar workers. and if such an appeal is not made, the progressivist revolution is going to end up winning.●

IN MEMORY OF JAMES CLOEREN AND JERRY NORTON.

• Mr. SARBANES. Mr. President, on October 30, the State of Maryland, our Nation, their families and the Johns Hopkins Applied Physics Laboratory lost James Cloeren and Jerry Norton in a tragic accident. They died while flying their experimental aircraft near Westminster, MD.

James Cloeren and Jerry Norton were engineers and world renowned experts on ultra-stable oscillators used in satellites for navigation. They spent their careers advancing the technical development of our national space program, both defense and civilian. They built custom oscillators for the National Aeronautics and Space Administration, the Jet Propulsion Laboratory and the European Space Agency. Oscillators are precision instruments, similar to a clock that would lose no more than a second in a million years. Clocks on data-collecting satellites must be precise and endure radical changes in temperatures and shifts in magnetic pull. The Jet Propulsion Lab described their instruments as "the finest in the solar system in terms of the cleanliness and stability of their output". At the time of their deaths they were working to complete four oscillators that are the heart and soul of a pair of NASA satellites. Using ultra stable oscillators, the satellite will measure small gravitational perturbations that reflect climate changes. The satellite program is called GRACE. Their colleagues at APL are working hard to finish Mr. Cloeren's and Mr. Norton's work. NASA has directed APL to affix the names of Jim and Jerry upon the oscillators in recognition of their pioneering work in space. What a fitting monument that these two satellites will carry the names of these two colleagues who were united in work, friendship and death.

Mr. Cloeren had worked at APL for 20 years and Mr. Norton for 40 years.

Our thoughts and prayers go out to Jim's wife Sally of Westminster, MD and daughter Cathy Racow of Boca Raton, FL and Jerry's wife Ann and