

often do not have a sense of humility. But FRED has. His capstone, I suppose, was last night when I believe the vote was 90 to 7 for the homeland defense bill about which he felt very strongly.

I think America will look back, and hopefully will look at a successful piece of legislation to add to the bastion of defenses with which we must now defend this Nation.

FRED, we thank you for your work on that and wish you well with your young bride.

PHIL GRAMM: Few people realize it, but when we passed new highway trust fund legislation some years ago in 1996, I was privileged at that time to be chairman of the subcommittee of the Environment and Public Works Committee that was charged with the principal responsibility of drafting the provisions of that historic piece of legislation which enabled each and every State to get a minimum of 90 cents return on those tax dollars paid by citizens of those States and visitors when they pumped a gallon of gas.

We had a very inequitable and unfair system of donor States and donee States. The State of Virginia was a donor in that we only got 78 or 79 cents back, and the remainder of the Virginia drivers' Federal taxes went to other States. There were some other States such as Massachusetts that got over a dollar, for what reason I have never been clear on. But PHIL went back and examined the tax structures supporting the highway trust fund.

President Clinton had put another 5-cent tax on and split it between the highway trust fund and the general trust fund. PHIL, as a member of the Finance Committee, got that reversed. All 5 cents went to the highway trust fund. Otherwise, the 50 States—I emphasize that—50 States could not have gotten a substantial increase in those dollars necessary for roads and bridges and other infrastructure measures to facilitate transportation.

That, to me, is one of Phil's most significant accomplishments. He worked with us on the Environment and Public Works Committee and the transportation committees of the House and Senate to ensure that America got an equal and fair distribution of those highway trust fund moneys.

Of course, PHIL will always be remembered for his wit and for his wisdom—brilliant in both but equally controllable in both of those attributes. I say they are attributes. He is ever quick with the turn of a phrase, or a very insightful path to take to resolve a problem. Many times he stood up in our caucus to say this is a piece of legislation which I believe should take this course, and our leadership often followed that advice.

We will miss you, PHIL. But we will remember you, and we will remember you, as you say, with love and affection. Those are the words that he used so often. Of course, he, along with FRED THOMPSON, was one of the principal architects of the homeland de-

fense bill. And I am confident that will in due course be a landmark piece of legislation that will serve this country well.

Lastly, I speak of my colleague BOB SMITH. BOB and I are friends based on our loyalty and indebtedness to the U.S. Navy. BOB's father was a very distinguished Naval officer in World War II. He fought in the Navy, and he fought through a number of combat situations in the Pacific to come home. And then his extraordinary capabilities in aviation enabled him to become a test pilot. That is sort of the ultimate desire of aviators—to become a test pilot to begin to push the frontiers of aviation and develop those aircraft for successive generations to combat the enemies that are lurking against this country.

BOB's father had not been home from World War II but a few months when he was testing a plane that malfunctioned and he lost his life. BOB was robbed of his father at a very early age. He carried that thought with him—as he does today—with complete reverence to what his father did in the Navy. BOB served in the Navy himself during Vietnam. So the Navy has a very strong bond between us.

I remember when he fought so hard right here on the floor—originally, I didn't think it was a good idea, but I eventually decided to join him in going back to reexamine the circumstances of the USS *Indianapolis*. That was a remarkable chapter in Naval history. It was a magnificent heavy cruiser. It was the last ship sunk by enemy action. I could be wrong on some minor vessels, but the last capital ship sunk by an enemy action. A Japanese submarine sank that ship as it was making its way back to the Pacific theater to take up its position once again. It had been out there earlier in the Pacific. This was another tour, positioned with our fleet, when, in moonlight—the captain was asleep—that ship took a torpedo and went down.

A great many of the crew were lost when she went down. But a number survived and floated aimlessly in the oceans, suffering from the deprivation of water and intense sunlight. Sharks actually came in and physically devoured and maimed a number of those crewmen.

The Navy search for that ship will always be one of controversy, but eventually a destroyer came alongside and found them.

I remember very well an officer on that destroyer was a proud Virginian, Graham Claytor, who eventually became Secretary of the Navy. He followed me by a few years in the Navy secretariat. And he told me, firsthand, about the appalling sight of those men who had been at sea some several days, suffering extraordinary deprivation.

The captain was held accountable, court-martialed, and although it dwindled off in a certain way—it pretty well drummed up—BOB felt that the captain had not received the full measure of

justice to which he was entitled. He fought on the floor of the Senate, and eventually the Senate voted to, in large measure, restore—although the captain was long since dead—the equities, the recognition that he is entitled to for his heroism on that ship.

So to this sailor, to this Vietnam veteran, who is so proud of the Navy, and who fought so hard when he was chairman of the Strategic Subcommittee in the Senate on missile defense—BOB, to this day, feels very strongly, as do I, to have this Nation have a workable, early deployable, limited missile defense system. BOB fought hard for that.

Every Senator cherishes the opportunity to provide for their State's National Park Systems.

FRANK, I thank you for helping me, over your many years in the Senate, to make additions to Virginia's Park System.

In particular, those initiatives, some of first legal impression, to make private land available for viewing and study by the ever growing number of visitors interested in the civil war.

Thank you, FRANK, for also being a "Paul Revere" on the need for a national energy policy and the increasing need to free America from the bondage of reliance on imported energy.

We wish you and your wife good fortune as you are "elevated" to the Governorship of Alaska.

So I again summarize simply by saying to my colleagues, thank you for all you did for this humble Member of the Senate. I wish each of you well in your next chapter of distinguished careers. We shall remember you here, one and all, in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I know that there is another Senator here, the Senator from North Dakota, who wishes to get recognition. I was told the Senator from Maine wished to get recognition, Senator COLLINS. She is not here?

I will not detain my colleague from North Dakota long. And I did not say I would, but I certainly meant to—I think of gentlemen as being very special people, and I intended, as a gentleman, to yield to the lady from Maine first.

Mr. DORGAN. Madam President, will the Senator from West Virginia yield?

Mr. BYRD. Yes.

WISHING SENATOR ROBERT C. BYRD A HAPPY 85TH BIRTHDAY

Mr. DORGAN. Madam President, let me observe, if no one has, as of yet, it is the 85th birthday today of our colleague from West Virginia, Senator BYRD.

I gave him a note a few moments ago, not only wishing him a happy birthday but, on this last day of this Congress, saying to him how much all of us appreciate the fact he has given so many years of public service to our country.

I pointed out—if I might just continue for a moment—in a note to him that as I read the book about John Adams by David McCullough, John Adams seemed, as they were trying to create this country, to write to Abigail, plaintively asking: Where will the leadership come from? Who will emerge as the leaders of our great country?

As they put this country together, of course, the leaders were there. John Adams said: There is only us—George Washington, Mason, Madison, Ben Franklin, and so on.

For over 2 centuries, the question before this democracy has been: Where will the leadership come from? Where will the leadership emerge? This country has been enormously blessed by having leaders emerge throughout its history. A significant part of that history here in the Senate has been blessed with the leadership of one Senator ROBERT BYRD. So today, on his 85th birthday, let me join his colleagues in wishing him, on behalf of a grateful Nation, a hearty, happy 85th birthday, and many more.

Mr. WARNER. Madam President, will the Senator yield so I can join in those well-deserved accolades?

Mr. BYRD. Madam President, I yield to the Senator from Virginia.

Mr. WARNER. I thank my colleague.

Madam President, I am very heartened by that news of the Senator's 85th birthday. I proudly have attained 75, and I am hopeful I can someday stand here at 85, to not just stand but pursue my duties as a Senator, if that case may be, with just half the vigor and strength of mind as displayed by our esteemed colleague from West Virginia, for whom I share the greatest affection, as he well knows.

We have adjoining States. There is a little line drawn between certain areas which at one time was all Virginia. Nevertheless, we have people so much alike in their needs. I often work with my colleague to meet those needs. I thank him very much for this opportunity.

I thank my colleague and wish him well, he and his lovely wife.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I deeply thank my colleague from North Dakota for bringing this matter to the attention of the Senate. I thank my friend from Virginia for what he has just said.

With respect to my birthday, I shall have more to say about that later. But let me say, at this moment, I have listened to the distinguished Senator from Virginia extol the virtues of Senators who are leaving.

The Senator from Virginia is a gentleman. I have always felt that of him. Being from the State of Virginia, he certainly exemplifies that title: A gentleman. I have always thought that about most men from Virginia.

Let me say, with reference to something that the distinguished Senator from Virginia said a moment ago—he

spoke, I believe, about his daughter. He spoke glowingly about his daughter. That struck a note in my memory.

It was on July 11, 1804, that a duel took place at Weehawken, NJ—a most fateful duel at a time in our history when many fateful duels were fought.

On this occasion, Alexander Hamilton, who was only 30 years of age at the time of the Philadelphia Convention—the Constitutional Convention, in which he, Alexander Hamilton, took part—he was only 30 at that time. Madison was 36. Franklin was 81. Jonathan Dayton, whose relative, whose kinsman, sits from time to time in that chair before the Senate—the kinsman of whom I am thinking is named MARK DAYTON, a Senator from the State of Minnesota—that kinsman of MARK DAYTON was named Jonathan Dayton. He was the youngest man at the Convention, 26 years of age. Charles Pinckney of South Carolina was 28 or 29. But Dayton was the youngest man at the Convention. Hamilton was 30.

Hamilton sat at that Convention. Hamilton went on to fight this terrible duel, and he was mortally wounded in that duel on July 11, one week following July 4. In that day and time there were no anaesthetics; the marvels of medicine had not come along as we know them. Of course, Harvey, that great Englishman, had discovered the circulation of the blood. He had discovered how the blood circulates through the veins and arteries. That was his theory.

But now back to this awful night of July 11. There with his seven children about his bed and his weeping wife, the little children weeping throughout that awful night of pain when the blood from the wound gathered in his stomach. There he lay. The next day, that great man Hamilton died, on July 12.

The man who was the Vice President of the United States, Aaron Burr, was the man who won that duel—Aaron Burr, Vice President of the United States. I have often referred to him as the great enigma, Aaron Burr.

I remember he said when he left the Senate, when he walked out of the door of the Old Senate Chamber, down the hall here, for the last time, he said to his fellow Senators: This house is a sanctuary, a citadel of law, of order, and of liberty. And it is here, it is here, here if anywhere, in this exalted refuge will resistance be made to the storms of political frenzy and the silent arts of corruption. And if the Constitution be destined ever to be at the sacrilegious hands of the demagogue or the usurper, it will be witnessed on this floor—meaning the death of the Constitution—if it be destined ever to succumb to the sacrilegious hands of the demagogue or the usurper, may God avert, its expiring agonies will be witnessed on this floor.

Now, why do I refer to Aaron Burr at this moment? Aaron Burr had a daughter. And the Virginia Senator's words about his daughter brought this to my

mind. Aaron Burr had a daughter. Aaron Burr went on to go over to West Virginia to connive with an Irishman over there who lived in the area of Parkersburg. The Irishman's name was Blennerhassett. There is an island over there named Blennerhassett Island. And Aaron Burr talked with Blennerhassett, this wealthy Irishman, about setting up an empire in the Southwest.

In any event, Aaron Burr was arrested and brought to trial. And Thomas Jefferson, his mortal enemy, had a great deal to do with that trial. But that is a bit here and a bit there.

What I am remembering especially about Aaron Burr is he had a daughter. Here was this man who had killed Alexander Hamilton. He was a murderer. He intended to kill; no doubt in anybody's mind, he meant to kill Hamilton. Hamilton did not intend to shoot to kill in that duel. Hamilton intended, it is widely believed, to fire into the air, not to kill Burr. But Burr intended to kill, and Burr did kill Alexander Hamilton.

We look at that dark side of Aaron Burr, this enigmatic brilliant man, Vice President of the United States, that dark side of this mysterious man. But there was a good side to this man. He fairly worshipped this daughter, Theodosia. And she loved her father very deeply. And upon this particular occasion, she left Georgia in a boat or a ship, and there was Aaron Burr, expecting her to arrive, looking forward to her arrival, loving this daughter as he did. She never arrived.

The ship encountered a storm and was never heard of again. And so died Theodosia, the daughter of Aaron Burr. And Aaron Burr, after that dreadful happening, this man who had killed Alexander Hamilton, one of the great founders of this country, Aaron Burr for years would go down to the seashore and stand for hours looking out upon the sad and solemn sea, seemingly to be looking for that ship that never came in, the ship that was carrying his daughter. He stood and looked out on the sea. When Aaron Burr came to his last days on this Earth, he, while lying in his bed, positioned himself so that he could see there on the wall in front of him a picture of that daughter, Theodosia.

When the streams of early sunlight first entered into his room, there was Theodosia in front of Aaron Burr, that loving father. When the shades of night had fallen and night, with her sable robes, had closed the light of day for the last moment, he could see in the dim light the picture of that daughter, Theodosia.

Well, that was a side of Aaron Burr that not many people know about. A good many years ago, I went to the Library of Congress and went to the rare books section and sought out this bit of material because I was researching the life of Aaron Burr. I had intended to put such a chapter into my "History of the Senate, 1789–1989." I intended to put a chapter on Aaron Burr, the great enigma, in that book.

There were two chapters I wrote that I never put into the book. That was one. The other was about two great West Virginia Senators, Senator John Kenna—it is a very interesting story about John Kenna and what he had to do with the location of the Capitol in Charleston. I will not tell that today. The other great Senator from West Virginia I wrote about was Henry Hatfield, a Republican. So I wrote about one Democrat and one Republican.

In writing those chapters, I went into the rare books section of the Library of Congress, and among those tomes I fished out this story, and many more, about Aaron Burr. It was there that I discovered that this man with such an evil, mean spirit, with the lust to kill Alexander Hamilton, because he hated Hamilton—he challenged this man whom he hated to a duel, and Hamilton, being a man of honor, charged Burr with having said things concerning the honor and patriotism of Burr. In those days, they fought duels about honor.

How many men in this Chamber would die today for honor? Well, in those days they did.

The thing I want to say again is, here was this man, this evil spirit. I can envision his lying awake at night thinking of how he would like to kill Alexander Hamilton—and he did kill him. But there was another side to Burr—a very tender, loving side. He loved his daughter Theodosia.

So the Senator from Virginia, when he spoke of his daughter—I have two daughters also, but when he spoke of his daughter, it reminded me of Aaron Burr, that great enigma, and how he, too, had a daughter he loved and treasured.

Mr. WARNER. Will the Senator yield?

Mr. BYRD. Yes.

Mr. WARNER. I enjoyed that story. I have a great and abiding love for my eldest daughter. I think at that point, I depart from the background of Aaron Burr and his other features, but I would not suggest in any way that you were drawing an analogy. I found the story fascinating.

Mr. BYRD. Mr. President, that is a given. What the Senator talked about the love for his daughter, that is a given. I wasn't attempting to connect the Senator from Virginia with Aaron Burr in that respect. The Senator spoke of his daughter, and it awakened memories in my own mind. Burr was a great man, a brilliant man, Vice President of the United States. He killed one of the Founders of this Republic of ours—not this democracy, but this Republic. And he meant to kill him. In those days, they fought duels to kill.

Well, enough about dueling.

(Mr. BARKLEY assumed the Chair.)

Mr. DASCHLE. Will the Senator from West Virginia yield for a moment?

Mr. BYRD. Yes.

Mr. DASCHLE. Mr. President, I was watching the monitor in my office and noted that Senator BYRD was speaking.

Senator REID and I noted as we were watching on television that while the Senator from West Virginia celebrates his 85th birthday, he looks today like a man 25 years younger than 85. He looks youthful, vibrant, and rested. We all remarked as to how it would be possible for him to look as good as he does after the weeks he has had, the hours he has spent on this floor. He has regaled us with yet another story and has reminded us that, while on birthdays it is commonplace in our country and traditional to give gifts to those who are celebrating, it is another reminder of what a gift he is to us. He is a treasure, and we love him for so many reasons, but we especially acknowledge that treasure on this day, given his physical appearance, his eloquence, and his lessons from history. I thank him for that.

Mr. BYRD. Mr. President, I am grateful indeed for these encomiums being said by my colleagues. I deeply appreciate what the distinguished majority leader has just said. I appreciate his friendship on this day and the friendship of so many of my colleagues. I shall always treasure the words he has spoken on this day.

Oh, to be 70 again. The Lord has blessed me. I see his blessing in each of us. He has blessed me extraordinarily. Plato thanked the gods for his being a man. He also thanked the gods for his being a Greek. And he thanked the gods for having permitted him to live in the age of Sophocles. Well, I thank God on this day for what he has given to me. And I don't deserve it. I don't deserve the things God has given to me.

But for God, but for Him and his gracious mercy, I could have been in a penitentiary today; I could have been dead today many times over. It was a mother's wish that I be given to the wonderful couple who raised me. That mother died on the night of Armistice Day, November 11, 1918. I was just a week short of being a year old.

To go on, I thank God for a wife of more than 65 years. I am trying to think of a great Greek. The name starts with an A. He was a great orator. It was not Aristides. It was a very common name in ancient history, but when he in a speech could not think of the right word, he paused until the right word came to his mind. He paused.

He was not like today's speakers, many of whom when they cannot think of a right word they say: You know, you know, you know. That is a mind that is not in sync with the tongue—you know, you know, you know. Not this man, a great—Alcibiades. No. Anyhow, I thank God for having spared my life on many occasions and for giving me the opportunity to serve in this body.

I say to the distinguished Senator in the Chair, who has been here only a few days and who will be with us but a few days more, I could go home today, and I could write a letter to the Disbursing

Office and say I am retiring tomorrow. I doubt that I would know the difference in my check that I get every month, twice a month. I doubt that I would know the difference between that check after I had gone home and sat down with my wife of 65 years, who is probably worrying, and in some manner of thinking that is where I ought to be, but I would get practically the same amount of money I would receive as a Senator. So I am not here today for my payroll, and I probably could earn much more money not being Senator or go on some board or be a lobbyist, if I ever deign to be one. I could probably get a lot more money. I do have grandchildren, and my wife and I have great-grandchildren. I probably ought to try to leave them as much money as I can leave them. But that has never been my desire. Wealth has never been a goal of mine.

My only goal is to serve this country, and I have been here 50 years come this January 3. Having studied the history of the Romans, the Greeks, the Persians, the people of the British Isles, and our own colonial forebears, my roots of love and admiration and respect for this country's Constitution, this country's history, colonial history, our forebears is so deep with me. That is why I am here.

I want to say that in the vote last evening, of which we had nine votes—who saw the same thing as I saw at the end—I saw on TV this morning that four of those nine were the oldest in seniority Members of the Senate: BYRD, KENNEDY, HOLLINGS, and INOUE, the four oldest and senior. PAUL SARBANES, our dear friend from Maryland among the nine, but these are the four senior Democrats, and they voted as I did.

Do you think we collaborated about that? Does the Chair think—I am not asking for an answer; the Chair cannot respond—but does the Chair for a moment think that these nine Senators talked ahead of the vote and said: Will you vote this way? I am going to vote this way. I hope you will vote this way. How are you going to vote? Never a word. I never knew who those Senators were going to be and did not know who they were until after the vote.

I say that to say this: I serve here because I want to serve here and because the people of West Virginia want me to serve. They do not all agree with me. I do not seek to curry favor at home or here. But I do what I think best, and I like that Constitution. I want to compliment, I want to express my deep appreciation to those other eight Senators on this side of the aisle, one of them an Independent, JIM JEFFORDS of Vermont. These men gave up something when they did that. They are going to meet that vote down the road probably one day when they run for reelection.

Did it deter them? No, not for a moment. Nor did they do it because I asked them to do it. I would not have had the temerity to ask them to do it. I would have no business asking them

to do that. I spoke my mind, they spoke theirs, and they voted their way.

Some of the Senators came to me afterward and while the vote was going on and said: Senator, I have been with you down to this point, but I am going to vote for this bill. They were kind enough—they did not have to do that. They did not have to come to me and tell me they were going to vote that way.

I had them come right here to me and say: Senator, I am going to leave you on this one. I have been with you thus far, but looking at the overall picture, I am going to vote the other way.

It was nice of them to do that. I thought it showed a tremendous respect for my viewpoint, and they did it on their own. They did not owe me anything. They did not need to tell me how they were going to vote. But how good of them to come to me and say: I am going to vote the other way.

Does the Senator from North Dakota wish to speak again? I will be happy to yield. I have said about everything I want to say.

I am going to yield the floor now, but I just want to pay homage to these other eight Senators. I am sure it was more difficult for any one of them to vote against the homeland security bill than it was for me because I cut this out in the beginning. I saw where it was going. I was determined not to be for this kind of thing because it was shifting power from the legislative branch to the executive branch. I am not for that. I was not at the beginning when I first said we ought to have a Department of Homeland Security.

That was the course I took. If it meant standing alone, that was all right. I did not mind being the only vote against it. But I never did it with any thought that my speeches would change anybody's mind. That was not it.

Why did I speak that way, knowing that this was almost a foregone conclusion? Not because I was trying to convince any of my colleagues or believing that my speeches would. I spoke for my grandchildren, for my grandchildren's grandchildren, and for future Senators who will be in this body. The record that was made will be a record until the crack of doom, be it 1,000 years, 10,000 years, or a million. If this Republic still exists, those words will be there. That is not my words so much that count, but these were words in support of the Constitution of the United States and of the institution of the Senate. That was my total feeling.

I was well rewarded, exceedingly well rewarded, with the supporting votes of eight other Senators, and the supporting thoughts and words of Senators on this side even beyond that. So I was well paid. I pay homage to these Senators who stood on their feet and reached this conclusion themselves.

I yield the floor.

Mr. SARBANES. Mr. President, I know the able Senator from North Dakota has been waiting, but I want to take a moment, with his indulgence.

I take this opportunity to wish the very able and distinguished Senator from West Virginia, and my good friend, ROBERT C. BYRD, a very happy birthday. There is no doubt that this institution is a better and stronger place because of not only his presence but his leadership and influence in helping to shape the Senate over decades. We are all enormously appreciative and grateful to him for that.

He carries the Constitution in his pocket. He understands the constitutional structure of our Nation and the role of the Senate within that constitutional structure. I have always greatly admired the fact that he is what I would call a constitutionalist. He understands that we have to have strong institutions in order to make representative democracy work. Without those strong institutions, we are in great danger of losing our liberties and the balance that has served this Republic so well for more than two centuries. I join my colleagues and pay respect to him today on his birthday.

In today's New York Times, there is a wonderful story about the distinguished Senator. I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. SARBANES. It is headlined: "Byrd, at 85, Fills the Forum With Romans and Wrath."

They should have gone on and added one other thing. They should have said "and wisdom," because that is exactly what he has provided to all of us. We are appreciative to him for it, and we wish him a happy birthday, and many more.

Mr. REID. Will the Senator yield?

Mr. BYRD. Mr. President, before the distinguished Democratic whip speaks, I feel I must say this, and I must say it now, right at this point. Here is a true son of Athens. This is a true son of Sophocles, and Socrates and Plato and, yes, one more. I had it on my tongue just a moment ago. Not Alcibiades, but a man whose name I was trying to think of earlier. It came to me while the Senator was speaking. I am sorry because this really is ruined by what I wanted to say. That great Greek who left Athens and who went to the—what was that other part of Greece that had the emphasis always on—

Mr. REID. Sparta?

Mr. BYRD. Yes, went to Sparta. He went to Sparta. But anyhow, I just wanted to make reference to that and how this man who has been here—we have worked together so long, and now he said these things. I keep being bothered in what I am saying. I am trying to come up with the name. It will come to me.

Mr. REID. Make one up. We would not know the difference anyway.

Mr. BYRD. I thank the Senator from Maryland.

Mr. REID. I asked the Senator to yield because I wanted to, through the Chair, mention a word about you.

Mr. BYRD. The name that keeps bothering me is Aristides. But this was Alcibiades. He was a great speaker, and when he could not think of a word, he paused. He just stopped. He did not say, "you know, you know," or, "ah, oh, ah, you know, ah, you know." He paused.

I thank the distinguished Senator from Maryland very much.

Mr. SARBANES. I thank the Senator.

Mr. REID. Through the Chair, I wish Senator BYRD happy birthday. But I also want to say the Senator from Maryland, as we all know, is a Rhodes scholar. Being a Rhodes scholar is a tremendous distinction. Those of us who work with the Senator from Maryland know he deserved that academic opportunity, and certainly he has fulfilled anything that they thought could be done or should be done, and he is still doing such great things.

I am not a Rhodes scholar. I am a Byrd scholar. I have been trained for 20 years being a Byrd scholar. I have so far to go. I do not know many of the Greek names. I have listened intently to the speeches given on this Senate floor on the fall of the Roman Empire. As my distinguished friend knows, a professor who has since retired taught a course at the University of Nevada at Las Vegas on the Byrd speeches dealing with the Roman Empire. I have picked up a few traits from the Senator from West Virginia. I have my Constitution with me every day.

I have had a wonderful life, but this life has been made so much more full as a result of having become a Byrd scholar.

#### EXHIBIT 1

[From the New York Times, Nov. 20, 2002]

BYRD, AT 85, FILLS THE FORUM WITH ROMANS AND WRATH

(By John Tierney)

WASHINGTON, NOV. 19.—As his colleagues hurriedly tried to give the president a domestic security bill, Senator Robert C. Byrd took the floor this morning to tell them of a "truly great" senator from the first century A.D. named Helvidius Priscus. One day this Roman was met outside the senate by the emperor Vespasian, who threatened to execute him if he spoke too freely.

"And so both did their parts," Mr. Byrd said. "Helvidius Priscus spoke his mind; the emperor Vespasian killed him. In this effeminate age it is instructive to read of courage. There are members of the U.S. Senate and House who are terrified apparently if the president of the United States tells them, urges them, to vote a certain way that may be against their belief."

Mr. Byrd, of course, is not one of those timid souls, and his recent speeches have been extraordinary even for the maestro of senatorial rhetoric, who turns 85 on Wednesday. While his colleagues have debated the fine points of the domestic security bill, he has been virtually alone in asking the larger question: Why is this new department suddenly so necessary? What will the largest and hastiest reorganization of the federal government in half a century do besides allow politicians to claim instant credit for fighting terrorism?

"This mon-stros-ity," Mr. Byrd has been calling the bill, repeatedly lifting its 484 pages above his head with trembling hands

and flinging them down on his desk with the fury of Moses smashing the tablets. Mr. Byrd used to be known less for his distaste of federal bureaucracy than for his love of federal aid—he once vowed to be West Virginia's "billion-dollar industry," while his critics crowned him the "prince of pork." But now he is riffing against big government.

"Osama bin Laden is still alive and plotting more attacks while we play bureaucratic shuffle-board," Mr. Byrd told the Senate. "With a battle plan like the Bush administration is proposing, instead of crossing the Delaware River to capture the Hessian soldiers on Christmas Day, George Washington would have stayed on his side of the river and built a bureaucracy." Mr. Byrd imagined Nathan Hall declaring, "I have but one life to lose for my bureaucracy," and Commodore Oliver Perry hoisting a flag on his ship with the rallying cry, "Don't give up the bureaucracy!"

It would not be strictly accurate to say that Mr. Byrd's speeches have fallen on deaf ears in the Senate, since the chamber was mostly empty when he spoke. But thanks to C-Span, his recent oratory has won this traditional Democrat new allies across the political spectrum—from Barbra Streisand to Phyllis Schlafly, according to the letters his office has received. While liberals have hailed his opposition to the president on Iraq, which generated more than 50,000 letters, conservatives have joined him in warn-

ing of a threat to privacy from the domestic security bill.

As he was waiting to speak on the floor yet again this afternoon, Mr. Byrd sat in his office and marveled at the rush to pass the bill.

"That Department of Homeland Security will not add one whit of security in the near future to the American people," he said. "In the meantime, the terrorists are going to be very busy. I'm concerned that in our drive to focus on the war in Iraq and the Department of Homeland Security, we're going to be taking our eyes off what the terrorists may do to us."

Mr. Byrd advocated slowly creating the department, with Congress overseeing the process, and he pulled out the ever-present copy of the Constitution from his breast pocket to make his point. "We're being recalcitrant in turning over to this president the power shift that is included in that bill," he said.

One Democrat senator who voted for the domestic security department said he and his colleagues were exasperated by Mr. Byrd's delaying tactics on this and other measures.

"More and more of our members feel he's dragging it on and on ad infinitum, which is not necessary," that senator said. "Make your point. Have a vote. And move on. He's not willing to do that. He's from a different

school. At some point you have to say, 'Enough is enough.'"

That senator, acknowledging that Mr. Byrd is a powerful colleague, declined to be named publicly, saying, "I'll get killed."

Mr. Byrd's long speeches have irritated some of his colleagues anxious to adjourn, but he has his defenders even across the aisle.

"I don't happen to agree with Senator Byrd's position on homeland security, but he deserves to be heard," said Senator Chuck Hagel, Republican of Nebraska. "Some senators think we ought to be on a bus schedule, but I don't have any sympathy for people whining about being delayed. This is our job. I agree with Senator Byrd that we sometimes need to spend more time considering issues as important as this."

Mr. Byrd, who will celebrate his 50th anniversary in Congress in January, said he had no illusions that his oratory was going to change the outcome of the final vote. So why was he on the floor day after day? What was he accomplishing?

"To me, that question misses the point, with all due respect to you for asking it," he said. "To me, that matter is there for a thousand years in the record. I stood for the Constitution. I stood for the institution. If it isn't heard today, there'll be some future member who will come through and will comb these tomes."

#### NOTICE

*Incomplete record of Senate proceedings.*

*Today's Senate proceedings will be continued in the next issue of the Record.*