When I came to the Senate, I became a freshman member of the Committee on Foreign Relations, and the Chair of the International Operations Subcommittee. Throughout that time—and ever since Senator HELMS has been relentlessly gracious to me, as he had been whenever we had worked together on various conference committees back when I was in the House.

Here in the Senate, we worked hand-in-glove on the State Department reauthorization, and I appreciated the opportunity he gave me to chair a full committee hearing with then-Secretary Albright on the issue of intelligence sharing with the U.N. in the wake of our involvement in Somalia.

That was a serious concern that he and I shared—how would we protect U.S. intelligence information, particularly in light of the intelligence breach that had taken place in Somalia, where the U.N. had documents they should not have had which were also not properly secured. Issues brought to our attention during that hearing with Secretary Albright were eventually incorporated into the State Department bill.

During my tenure on the Foreign Relations Committee, I worked with Senator HELMS on the reorganization of the State Department, which was passed in 1998. As Chair of the International Operations Subcommittee I also introduced legislation in 1995 to create Terrorist Lookout committees in our embassies. With the help of Senator HELMS, this bill was incorporated in the State Department Authorization Act of 1996–1997, that was subsequently vetoed.

In the wake of 9/11, I re-introduced this legislation with Senator HELMS as a cosponsor and worked with him to seek its inclusion in the USA PATRIOT Act passed last year. With his support, this bill has finally become law as part of the Enhanced Border Security and Visa Entry Reform Act.

Of course, it will come as no surprise that we didn't agree on all the issues. But it can truly be said he has left his mark on the global landscape. And that includes his introduction of legislation last year to prevent mother-to-child transmission of HIV infection—a goal I share by providing $700 million in international emergency AIDS spending.

It is also true that agreement is not the test of friendship or respect in this body—nor should it be. Indeed, this body was founded on the ideals of debate and deliberation among men and women of good conscience who feel strongly about the pressing matters of the day.

I appreciate his candor, his friendship, and his service to North Carolina, America and indeed the world. On the occasion of his retirement, I would like to extend my best wishes to him, as well as his wife Dorothy with whom he has such a special and loving relationship. Senator HELMS will truly be missed, but most assuredly never forgotten.

TRIBUTE TO SEN. STROM THURMOND

Mr. SHELBY. Mr. President, I rise today to pay tribute to South Carolina Senator STROM THURMOND, an institution unto himself who has served with distinction in the U.S. Senate for almost a half-century. Senator THURMOND is the longest-serving member in the history of the Senate and the second Senator in history to cast 15,000 votes. During his tenure, Senator THURMOND has been a enduring witness to history, presiding over the chamber during a tremendous transformation of the American landscape. During this time, Senator THURMOND has steadfastly remained responsible to the voters of South Carolina, who have returned him to the chamber time and time again. Senator THURMOND's enduring legacy will continue on well beyond his retirement at the end of the 107th Congress.

Senator THURMOND was born in 1902, in Edgefield, SC. His early years were spent as an Army reservist, teacher, superintendent and lawyer. Senator THURMOND won election to the South Carolina State Senate in 1933, representing his home district of Edgefield for the next five years. Senator THURMOND then became a Circuit Judge of South Carolina, just as the clouds of war descended over Europe. Never one to shy away from his duty to his country, Senator THURMOND sought and received an exemption to return to military duty. On June 6, 1944, he landed in Normandy on D-Day with the 82nd Airborne Division at the age of 42. For his service in World War II, Senator THURMOND earned eighteen decorations, medals and awards, including the Purple Heart, Legion of Merit with Oak Leaf Cluster and Bronze Star for Valor. He returned to South Carolina a war hero, and was elected Governor of the Palmetto State in 1946. In 1954, Senator THURMOND was elected to the United States Senate, becoming the first, and so far, the only politician elected to the Senate as a write-in candidate.

Senator THURMOND has dedicated his life to preserving, defending and participating in our democracy. He attended the Democratic National Convention in 1932 and voted for Franklin D. Roosevelt. Sixty four years later, he attended the Republican Convention and voted for Bob Dole. In fact, Senator THURMOND was a Democrat for thirty two years and has been a Republican for the past thirty eight. Through it all, he has managed to remain relevant, active and a force on the national scene. Just two years ago, he played a critical role in helping to line up Republican support for George Bush in the South Carolina primary, helping to secure his nomination for President of the United States.

Senator THURMOND'S countless achievements and awards are a testament to his distinguished career in public service. He holds thirty four honorary degrees, is in the South Carolina Hall of Fame, and is a recipient of the Presidential Citizens Award, Presidential Freedom Award, as well as other major awards from American Legion, VFW, DAV, AMVETS, the National Guard, Army and Navy associations, farm groups, business groups, education groups and several foreign countries.

It is with great admiration for Senator THURMOND'S longevity and service that I commend him for his distinguished career in Congress. No one in the history of the Senate can say that they gave more of their life to this body, and while his presence may be gone after the 107th Congress, his spirit will forever remain a part of this chamber. I wish he and his family all the best in the future.

THE JUDICIARY COMMITTEE'S 100TH VOTE IN 15 MONTHS ON JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, today marks the 15-month anniversary of the reorganization of the Senate Judiciary Committee following the change in the Senate majority last summer. This week also became another milestone as the Judiciary Committee voted on the 100th judicial nominee of President George W. Bush. This historic demonstration of bipartisanship toward this President's judicial nominees has been overshadowed by partisan attacks in this very chamber and in the press.

I have worked diligently along with the other Democratic Senators on the Judiciary Committee to hold a record number of hearings for this President's district and circuit court nominees during the past 15 months and to bring as many as we could to a vote this year. Given all of the competing responsibilities of the committee and the Senate in these times of great challenges to our Nation, hearings for 103 judicial nominees, voting on 100, and favorably reporting 98 is a record of which the Judiciary Committee and the Senate can be proud. We have transcended the relative inaction of the prior 6½ years of Republican control by moving forward on judicial nominees twice as quickly as our predecessors did. Indeed, the Senate has already confirmed more judicial nominees in 15 months than the Republican-controlled Senate did during its last 30 months. More achieved, and in half the time.

The raw numbers, not percentages, reveal the true workload of the Senate on nominations and everyone knows that. Anyone who pays attention to the federal judiciary and who does not have a partisan agenda must know that. In addition, Democrats have moved more quickly in voting on judicial nominees of a President of a different party than in any time in recent history. Led by Majority Leader DASCHLE, the Democratic majority in the Senate has confirmed 80 judicial nominees, including 14 circuit court nominees, for a President of a different party, in just 15 months since the reorganization of the Judiciary Committee. In comparison,

in the first two full years of President George H.W. Bush's administration, the Democratic-led Senate confirmed 71 judicial nominees. In fact, during the first 15 months of the first Bush Administration, only 23 judges were confirmed, with eight to the circuit courts. Our confirmation of 80 of President George W. Bush's judicial nominees in just 15 months is historic progress for a President and a Senate led by different parties.

Apparently, however, Republicans believe that there is partisan hay to be harvested in complaining that every single judicial nominee has not yet been confirmed. The fact is that we have proceeded with hearings for 103 of the 110 judicial nominees eligible for hearings 94 percent, for those focused on percentages. The other 17 judicial nominees who have not participated in a hearing either lack home-state consent or peer reviews or both. Thus, when partisans harp on the nominations of Terrence Boyle and Carolyn Kuhl and other nominees without home-State Senator support, they know they are being misleading. Senator HATCH never proceeded on a nomination without home-State Senator support and acknowledges that this is the Senate's tradition. At least six of the President's circuit court nominees fall into this category and, for many if not all of them, the White House knew about the lack of home-State Senator support before the nominations were made.

The committee has voted on 100 of the 103 judicial nominees eligible for votes—97 percent. Of those voted upon, 98—98 percent have been reported favorably to the Senate. In addition to the 80 judges already confirmed, another 18 approved by the Judiciary Committee await Senate action on the Senate Executive Calendar.

It is disappointing that the Republican leader and others are reported to have said that they will not be allowed Senate votes before we adjourn. Earlier this year the majority leader had to work through a problem caused by the administration's failure to work with Senators on executive branch appointments. The majority leader was required by Republican objection to invoke cloture in order to vote on President Bush's judicial nominations. Whether there is time left in this session to overcome Republican objections to action on the roster of President Bush's judicial nominations currently on the calendar is problematic.

To date, and unlike the recent past, every judicial nominee who participated in a hearing has been considered and voted upon by the Judiciary Committee but for the three controversial circuit court nominees we continue to consider.

I know that Senator THURMOND is very disappointed that we could not bring his choice for the Fourth Circuit to a vote this week. I regret that he is upset. The nomination of his former aide for a promotion to the Court of Appeals has grown more controversial. On our committee, as on all committees, controversy takes a toll in the time needed for action on a bill or on a nomination. Members of the committee need time to fully evaluate the merits of concerns about this nomination raised by hundreds if not thousands of citizens from throughout the Fourth Circuit and the Nation. In accordance with our responsibilities under the Constitution to evaluate these nominations for lifetime appointments, the members of the committee continue to work diligently on simultaneously evaluating three controversial circuit court nominations.

As much as I personally would have liked to resolve this nomination by now at the request of the distinguished Senior Senator from South Carolina, and as hard as I have worked to resolve the problems with it, we were not able to vote on it this week. I worked hard to try to move the nomination of his former aide forward to a vote up or down but, with war resolutions pending before the Senate and limited time for debate this Tuesday, I had to make a difficult decision. Seventeen relatively noncontroversial judicial nominations were ready for committee votes this week. I decided to try to bring some relief to 17 vacant seats in district courts across our country rather than begin what promised to be a lengthy and inconclusive debate about Judge Shedd's record as a Federal district court judge and whether he should be elevated. That was a tough decision for me, personally, but the rising tide of citizen distress over the Shedd nomination made bringing that vote to a conclusion an impossibility this week.

Republican efforts to gain some political advantage for this difficult situation are especially unfounded given the stark contrast between what we have achieved in the past 15 months compared with the most recent period of Republican control of the committee. In the 15 months before the reorganization of the Judiciary Committee after the shift in Senate majority, the Senate confirmed only 32 judicial nominees, including three to the circuits. Under Democratic leadership, we have already confirmed 80, including 14 to the circuit courts, in just 15 months. Even if we compare our record with a period of Republican control that is twice as long—the last 30 months of Republican control—our predecessors confirmed only 72 judges, while in half the time, we have confirmed 80. Alternatively, if we go back and compare the Republicans' first 15 months of Senate control in 1995 and 1996, we have accomplished far more: more hearings, 26 versus 14, for more judicial nominees, 103 versus 67, with more committee votes, 100 versus 61, for more confirmations, 80 versus 56. We have reached the century mark for committee votes in less than half the time, 15 months, while it took our predecessors 33 months to vote on 100 judicial nominees.

In another departure from the past, we have had hearings even for several controversial judicial nominees and brought them to votes this year. Most were voted out of committee despite their controversy. Given the number of vacancies that we inherited—110—concentrating on the most controversial, time-consuming nominations would have been to the detriment of the courts. The President has made a number of divisive choices—divisive to the American people and divisive to the Senate—for these lifetime seats on the courts, and they take more time to bring to hearings and votes. None of these nominees, however, have waited as long for hearings or votes as did some of President Clinton's judicial nominees, such as Judge Richard Paez, who waited 1,500 days to be confirmed and 1,237 days to get a final vote by the Republican-controlled Senate Judiciary Committee, or Judge Helene White, whose nomination languished for more than 1,500 days without ever getting a hearing or a committee vote.

As frustrated as Democrats were with the lengthy delays and obstruction of scores of judicial nominees in the prior 6½ years of Republican control, we never attacked the Chairman of the Committee in the manner Republicans chose this week. Similarly, as disappointed as Democrats were with the refusal of Chairman HATCH to include Allen Snyder, Bonnie Campbell, Clarence Sundram, Fred Woocher and other nominees on an agenda for a vote by the committee for months following their hearings, we never resorted to the tactics and tone used by Republicans in committee statements, in hallway discussions, in press conferences or in Senate floor debate. We never tried to override the chairman's prerogative to set the agenda for consideration of judicial nominees by trying to manipulate the committee's cloture rule. We did not try to use the committee rule to hold off consideration of an agenda item for at least a week to force either legislation or nominations to be voted on in one week's time. During Republican rule, even some uncontroversial nominees like Judge Kim Wardlaw were held over more than once. We also never sought to invoke Senate Rule 26.3 to make an end-run around Chairman HATCH—even when weeks and months passed without a single nominee on the agenda or when nominees who had hearings went for months without being placed on the agenda. As frustrated and disappointed as we were that the Republican majority refused to proceed with hearings or votes on scores of judicial nominees, we never sought to override Senator HATCH's judgments and authority as chairman of the committee.

Some in the other party have spared no efforts in making judicial nominations into a partisan, political issue, all the while refusing to acknowledge the progress made in these past 15 months when 100 of President Bush's judicial choices have had committee

votes. We have perhaps moved too quickly on some, relaxing past standards, being more expeditious and generous than Republicans were to a Democratic President's nominees, and trying to take some of them at their word that they will follow the law and the ethical rules for judges.

Just last week, on October 2, 2002, we confirmed Ron Clark to an emergency vacancy in the United States District Court for the Eastern District of Texas. Two other judicial nominees, Larry Block and Judge James Gardner, were confirmed the very same day. The commissions for Judge Block and Judge Gardner were signed by the President on October 3, but the judge for the emergency vacancy in the President's home state was not. Just this week we learned that Mr. Clark was quoted as saying that he asked the White House to delay signing his commission while he runs as a Republican candidate for re-election to a seat in the Texas legislature. The White House apparently has been complicit in these unseemly political actions by a person confirmed to the federal bench. Mr. Clark, who the Senate has confirmed to a seat on the Federal district court in Texas, has been actively campaigning for election despite his confirmation.

These actions call into question Mr. Clark's ability to put aside his partisan roots and be an impartial adjudicator of cases. In his answers under oath to the committee, he swore that if he were ''confirmed'' he would follow the ethical rules. Canon 1 of the Code of Conduct for United States Judges explicitly provides that the Code applies to ''judges and nominees for judicial office,'' and Canon 7 provides quite clearly that partisan political activity is contrary to ethical rules. In his answers to me, Mr. Clark promised: ''[s]hould I be confirmed as a judge, my role will be different than that of a legislator.'' Yet now that he is confirmed, he has been flaunting his written statements to me personally and to the Senate Judiciary Committee and, by proxy, to the Senate as a whole. That the White House would go along with these partisan ploys reveals much about the political way this administration approaches judicial nominations.

Senators KENNEDY and SCHUMER have written a letter of complaint to the Fifth Circuit Judicial Council, which has jurisdiction over ethical complaints arising in that jurisdiction. I ask unanimous consent that the letter and a newspaper report of the Clark scandal be included in the RECORD. Tonight, only after this scandal came to the Nation's attention in today's news account in the New York Times, the President has apparently signed Mr. Clark's commission.

With a White House that is politicizing the Federal courts and making so many nominations, especially to the circuit courts, to appease the far-right wing of the Republican Party, it would be irresponsible for us to simply rubber-stamp these nominations for lifetime appointments to our independent Federal judiciary. Advice and consent does not mean giving any President carte blanche to pack the courts with ideologues from the right or the left.

I have worked hard to bring to a vote an overwhelming majority of this President's judicial nominees, but we cannot afford to make errors in these lifetime appointments out of haste or sentimental considerations, however well intentioned. To help smooth the confirmation process, I have gone out of my way to encourage the White House to work in a bipartisan way with the Senate, as past Presidents have, but, in all too many instances, the White House has chosen to bypass bipartisan cooperation in favor of partisanship.

The American people expect the federal courts to be fair forums and not bastions of favoritism on the right or the left. These are the only lifetime appointments in our whole system of government, and they matter a great deal to the future of each and every American. I will continue to work hard to ensure the independence of our Federal judiciary.

U.S. SENATE,
Washington, DC, October 9, 2002.

The Hon. CAROLYN DINEEN KING,
Chief Judge, U.S. Court of Appeals for the Fifth Circuit, New Orleans, LA.

DEAR CHIEF JUDGE KING: We write to raise an ethics issue regarding Ronald W. Clark, who was nominated by President Bush on January 24 and confirmed by the Senate on October 2, to be a judge on the U.S. District court for the Eastern District of Texas, but whose commission has not yet been signed by the President.

It has come to our attention Mr. Clark continues to hold his seat in the Texas state legislature and continues to campaign for re-election to that seat. Although Mr. Clark does not officially become a federal judge until he takes the oath of office, his continuing campaign activities appear to be in clear violation of Code of Conduct for Untied States Judges. The commentary to Code of Conduct makes clear that the Canons of Ethics define judicial nominees as judges and bind them to the same ethical rules. Canon 7 of the Code states that ''a judge should refrain from political activity'' and should not ''act as a leader or hold any office in a political organization; make speeches for a political organization, or candidate or publicly endorse or oppose a candidate for public office; [or] solicit funds.'' Canon 7 goes on to state that a judge ''should not engage in any other political activity.''

Traditionally, this provision has been construed to have limited application to nominees. Because of the contingent nature of the Senate confirmation process, it would be unfair to require nominees to resign from elective office merely upon being nominated. But once the President's nominees are confirmed by the Senate, the process loses its uncertainty. The only step between nominee and judge is a ministerial act that should be completed promptly, and not delayed for partisan or political reasons.

Despite the clear applicability of the Code of Conduct, Mr. Clark continues to be a candidate for re-election to the Texas House of Representatives. This matter is of grave concern to us. As Members of the United States Senate Judiciary Committee, we take our Constitutional confirmation responsibilities seriously. Mr. Clark's continued candidacy appears to be a flagrant violation of the judicial code of conduct, which is deeply troubling. Judges should be paragons of ethics, and Mr. Clark's actions do not set a sterling standard at the outset of his judicial career.

According to the Code of Conduct, complaints of ethical misconduct may be lodged with the Circuit council, which we understand you chair. We would appreciate your prompt consideration of this inquiry, and we look forward to hearing from you in the near future.

Sincerely,

CHARLES E. SCHUMER,
U.S. Senator.
EDWARD M. KENNEDY,
U.S. Senator.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 10, 2002]

BUSH ACTING TO FORESTALL AN ISSUE IN TEXAS

(By Neil A. Lewis)

WASHINGTON, OCT. 9.—The White House moved quickly tonight to quash a politically embarrassing problem with one of President Bush's nominees to a federal court seat.

Although the nominee, Ron Clark, was confirmed by the Senate earlier this month to be a federal district judge based in Texas, he was out campaigning today for re-election as a state representative from his district north of Dallas. Mr. Clark had said he might want to delay taking his seat on the bench to serve one more term in the State Legislature, where his vote might be crucial to Republicans winning the speakership.

Two Democratic Senators, Charles E. Schumer of New York and Edward M. Kennedy of Massachusetts, complained about Mr. Clark's actions today, saying they were a blatant violation of judicial ethics, a view with which some legal scholars agreed. The senators wrote to Carolyn D. King, the chief judge of the United States Court of Appeals for the Fifth Circuit based in New Orleans, asking her to evaluate whether Mr. Clark had violated the judicial canons of ethics even before he had put on his robe.

By evening, the White House intervened, saying President Bush would soon sign the formal commission for Mr. Clark, the last step in making him a federal judge.

In an interview earlier today, Mr. Clark said he was just playing it safe.

''If the president signs the certificate then, I'll move forward,'' he said before going out to a campaign appearance in which he presented a flag to some cub scouts. He said he had no control over Mr. Bush's actions and ''right now, I'm running for state representative.''

Mr. Clark said he had been trapped by circumstances because he was confirmed on Oct. 2 and the last date for withdrawing from the ballot under Texas law was Sept. 3. ''There is no legal way to take it off, so I'm in the race, until Election Day,'' he said. Asked if he intended to keep campaigning for re-election, he said: ''Oh, yes, I go to functions, go block walking, that sort of thing.''

Mr. Clark has asserted that he did not know why Mr. Bush had not yet acted, yet he was quoted in this week in Texas Weekly, a political journal, as saying he had asked the White House to delay signing his commission so he could serve another legislative term. Ross Ramsey, the journal's editor, who wrote the article, said Mr. Clark had told him he would be interested in serving through May, when the 20-week session is expected to end.

In his article, Mr. Ramsey said Mr. Clark's presence in the Legislature when it convenes

in January might be crucial to Republican hopes to retain the speakership in what is expected to be a close race.

Senators Schumer and Kennedy, both of whom serve on the Judiciary committee, said in their letter that Mr. Clark's legislative campaign ''appears to be in clear violation of the Code of Conduct for United States Judges.'' The canons mandate that ''a judge refrain from political activity.''

Steven Gillers, the vice dean of the New York University Law School and an authority on ethics, said that provisions in both the federal and state codes of conduct mandated that Mr. Clark resign his political office. The Texas code, he said, makes it clear that a candidate for a judicial office has to behave as a judge in avoiding politics. The federal rules require a judge to resign from office when he or she becomes a candidate for political office.

''While a person seeking a judgeship may have an argument that he not give up a political office, this man is, for all intents and purposes, a judge,'' Mr. Gillers said.

Erwin Chemerinsky, a visiting law professor at Duke University, said Mr. Clark seemed to be using the formality of Mr. Bush's signature to avoid his obligations.

''But judicial ethics is all about removing judges from politics,'' Mr. Chemerinsky said, and given that Mr. Bush is the president who appointed him, Mr. Clark should not run for office.

Senate Republicans and President Bush have said that there is an urgent need to fill federal judgeships and that action is being blocked by the Democrats who have opposed several of the president's nominees.

In fact, today, at a White House celebration of Hispanic Heritage Month, Mr. Bush criticized the Senate's handling of his nomination of Miguel Estrada to a seat on the United States Court of Appeals for the District of Columbia.

''There are senators who are playing politics with this good man's nomination,'' the president said. ''There are senators who would rather not give him the benefit of the doubt, senators looking for a reason to defeat him as opposed to looking for a reason to herald his intelligence, his capabilities, his talent. I strongly object to the way this man is going to be treated in the United States Senate.''

The Judiciary Committee recently held a hearing on Mr. Estrada's nomination but has not scheduled a vote.

PALESTINIAN SUICIDE BOMBER

Mr. MCCONNELL. Mr. President, as the Senate debates the resolution authorizing the use of force against Iraq, yet another Palestinian suicide bomber killed himself and an innocent bystander in Israel. Twenty-nine others were reportedly injured in that attack.

Those who believe that Saddam Hussein's murderous regime poses no immediate threat to America or our allies would be wise to consider the evidence seized by Israeli forces in their own war against terrorism. According to recent press reports, Iraqi Vice President Taha Yassin Ramadan personally directed the transfer of funds to the families of suicide bombers in amounts ranging from $10,000 to $25,000. The delusional butchers in Baghdad may view this money as a sort of ''martyr fund'', in reality it is no more than a ''murder fund.''

Palestinian and Iraqi extremists are cut from the same cloth as the al-Qaida terrorists who attacked our shores. As a threat to human life and decency, there is only one way to deal with these fanatics and that is to destroy them.

The innocent victims of this latest suicide bombing are in my thoughts and prayers. I ask all my colleagues to join me in honoring all those killed by terrorists in the United States and abroad, particularly in Israel.

SENATOR BYRD: ELOQUENTLY RESISTING THE RUSH TO WAR

Mr. KENNEDY. Mr. President, I welcome this opportunity to commend our outstanding colleague, Senator ROBERT BYRD, for his thoughtful and eloquent op-ed article in The New York Times this morning. In his article, Senator BYRD rightfully condemns the failure of Congress to take adequate time to exercise our all-important constitutional responsibility in deciding whether or not America should go to war with Iraq.

Instead of fairly assessing the full consequences of the administration's proposal, Congress is allowing itself to be rushed into a premature decision to go to war. Many of us agree with Senator BYRD, and so do large numbers of Americans across the country.

We owe the Senate and the Nation a more thoughtful deliberation about war. Senator BYRD's article is a powerful statement urging Congress not delegate our constitutional power to the President, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 10, 2002]

CONGRESS MUST RESIST THE RUSH TO WAR

(By Robert C. Byrd)

WASHINGTON.—A sudden appetite for war with Iraq seems to have consumed the Bush administration and Congress. The debate that began in the Senate last week is centered not on the fundamental and monumental questions of whether and why the United States should go to war with Iraq, but rather on the mechanics of how best to wordsmith the president's use-of-force resolution in order give him virtually unchecked authority to commit the nation's military to an unprovoked attack on a sovereign nation.

How have we gotten to this low point in the history of Congress? Are we too feeble to resist the demands of a president who is determined to bend the collective will of Congress to his will—a president who is changing the conventional understanding of the term ''self-defense''? And why are we allowing the executive to rush our decision-making right before an election? Congress, under pressure from the executive branch, should not hand away its Constitutional powers. We should not hamstring future Congresses by casting such a shortsighted vote. We owe our country a due deliberation.

I have listened closely to the president, I have questioned the members of his war cabinet. I have searched for that single piece of evidence that would convince me that the president must have in his hands, before the month is out, open-ended Congressional authorization to deliver an unprovoked attack on Iraq. I remain unconvinced. The president's case for an unprovoked attack is circumstantial at best. Saddam Hussein is a threat, but the threat is not so great that we must be stampeded to provide such authority to this president just weeks before an election.

Why are we being hounded into action on a resolution that turns over to President Bush the Congress's Constitutional power to declare war? This resolution would authorize the president to use the military forces of this nation wherever, whenever and however he determines, and for as long as he determines, if he can somehow make a connection to Iraq. It is a blank check for the president to take whatever action he feels ''is necessary and appropriate in order to defend the national security of the United States against the continuing threat posted by Iraq.'' This broad resolution underwrites, promotes and endorses the unprecedented Bush doctrine of preventive war and preemptive strikes—detailed in a recent publication, ''National Security Strategy of the United Staets''—against any nation that the president, and the president alone, determines to be a threat.

We are at the gravest of moments. Members of Congress must not simply walk away from their Constitutional responsibilities. We are the directly elected representatives of the American people, and the American people expect us to carry out our duty, not simply hand it off to this or any other president. To do so would be to fail the people we represent and to fall woefully short of our sworn oath to support and defend the Constitution.

We may not always be able to avoid war, particularly if it is thrust upon us, but Congress must not attempt to give away the authority to determine when war is to be declared. We must not allow any president to unleash the dogs of war at his own discretion and for an unlimited period of time.

Yet that is what we are being asked to do. The judgment of history will not be kind to us if we take this step.

Members of Congress should take time out and go home to listen to their constituents. We must not yield to this absurd pressure to act now, 27 days before an election that will determine the entire membership of the House of Representatives and that of a third of the Senate. Congress should take the time to hear form the American people, to answer their remaining questions and to put the frenzy of ballot-box politics behind us before we vote. We should hear them well, because while it is Congress that casts the vote, it is the American people who will pay for a war with the lives of their sons and daughters.

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 in March of last 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 June 20, 2000 in New York NY. Amanda Milan, a 27-year-old transgendered woman, died after her throat was slashed with a knife outside the Port Authority. Witnesses say that a group of taxi drivers cheered and applauded as the crime was committed and shouted anti-