

Mr. REID. Will the Senator yield?

Mr. BINGAMAN. I yield.

Mr. REID. I thank the Senator from New Mexico.

Not only was he a fixture in the restaurant, but he retired once. The reason his retirement was curtailed is that he, as the gracious, good man he was, cosigned a note for someone, and that person didn't pay that note. Rather than his defaulting on the note, he came back to work, out of his retirement, so he could do the honorable thing and pay that debt of someone else. He was a good man. I am sorry. I did not know of his passing until just now, and I certainly will miss him in the Senate restaurant.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. 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 detail a terrible crime that occurred June 13, 2001 in Santa Maria, CA. Michael "Mike" Barry stabbed a gay man, Chris Allen Madden, 32, to death. Mike Berry, 21, was charged with murder and committing a hate crime. Barry allegedly bragged to friends that he "killed a faggot."

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.

#### EXECUTION OF TIMOTHY McVEIGH

Mr. FEINGOLD. Mr. President, on this day, my thoughts are with the victims of Timothy McVeigh, and with their families. I hope that the spectacle of these last few weeks, leading to this execution, has not caused them further pain. McVeigh was cowardly and cruel, and I shall not dwell upon his memory or indulge his desire to be seen as a martyr. I rise today to speak on his execution not because I wish to add to the burdens of this day, but because I do not want it said that those of us who oppose the death penalty stood silently by.

Today, the question we need to ask is not: Was McVeigh a despicable killer, of course he was.

Rather, the questions we should ask are these: Does the death penalty serve us and our best American ideals, does it always serve justice, is it administered fairly, is it sometimes imposed upon people who are innocent.

The records will note that the cause of McVeigh's death was homicide, the intentional killing of one human being by another. The execution of even this

most notorious murderer should prompt us anew to reconsider the idea of our government killing people in our name, and perhaps to begin to acknowledge the growing American belief that the time has come to stop and learn the answers to the questions that plague the death penalty, before we proceed with any further executions.

We have an opportunity to turn another way on the death penalty. The next scheduled federal execution is that of Juan Raul Garza. His execution has been stayed until June 19 in light of the questions raised about regional and racial disparities in the federal death penalty system.

But the Justice Department now has declared that it will not wait until those questions are answered by an ongoing National Institute of Justice study before proceeding with his execution. They have gone so far as to declare that there is no bias in the system, even though the study has not come close to completion. Until we are certain of the fairness of the process and these questions are resolved, Garza should not be executed in our name. That's the real and difficult test that President Bush and Attorney General Ashcroft must face in the next few days. On this day, I hope that they will turn to it in earnest.

#### THE 65TH INFANTRY DIVISION

Mr. SPECTER. Mr. President, I have sought recognition today to commend the dedication and courage of the members of the 65th Infantry Division of the United States Army who fought in World War II.

The 65th Infantry Division was activated on August 16, 1943 at Camp Shelby, Mississippi under Major General Stanley E. Reinhart. Like many newly formed divisions in 1943, the men of the 65th Division traveled to different bases training in preparation for their participation in the battles across Europe during World War II.

On January 10, 1945, the 65th Infantry Division departed New York, and they arrived in Le Havre, France on January 21, 1945. On March 9, 1945, the division assembled near Ennery to relieve the 26th Infantry Division, defending Saarlautern Bridgehead from Orscholz to Wadgassen.

On March 13, 1945, the 261st Infantry Regiment crossed the Saar River near Menningen to clear the German defenders near the town of Merzig. On March 17, 1945, the 261st Infantry Regiment cleared the heights south of Merzig, and took the town of Killingen the following day. The rest of the division fought its way out of the bridgehead as the 259th Infantry Regiment captured the town of Fraulautern and the 260th Infantry Regiment seized Saarlautern on March 19, 1945. Then, the division fought its way through the West Wall and captured the town of Neunkirchen on March 21, 1945. It then assembled near Ottweiler for rest and rehabilitation.

After 10 days of rest, the 65th Infantry Division connected with the 6th Armored Division. Closing into the Schwabenheim area, the division crossed the Rhine River with both the 260th and 261st Infantry Regiments during the night of March 29, 1945. It attacked across the Fulda River on April 2 and reached the Reichensachen-Langenhain line on April 3, 1945. There the two divisions split. The same day the 259th Infantry Regiment crossed the Werra River, and continued to the Greuzberg area on April 4, 1945. The division assaulted the town of Langensalza, which fell on April 6, 1945, but a German counterattack overran a battalion of the 261st Infantry Regiment at Struth on April 7, 1945. The division restored the situation with air support and went into reserve on April 8, 1945, moving to the town of Berka on April 10, 1945.

The division moved to the town of Waltershausen on April 11, 1945 and then onto Arnstadt. On April 17, 1945 it assembled in the town of Bamberg and attacked toward Altdorf with the 259th and 260th Infantry Regiments the next day. The town of Neumarkt was taken on April 23, 1945 and the division drove to the Rhine River against crumbling German resistance. The division established a bridgehead across the Danube River southwest of Regensburg despite strong opposition, especially against the 261st Infantry Regiment on April 26, 1945. The bridgehead was expanded allowing the 13th Armored Division to pass through. The 260th Infantry Regiment took Regensburg on April 27, 1945. The division followed the Armored Division and crossed the Isar River at Plattling on May 1, 1945.

The 261st Infantry Regiment reached the Inn River at Passau on May 2, 1945 and assaulted across it at the town of Neuhaus. The town of Passau fell the next day and the 261st Infantry Regiment reached the Enns River and overran the town of Enns. The division crossed the Enns River on May 6, 1945, and made contact with the advancing Soviet Army in the vicinity of Strengberg.

The 65th Infantry Division reached Austria on May 4, 1945 and remained in Austria, under Brigadier General John E. Copeland until disbanded on August 31, 1945. Two hundred and thirty three men of the 65th Infantry Division were killed in action. Nine hundred and twenty-seven men were wounded in action.

In August of this year, the members of the 65th Infantry Division will gather for their 48th annual reunion in Pennsylvania. During their reunion, the men will be honored for their service with the dedication of a monument stone by the Freedoms Foundation at Valley Forge. The members of the 65th Infantry Division deserve this special recognition for their service, and I am pleased to be able to commend them on the floor of the United States Senate.

I ask unanimous consent to have printed in the RECORD the list of the

names of the members of the 65th Infantry Division.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

Robert D. Ackerman; Cecil C. Adams; Leo Adams; William R. Agnew; Raymond A. Aja; Harold M. Almasi; William D. Almond; John F. Amm; Edward W. Anderson; W.C. "Hap" Arnold; Howard B. Aronow; Ernie Bacco; James R. Bailey; Robert Baretz; Vincent T. Bartell; Bernard H. Beckstedt; Roland A. Bencivenni; James C. Benson; Ernest K. Berg, Jr.; Robert M. Bergeron; Philip Bianco; Norbert J. Bischoff; Thomas P. Black; Camille G. Blair; Major General John Blatsos; Carl A. Blim, Jr.; Sidney Bloombert; William L. Bock; Sylvester J. Bower; Patrick J. Bradley; Jake Brewer; Joe Briggs, Jr.; John Brooks; Robert L. Brown; Carlton Brownell; Sydney Bruskin; Richard Burdick; Joseph Cadenelli; Michael Calabrese; Ray Callanan; J.D. "Jerry" Camp; Herbert "Dave" Campbell.

Thomas Campell; Dominick J. Cardenal; Richard A. Carson; John T. Cary; Bernie Cencimino; Frank S. Cerchia; Stanley B. Chisholm; Robert H. Chism; Demo Christopoulos; Milton Ciment; Tom Clark; William O. Clark; Troyce J. Cofer; Bernard L. Cohen; Sidney Cohen; Roy C. Collins; Bill Corwin; Arthur D. Cree; Frank Cudney; Warren F. Cummins; James B. Curry; Francis M. Curtis; Bernard Cutler; Richard Czaja; Harry Daab; Gordon Dailey; Robert W. Day; Joseph Demarco; James H. Dickerson; Fred Diese; Charles F. Dischert; James E. Dorris; David A. Dossier; William J. Douglas; Robert B. Drake; Noel F. Duncan; Harold Dykes; John R. Edwards; E. William Ellis; Lyle G. Eyer; Patrick Fallar; Leslie J. Fant; George R. Farneth; William "Bill" Farrell.

Seymour Feinstein; Sidney Felix; Francis J. Finnegan; Charles W. Flock; Allen D. Flood; Howard Ford; Raymond F. Freer; Walter H. Fremd; Wilbur French; Anthony J. Frioni; James E. Furlan; Anthony J. Gagliardo; Joseph P. Gavaghan; Harold German; William E. Gibson; Tom Giggy; Jimmie Giles; Guido Girolami; Weldon C. Gold; Joe Gonzalez; Bernard Goodman; S.R. (Sanford) Gorin; Melvin E. Gorssman; Major G. W. Grant; Malcolm K. Grant; Harry J. Grimaldi; Charles Grof; Harry H. Gross; Allard L. Gustafson; Kenneth N. Hall; Mark W. Hannon; Maynard B. Hanson; Alvin E. Harris; Albert E. Harrop; Dan O. Harvill; William F. Hase; Robert W. Hellriegel; Robert Henager; Lynn Henneman; William F. Hennings; Richard Hennrick; Ray Henry; Clyde E. Hergert; John S. Hickey; Everette Hilffiker; Tommie Hill.

Theda Hollenbaugh; Luverne V. Hornbeck; Cliff Huffnagle; Douglas O. Hukkanen; Richard D. Hurley; Harold Hyde; Elbert Jackson; Robert Jacobson; Royce Jarrell; Mort Jenkins; Robert Jensen; C.A. Johannes; Finnis E. Jolly; Curtis B. Jones; Tommie Justice; Robert L. Kaiser; Milton Kaplan; Norman Kaplan; Richard Karon; Donald E. Keebler; Keith Kingsley; John K. Kirn; Burton Knowlton; Fred B. Kohl; Joseph Koonsman; Hank Kulwicki; Jack R. Kurschner; Lynn M. LaBarre; Tommy A. Larned; Dante A. Laudi; John B. Law; Richard R. Lee; David Leshner; Ed Lewis; "Dick" Laurie O. Lieberg; William Linley; Lou Liss; Ronald E. Locke; Sanford Lockspeiser; Ray Long; Harold Low; Jay W. Lowry; Buford Lunsford; Thomas Mahovich; Daniel O. Mallory; Chuck Manausa; Albert Mancinelli; Lionel C. Marcus.

Joseph F. Marino; Jack C. Martin; William R. Martindale; William D. Mason; John R. Massey; Jack W. Maxedon; Michael J. McCarthy; William E. McCloskey; John McClung; Norvin D. McClure; Jack C. McDermott; Harry McLinden; Charles Meany; William J. Mearls; Henry E.

Medler; William H. Melton; William B. Meyer; Leroy O. Miller; William "Ben" Miller; Richard C. Minick; Edwin F. Mitterer; Thomas B. Montgomery; A.J. Morando; Fernando Moreno; S.L. (Ben) Morfino; Robert Morgenweck; Pellon Morris; Thomas D. Morrissey; Thomas E. Morton; Earl O. Moser; Charles Mote; John A. Moulder.

David Myers; Charles E. Myles; Ernest E. Nagy; Thomas D. Nash; Henry W. Nilges; Jim Nolan; Louis A. Nordone; Raymond B. Northfield; Duane E. Noyes; Chester A. Ogle; Gale K. O'Hair; Ronald V. Ordway; Joseph Oriente; Leonard F. Owczarzak; Wayne L. Palmer; Charles Pappas; John L. Parker, Sr.; Robert Parman; Lyle J. Parnie; Robert F. Patton; Keith Perkins; Ed Petsuch; Frank A. Petterchak; Jay Piccinati; Max W. Pierce; Wallace Pink; Woodrow Plant; Walter E. Plants; Merritt A. Plantz; Harry Polche; George Polizio; Kenneth O. Polzin, Sr.; Arthur T. Priestler; E.F. "Gene" Proffitt, Jr.; Newburn "Buck" Pryor; Clifford Ratcliffe; Doyle Ream.

George W. Reed; George Regelski; Russell Rego; Alvin C. Rehkop; Max G. Rein; Joseph Resende; Donald C. Rhodes; Charles R. Rigby; Fred W. Rindhage; James E. Roberts; Joseph Rodino; Edmund H. Rogers, Jr.; Paul W. Roman; Victor Roper; William G. Roth; Lawrence H. Rouse; Edward W. Ruffin; Dean A. Rugeberg; Edward A. Runyan; Joseph Russell; Thomas P. Ryan; William B. Sabey; Marvin Sadur; Ted L. Saks; Stan Sandage; W.B. "Sandy" Sanders; Anthony H. Santulli; Frank J. Sarnacki; Sgt. Kenneth F. Sass; Rollin C. Schaffer; Ralph Schenkel; Thomas C. Searle; Leo Serian; Peter J. Sferazza; David Shaeffer; Dean Shepherd; James M. Shook; Thomas J. Shorter; Owen Shutt, Jr.; Edward E. Sletton; Joseph Smiroldo; Ira J. Smith, Jr.; Lawrence Smith, Jr.; Richard J. Smith; Thomas J. Smith; William Davis Smith; William L. Smith; Philip J. Somerville.

Paul A. St. Jean; Harry C. Starkey; Robert C. Steger, Jr.; Benjamin B. Stout; John T. Strashinsky; Meyer Strumwasser; Jesse C. Stultz; Thomas E. Stumpff; Charles H. Sullivan; Robert C. Sullivan; Don D. Tague; Joseph M. Taillefer, Jr.; Thomas E. Tappan; Bruce L. Tegeler; Fred Tegeler; James E. Thomas; Henry L. Thompson; Jack L. Thurman; Sal H. Torre; Jack W. Townes; John V. Tuider; Robert H. Tyrrie; Robert D. Upp; Donald Van Hooser; Joseph Vance; Bobby J. Vandergriff; Robert J. Venner.

Elton R. Vice; Robert Vohwinkle; Robert Vonachen; Lester Wagner; Ralph G. Walczak; Walter R. Waldron; Leonard E. Warner; Edwin H. Wessell; Richard C. Wheat; Albert F. Wheeler; Lawrence W. White; Alfred H. Wickstrom; Ralph R. Wiederhold; Grady Wigley; Charles H. Williams; Robert Willner; Robert Wilson; Norman Winiker; Robert Winkle; Walter J. Wojnar; Calvin L. Wood; Robert L. Worley; Roy (Bradley) Wright; Calvin "Ray" Yordy; Leo Zelkowski; Jack Zinnaman; and William Zupan.

#### AGING INTERDICTION FLEETS

Mr. GRASSLEY. Mr. President, I rise today to draw continued attention to our important narcotic interdiction efforts throughout the Caribbean and Eastern Pacific, commonly referred to as the "Transit Zone," and the aging condition of the aircraft and vessels in both the U.S. Customs Service and U.S. Coast Guard fleet inventories.

Earlier this year, the Senate Caucus on International Narcotics Control held a hearing on the Transit Zone. In-

telligence sources estimate that the annual cocaine flow through the six million square-mile Transit Zone is in excess of 500 metric tons. Non-commercial maritime conveyances account for more than 80 percent of this Transit Zone flow, and unfortunately, the estimated success rate for smugglers "go-fast" deliveries is close to 90 percent.

The U.S. Coast Guard operates numerous ships and aircraft that are aging and now require excessive maintenance to keep them in operation. Because these assets lack current technology, they are extremely manpower intensive, and require constant maintenance, which detracts from readiness and increases life cycle costs. All of the Coast Guard's 210-foot and 378-foot ships are at least 30 years old, and the Coast Guard even operates 3 "Mature class" cutters, WWII-era vessels inherited from the U.S. Navy. The Coast Guard's fleet of medium and high endurance cutters is older than 37 of the world's 39 similar naval fleets, and the majority of major Coast Guard ships and aircraft will reach the end of their predicted service lives by the year 2008.

The Customs Service operates a wide range of aircraft at 11 air branches and 10 air units throughout the country, as well as at 3 overseas forward operating locations (FOLs) and 2 sites in Mexico. The Customs Service has 142 aircraft and 196 vessels, and many are in need of modernization or replacement. The average age of their C-12 aircraft is 22 years old and all 16 of their UH-60 Blackhawks are "A" models (first production series) on loan from the U.S. Army. As their P-3 aircraft fleet has aged, numerous corrosion and cracking problems have been discovered. It is the P-3 aircraft that has become the backbone of our detection and monitoring system. But, the U.S. Customs Service Air and Maritime Interdiction (AMID) January 2001 Strategic Assessment reported, the level of aviation operations is insufficient to meet the current agency requirements of Presidential Decision Directive (PDD-14), the National Drug Control Strategy, and Plan Colombia.

While both services begin to feel the debilitating effects of these aging assets, demands for both the Customs Service and Coast Guard's unique services are simultaneously increasing. A doubling world population, the continued decline in marine fisheries, the end of the Cold War, the doubling of commercial passenger enplanements by 2009, the continuing scourge of illegal drugs and human smuggling, and the tripling of international commerce are all expected to increase the nation's reliance on these agencies. The Customs Service will continue to be on the front lines on trade and economic growth, border security, counter terrorism, narcotics interdiction, financial crimes and money laundering, pornography, and Internet cybercrime cases. The Coast Guard will continue as the lead federal agency in the maritime environment with respect to drugs, illegal