

us have another hearing, let us ask some questions of this man, and have him submit those memos. It wouldn't take very long. I assume he didn't write too many memos, but we could tell. I am sure they could be reviewed in a day. I am sure the hearing could take place in a day.

To say that this opposition is because he is Hispanic and he is a conservative simply is not based on the facts.

But I accept what my friend from Utah has said. That is what he believes. I know he believes that. I submit that it is not right. He has a right to believe that. As I have said before, people have made statements over here about why they oppose Miguel Estrada. That doesn't mean that my friend from Utah has to agree. But that is how people over here feel.

We have a problem with this nomination. We are now in the throes of a filibuster. The majority leader has said he thinks the debate tomorrow should go for a long time. If that is what he wants, that is fine. I spend all of my legislative life here in the Chamber. I can spend a night or two here. It doesn't really matter that much. We have a lot to do. I know we have other things the leader wants to do. I know we have a very important appropriations bill that should be coming forward in the form of a conference report very soon. We have to do that.

The other reason we may be going through this process is that the leader doesn't want to bring any of that stuff forward. Maybe this is an excuse for doing nothing. But whatever the majority leader wants to do, I understand the procedures here in the Senate, and we are here because he determines what we do on this floor. But one of the things we have a right to do is take a look, because of the Constitution of the United States, at nominations that are given us. That is what we are doing.

As I started my brief little talk here tonight, you may not think there is a problem. But take the word of my father-in-law. May he rest in peace. There is a problem. I would suggest there are well over 40 Democrats who believe there is a problem. It seems to me that is the case; there is a problem.

There are only a few ways to deal with it. You can stay here and talk day after day after day and run TV ads, as they are doing right now, saying that we are anti-Hispanic. It is not going to change the belief of people over here that Miguel Estrada should answer questions and that he should provide his memos.

If they do not want to do that, they can continue running their ads and having to stay here late at night—stay here all night, and have us stay here during our vacation. When I say "vacation," as everyone knows, they are not vacations; we go back to the States and work. But we are here. We have signed onto this. We as a matter of principle oppose this nomination. People may disagree with our principle.

But that is in fact why we are here. We think there is a problem with this man being given this appointment. According to us, he has not answered questions, and he has not submitted his memos. And he is opposed by a lot of groups who should be supporting him and don't because they believe he is not a person who should go on the District Court of Appeals.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I appreciate my colleague. I agree with him; there is a problem here. I don't think there is any question about it. There is a problem of whether we are going to treat a person fairly. I appreciate my colleague in his own characteristic quiet and cautious and decent way. He has outlined what he feels.

Think about it. Where were the questions during the time they controlled the Senate right up through the middle of January? They didn't ask any further questions. Only two Senators gave written questions. They could have held an additional hearing. They did not do it. I guess they rolled the dice, figuring they were going to win anyway, and they would kill this nomination no matter what happened. The fact is they lost, and now the Republicans are in control of the Senate, and we want to see this man get fair treatment.

I admit there is a problem. But the Constitution doesn't say the Senate should advise and filibuster these nominations. It says the Senate should advise and consent to these nominations. That is a far cry from filibustering.

I question a filibuster in the case of judges in the third branch of Government. They are a coequal branch of Government.

With regard to the memos, Mr. Estrada said it is fine with him if they give up the memos. He doesn't have anything to hide. He is proud of his work. But the Justice Department, in its wisdom, says we don't give up these kinds of memos; it is a bad precedent, and we are not going to do it. So why blame Estrada for that? Why hide behind that when Estrada isn't the one causing the problem.

I happen to agree with the Justice Department. I don't think they should give up confidential memoranda that could chill the work that goes on in the Solicitor General's Office. I don't see how anybody with a straight face could make that argument as much as it has been made with straight faces today.

#### LEGISLATIVE SESSION

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

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

#### MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate

proceed to a period of morning business.

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

#### AMERICA UNGUARDED

Mr. BYRD. Mr. President, as President Bush gears up for a possible war in Iraq, we have been treated to repeated announcements of troop deployments and callups of Reserve forces. A fourth aircraft carrier battle group centered around the USS *Theodore Roosevelt* is steaming toward the Persian Gulf, and the Navy is reportedly prepared to send up to three more carrier battle groups to the region. Two Marine amphibious groups of seven ships each are also already in the gulf. Military installations around the Nation are taking on an empty, shuttered feeling as unit after unit after unit packs up, says goodbye, wipes the tears away from their faces, from the faces of loved ones, and ships out. This is happening more and more and more all over this country.

National Guard and Reserve forces have been mobilized not only to go to the Persian Gulf but also to guard military installations around the United States. And more and more and more, one will look at dinner tables and at countless workplaces, and there they will see vacant chairs, vacant spots.

The 300th Chemical Company, headquartered in Morgantown, WV, was ordered, on January 3, 2003, to report to Fort Dix, NJ, in anticipation of deployment to some as yet undetermined final destination.

West Virginia: one State, the 35th State in the Union. Every Senator here can look at his or her own State and see what is happening, see the same thing happening as I am seeing in West Virginia. These troops may be gone for a year. They may be gone longer.

Other West Virginia Guard and Reserve units have already been called up, including members of the Bluefield-based 340th Military Police Company. That is on the southern border of West Virginia, on the border with the State of Virginia. And then there is the Romney-based 351st Ordnance Company. Romney is in the northeastern part of West Virginia, a community that changed hands 56 times in the Civil War.

There, too, we see vacant chairs at the dinner tables. We see the families, the spouses with the children, spouses who have remained behind. They and their children bow their heads at mealtime and say: "God is great. God is good. And we thank Him for this food. By Thy goodness all are fed. Give us, Lord, our daily bread."

And the same scene is repeated and repeated in Kansas, in Florida, in California, in Washington, in Oregon, in Virginia, in South Carolina, in North Carolina, Pennsylvania, New York, Massachusetts, and on and on and on. And pretty soon it adds up.

Then there is the Kenova-based 261st Ordnance Company and the Bridgeport-

based 459th Engineer Company. Kenova is down near Huntington in southern West Virginia. Bridgeport is adjacent to Clarksburg in the north central part of West Virginia.

Everywhere one looks, one sees these men and women departing, leaving—to return when? We know not when, and in some cases perhaps never.

West Virginia Army National Guard members have been recalled to active duty, as have members of the Charleston, WV-based 130th Airlift Wing and the 167th Airlift Wing in Martinsburg.

So over and over and over again, we see this happening, day after day after day.

West Virginia is playing an active role in our Nation's military operations, and the story is the same in the other 49 States and the District of Columbia around the Nation as, week after week after week, small town newspapers display the smiling portraits of guardsmen and reservists called into the active service of their country.

I suggest to other Members of the Senate that they take a look at what is happening within the borders of their own States, the States they represent in this great Chamber, and they will see what I see when I look at West Virginia.

Even the Coast Guard is sending 8 of its 49 patrol boats and two port security units—some 600 personnel—to the Persian Gulf. By mid-February, some 150,000 or more service personnel are expected to be in the Persian Gulf region, with the total expected to top 200,000 by early March—not even a month away.

These new deployments to the Persian Gulf come on top of many other ongoing military operations around the globe. Approximately 9,000 U.S. service personnel remain active in Afghanistan battling Taliban forces and continuing to root out Osama bin Laden's followers. We spent \$27 billion in Afghanistan. Now we have upped that by an additional \$10 billion; 27 plus 10, that is \$37 billion that the war in Afghanistan and the adjacent region has already cost, \$37 billion; \$37 for every minute since Jesus Christ was born; \$37 billion spent in Afghanistan and the region.

And where is Osama bin Laden? Where is he? Thirty-seven billion dollars? Yes. And has the countryside been subjugated? No. Only the city of Kabul, perhaps in the daytime.

I went to Kabul 48 years ago with a codel from the House of Representatives, flew up the Khyber Pass in that landlocked country, Afghanistan. There it is today, the same country, landlocked, still ruled by tribal men warring with one another.

Approximately 9,000 U.S. service personnel remain active in Afghanistan, battling Taliban forces and continuing to root out Osama bin Laden's followers. Yes, there it is. American service men and women all around the globe, around that globe around which Jules Verne wrote that great novel, "Around the World in Eighty Days."

Military and political tensions in South Korea are as high as they have been at any time since the Korean war. I remember that Korean war, yes. Here we are, a half century later, with thousands of our American fighting men and women still there looking across the divided country that separates South from North Korea. Over 51,000 U.S. personnel live in South Korea, including 35,654 active duty military personnel. I visited there when Syngman Rhee was President. I visited the Korea Parliament. Men wore overcoats in the Parliament. It was cold. Can you imagine men and women seated in this Chamber in their overcoats? It is the dead of winter, isn't it? Yes, it is.

Some 6,900 U.S. forces remain in Bosnia as part of the NATO Operation Joint Force. By mid-February, by this short count, 201,554 American service personnel will be far, far away, far from home, far from the lights of home, far from the warm fireplaces of home, far from the sisters and brothers and mothers and fathers and wives and children and husbands and children engaged in dangerous missions around the globe. This figure does not include forces permanently stationed in Europe, Japan, and elsewhere but those on temporary deployment. These deployed troops will be supported by many more military forces based in the United States.

And how much are we debating that? Little is being said. Scarce to nothing is being said on the Senate floor as we prepare to go to war in all likelihood in a foreign land. Little or nothing is being said in this Chamber or in the other Chamber about what may happen at home once the attack upon Saddam Hussein is unleashed. Are we under a gag rule? What is going on? I can scarcely believe my eyes and my ears when I look about me. I sometimes say to someone, pinch me, pinch me. Is it real?

What has happened to the U.S. Senate, this great forum, the greatest upper body in the world, the U.S. Senate? What has happened? What would the Framers think if they could come back and see this Chamber, austere, practically vacated? Of course, they knew nothing about television in their day. They didn't know that a few Senators could sit back in their offices because they didn't have the kind of offices that we have in our day either. But what would those Framers think?

What would the 39 signers of the Constitution of the United States think if they could sit in these galleries and look down upon this Chamber today? What would George Washington have to say about that? What would James Madison have to say, or John Blair have to say? Or Charles Cotesworth Pinckney, what would he say about that? What would Hugh Williamson have to say? How would he feel about it? How would Benjamin Franklin gauge the situation if he saw the U.S. Senate today as we are about to prepare to launch an attack upon a sov-

ereign nation that has not attacked our own country? Benjamin Franklin, what would he say?

What would David Brearley say as he looked about him and saw few Senators discussing the greatest issue of all—the issue of war and peace? What would James Wilson say? What would John Dickinson say? What would Thomas Fitzsimons have to say about it? What would Abraham Baldwin or William Few say about it? These were signers of the Declaration of Independence. Would George Read have any questions to ask? How far have we fallen short of the expectations of those who framed this Constitution? Here it is. I hold it in my hand. There were 39 signers. How about John Langley? Rufus King; would he rise to his feet and have anything to say? What would Nathaniel Gorham and Nicholas Gilman say about this?

Would they say: Awaken, awaken, take to the ramparts. In musical terms, the operational tempo of the U.S. Armed Forces has moved from adagio, which is slow, to allegro, which is fast, and is rapidly moving to prestissimo, as fast as possible, or too fast.

No one wants our military to go to war without the resources that it needs, and we will certainly do everything within our power if our forces are sent into war by the executive. The Senate has attempted to wash its hands of the matter and hand the matter over to the President of the United States: Here it is; it is all in your hands. We have relegated ourselves to the sidelines. Yes. No one wants our military to go to war without the advantage of overwhelming force. But in this new era of terrorist attacks in the homeland, I have some concerns that we are leaving America unguarded as we attempt to initiate and sustain so many military operations overseas.

Oh, yes, we see the national alert, the orange alert. Well, the forces that remain here to protect the American people are fast dwindling. How long before they dwindle more and more and more? Yet we are on "orange alert." Where are the policemen, the National Guardsmen, the reservists, the firefighters, and the schoolteachers—those all about us in our daily walks as citizens? More and more, we look to the right and then we look to the left and we see a vacant spot here and there. Yet we are on orange alert. Where are those who are to guard this country when it is on orange alert? Where are they?

I am not alone in thinking our country is vulnerable to another massive terrorist attack. On Friday, Attorney General Ashcroft and Homeland Security Secretary Ridge announced to the Nation that credible, corroborated intelligence reports required an increase in the homeland security alert level. Yet look about you, and everywhere to the north, east, west, and south one sees line after line, busload after busload, planeload after planeload of National Guardsmen, reservists, men and

women leaving their spouses, their children, shedding their tears, going away—miles away, hundreds of miles away, thousands of miles away across the seas. When will they see one another again?

In light of this danger, it is almost bizarre that our military continues to run at full tilt to ready for war in the Persian Gulf. It is as if two ships are passing in the night—one filled with our soldiers headed for the hot sands of the Arabian Peninsula, the other carrying terrorists headed for our shores. Time after time, this administration and its Department heads have put this Nation on alert. If the risk to the American people were not so great, the situation would be almost comical.

If an attack strikes a city in the United States, who will respond? Governors might wish to call out the National Guard in order to respond to an attack and restore order, but will any units be left to pick up the phone? The military's only mobile chemical and biological laboratory has deployed to the Persian Gulf. Chemical decontamination units, like Morgantown, West Virginia's 300th Chemical Company, have been called up and shipped out. Gone. The vacant chairs are still there. The vacant pews in the local churches are still there. But the men and women are gone. Many of our Nation's policemen, firemen, and other first responders are members of the National Guard and Reserves. They have been called up, and they have been shipped out, leaving one important national security job for another.

It would be a mistake to assume that these troops would soon return home after defeating Iraq in battle. We may be lucky, pray God. The supreme fact in this universe of universes is a Living God. Men can study and plot and plan all they want to as to what created this Earth, created the universe, and created man, and come up with this idea and that thesis and that hypothesis, one after another. But the remaining supreme fact is that there is God. I hope God will give this country the good judgment, the wisdom it needs in the days ahead. We may be lucky. It may all be over in a day or two. Someone may be able to talk to Saddam Hussein and get him to leave and go somewhere else. Who knows? But suppose we are not lucky.

Saddam Hussein's military is not as strong as it once was, but there is still the looming specter that one sees at night when the shades of darkness have fallen. One hears the rustling robes of night, those sable robes. One sees the specter, the possible specter of hand to hand, building to building to building, block by block by block, street fighting in the megalopolis of Baghdad. That could become real.

Then what will those who seem to be impelled to drive our Nation into war say, those who seem to look upon this forthcoming trial as but a video game? We press a button here, press a button there, poof, it is gone; Saddam Hussein

is out of it, and his legions have been conquered and decimated and destroyed. Just a video game.

I sometimes pinch myself as I sit down and watch the television. I wonder, can it be real that these people who have never shot a shot in their life probably—I cannot complain about that; I have not shot a shotgun either—but they are all for going to war. What do they have to lose? I do not know. But I wonder what is happening in our country today when everything is bent for war.

Turn on the television set. The first television set we had at my house was in 1955. I was in my third year in Congress, my second term, and went home one afternoon, took some mail with me and was sitting after supper—we still think in terms of supper at my house, not dinner. We do not wear these monkey suits, certainly not as much as we used to. So we do not put on these fancy suits and go out to dinner at night.

There I sat. I was signing my mail, and my wife and I sat there with our two daughters. She said: Robert, what do you see? Take a look around the room. What's new? I looked around the room. And there it was—a black-and-white television set, 1955.

That is the year when the House of Representatives passed legislation providing that the words "In God We Trust" will be on the currency of this country—"In God We Trust." Those words were already on some of the silver coins, but we passed legislation in that year, 1955—it was June 7, 1955, when we passed legislation providing that the words "In God We Trust" would be on our currency. Here it is. It is right on there. Here it is on the \$1 bill, with the greatest President of all, George Washington. There it is on that bill.

That was June 7, 1955, and on June 7, 1954, we had passed in the House of Representatives legislation adding the words "under God" to the Pledge of Allegiance.

There we were, sitting around my living room. I turned on that black-and-white television set. Ah, I wish I could call those days back. There was Jackie Gleason and "The Honeymooners," really a wholesome, fun picture. Then there was Matt Dillon in "Gunsmoke." And there was Elliott Ness in "The Untouchables." Those were the days, black-and-white television.

Anyhow, I turn the television on now in the evenings, when I can bear to look at it for a little while, and the same old story over and over is just beating into my ears; this go to war, this beating the drums of war. That is going to be a game. We hear that the game is over. This is not a game, as the French President reminded our own. This is not a game, and it is not over. But there I hear it every night over and over and over and over again. That is all the American people hear, this "going to war" theme.

I hope we will be lucky. I hope we will be. I hope we will find a way out of

going somehow. I think this Senate ought to debate it. I think we ought to talk about it in this Senate. What would those Framers say if they could see the Senate today, tucking its tail between its legs and running away from this, the greatest issue of our time: War and peace.

Nothing is being said about it. Are we afraid to ask questions? Is it unpatriotic to ask questions? I say to these pages—we have a new flock of pages and they are all these fine young people who come into this Chamber. They are such wonderful young people—I say to them: What did you think before you came here? Did you expect to hear some great debates about the greatest issue of our day, our time? Did you think you were going to come here and hear about the problems of war and peace? Are you disappointed? Have you been disillusioned? You are not hearing it, are you? Here we are silent.

Is it deemed to be unpatriotic to ask questions? The American people out there want us to ask questions. How much is it going to cost? We have already spent \$37 billion now through the end of last December in Afghanistan, in that region. Where is Osama bin Laden? Where is he? \$37 billion. He was wanted dead or alive; \$37 billion and still no Osama bin Laden. Now our troops are going to be sent to a foreign land, some of whom will die, will have their blood shed in the hot desert sands of a foreign country. And how many people there will die? How many men and women and children, little children, boys and girls, will die unless we are lucky and the bullets do not fly?

Our troops could be forced into a wild goose chase for Saddam Hussein, just as Osama bin Laden has eluded our grasp for the last 14 months. We could get lucky; we could win the war in a matter of days. Saddam Hussein could be served up to us on a silver platter by his generals who are desperate to save their own lives. But is that the end of the story? That is not the end of the story. Someone will have to occupy Iraq and purge the government of the Baathist Party elites who might wish to succeed one dictatorship with another dictatorship. Someone will have to calm the situation in the North where the Kurds might seek to form their own country, which is a serious concern for our ally Turkey.

If the United States goes forward with a war with only token support from some of our allies, it is not hard to see that we will also bear the greatest burdens in the occupation of Iraq. Who knows that it is going to be all that easy?

They should sit down in front of their television set tonight, as they listen to those talking heads as they gloss over the serious question of war and peace and they talk about going to war as though it were a video game.

Somebody is going to die. America has lost men and women in wars, large and small, over these 215 years since ours became a republic. People always

die in war. Have we discussed this one? Have we debated it? Have we asked the questions our people expect us to ask?

Suppose we get into a war and it does not go well. Suppose it turns out to be something other than a video game. Then our people back home will say: Where were you?

The first question that was ever asked in the history of mankind was asked in the Garden of Eden, in the cool of the day, when God searched for Adam and Eve and He asked the first question that was ever asked: Adam, where art thou? Old Adam and Eve were over behind some bushes, wearing some fig leaves, trying to hide from God.

No, one cannot hide from God. One cannot hide from the Creator. And we will not be able to hide from our constituents if this war goes sour, if it goes south. They will ask: ROBERT BYRD, where were you when they voted to turn this matter over to the Commander in Chief, turn it over to the Chief Executive, hand it over to him and wash your hands? Were you there, ROBERT? Did you wash your hands on that day? Where were you?

We will be asked the question. I kind of hate to look at myself in the mirror and ask myself that question. Where were you when you turned your back on the Constitution of the United States, which says Congress shall have power to declare war? Did you turn that over to the President, ROBERT BYRD? Did you vote to turn that authority over to the President? If you did, did you sunset it so that that same power would not be in the hands of the next President? No, the Senate did not even want to sunset it.

What would those Framers say to us? Where were you? You stood up at that desk, put your hand on the Bible, and said you would swear to support and defend the Constitution of the United States against all enemies, foreign and domestic. Where were you on that day?

If the United States goes forward with a war with only token support from some of our allies, it is not hard to see that we will also bear the greatest burdens in the occupation of Iraq. Then look in the shadows, look into the shadowy mists halfway around the world, and see what is there. North Korea, with its nuclear programs. Now we are becoming a little afraid of Iran. We are becoming wary of Iran, which is third in the forces of evil that have been named. Are they next?

The Department of Defense has so far been reluctant to hazard a guess at how many troops might be required and how long their mission might last. Perhaps those numbers—we are talking about a postwar Iraq, a post-Saddam Iraq. The Department of Defense has been reluctant to hazard a guess at how many troops might be required and how long their mission might last. Perhaps those numbers are too alarming to discuss at this point, but one British think tank has estimated that occupation of Iraq may require 50,000

to 200,000 troops and cost \$12 billion to \$50 billion per year for 5 years, perhaps more.

Who knows what the ultimate costs will be—\$200 billion, \$300 billion, \$500 billion, a trillion? Add up all of the costs. So long as this occupation continues, how is the National Guard supposed to help our States in the homeland security mission? Our police forces can hardly pick up the slack. They are already working full tilt, performing the myriad tasks that keep our streets and schools safe 24 hours a day, with crime increasing 7 days a week, 52 weeks a year.

Just because the threat of terrorist activity is higher does not mean that run-of-the-mill villains go on vacation. Just because Osama bin Laden is still on the loose does not mean that the John Allen Muhammads of the world will decide not to go on random nationwide shooting rampages.

At a time when port security has become increasingly important, and in which we have learned what a tiny fraction of incoming ships and containers are being searched for weapons of mass destruction, the Coast Guard is reducing its interdiction capability by sending one-sixth of its patrol craft to the Persian Gulf.

How many more Haitian refugees will be able to land on our shore? How many more drug shipments will make it in? How many ships in distress will have to wait to get help? How many terrorists will be able to land on our shores? One key problem, in trying to balance the demands of States for National Guard to perform homeland security missions with the deployment of guardsmen to deal with international crises in Afghanistan, Iraq, and perhaps elsewhere, is that the military reserves are the well from which the Active-Duty Forces must draw for units with unique skills. If the military needs large numbers of military police, engineers, or civil affairs specialists, it has no choice but to draw from the Reserve components.

Our military is arranged so that the Active Forces alone simply are not able to carry out long periods of conflict or peacekeeping missions. The Department of Defense has announced that it will seek to realign some units so that our Active-Duty Forces will be better able to perform specialized missions without drawing so heavily from our citizen soldiers. But would the Framers have questions about how this will be done? How will it be done? Will the 300th Chemical Company be ripped out from its home in West Virginia and sent to a military base hundreds or thousands of miles away? If so, on whom would Governor Weiss of West Virginia then call if a chemical attack were to occur in my State?

Each Senator should ask themselves the same question about their own State. The President has repeatedly said our country is in this war on terrorism for the long haul. We should not seek Band-Aid solutions to important

problems. Realignment of Reserve and Active Forces might make sense for fiscal year 2004, but what are we going to do about the problem today? What needs to be done to prepare for 10 years down the road? I will not be here.

You may not be here or you may be here, Mr. President. But that problem will face this country. Years will come and the years will go, problems will come ever nearer. Let us start by asking some tough questions.

Do we need more Active-Duty forces to do everything that the President is asking our military to do? If so, can we increase our recruiting to find more Americans who are willing to serve in the military? Do we want to go back to the draft? That question may come ever closer.

While the White House is prepared to dedicate ever greater sums to our military, have we underestimated the manpower requirements for the war on terrorism or for nationbuilding in Afghanistan or for a war in Iraq or for maintaining our security guarantees to South Korea? Let us not shy away from asking these questions simply because we are afraid of honest answers that could expose a weakness in our military planning.

Our States, cities, and towns are in a homeland security crunch. Security demands are increasing. State budget deficits are soaring. Ask the Governors of this land about their budget deficits. Ask them about the shortfalls within their own States. Perhaps the homeland security crunch could not have been avoided completely, but its effects could have been mitigated.

In November 2001 I offered a \$15 billion package to address urgent homeland security needs. Did the White House support it? Did the White House support that package? No. This White House opposed it.

In December 2001 I proposed \$7.5 billion in homeland security funds. Did the administration support that? No. The administration shaved that down to a fraction of its size. Wouldn't our communities be better prepared today for the current terrorism warnings, for the current orange alert, if those funds had reached our communities more than a year ago?

With the homeland security crunch now affecting virtually every State in the Union, one would think that we should have learned a lesson. Have we?

Just last month I offered a \$5 billion amendment to H.J. Res. 2, the fiscal year 2003 omnibus appropriations legislation to fund these programs that the President had authorized in earlier legislation. Did the White House support my amendment? No. The White House opposed that amendment, terming it "new extraneous spending." How about that?

My opinion differs from that of the White House. I believe that providing funding for programs that have been requested and authorized, and which are critical pieces of homeland security, is just as critical as going for the

public acclaim that comes from proposing a bureaucratic reorganization.

Words, and promises, need to be backed up with the money to make those words a reality. Empty promises and hollow rhetoric, no matter how stirring, how bedecked in flags and bunting, will not protect our families, our neighbors, and our fellow citizens.

Iraq is not the only crisis on the American agenda. Hundreds of thousands of troops are shipping out for distant lands while the threat of terrorism is growing here at home; while the Nation, for the first time, is being put on orange alert.

These troops have our support and our prayers for their safe return. The families they leave behind also need the very best that we can do for them. They need our prayers, and they need more than our prayers; they need to have programs designed to improve their safety and security funded and implemented, not put on hold.

Having lost the \$5 billion, then I sought to come through with a \$3 billion homeland security amendment. The same thing happened.

I hope the view from the White House will expand to focus, not just beyond our shores, but also within our shorelines. We must not leave America unguarded.

**THE PRESIDING OFFICER.** The Senator from Nevada.

**Mr. REID.** Mr. President, the Senator from West Virginia has had a cold the last week or so, so we have missed him in the Chamber. It is good to hear you have your voice back and are gaining your strength. It is good to sit and listen to you.

I have had a lot of good education. As I said once in a debate in the Senate Chamber—we were talking about the distinguished Senator from Maryland, who is a Rhodes scholar. It was a colloquy between the Senator from West Virginia and the Senator from Maryland. I interrupted, with the consent of the Chair, and said: I am not a Rhodes scholar; I am a Byrd scholar. And I really am. I appreciate the Senator's remarks. He always pushes to better things. Better parts of us come out when you lead us. I appreciate very much the Senator's statement.

**Mr. BYRD.** Mr. President, I thank the distinguished whip for his comments. I thank him for his work that he performs here daily for his country, for his State, and for his colleagues in the Senate.

**Mr. REID.** I thank Senator BYRD very much.

#### VOTE EXPLANATION

**Mr. DURBIN.** Mr. President, before I address the issue of Miguel Estrada, as a matter of personal privilege, I note I missed three rollcall votes last night on the three judicial nominees. I would have voted in the affirmative on all three nominees. The reason for my absence has to do with the fact—and I am holding two boarding passes—I boarded

a plane in Chicago to come to Washington and we were grounded because of mechanical difficulties. Because of the delay in that flight, it was impossible for me to make the rollcall votes. As I said earlier, I would have voted affirmatively on all three of President Bush's nominees who came before the Senate last night.

**Mr. BIDEN.** Mr. President, as you know, yesterday the Senate unanimously confirmed the nominations of John R. Adams to be a judge for the United States District Court for the Northern District of Ohio, S. James Otero to be a judge for the United States District Court for the Central District of California, and Robert A. Junell to be a judge for the United States District Court for the Western District of Texas. I was in Delaware meeting with constituents and, accordingly, was unable to attend yesterday's votes. I wish to note for the RECORD, however, that I would have voted in favor of all three nominees yesterday, having voted to report favorably their nominations from the Judiciary Committee last week.

#### SENATOR LIEBERMAN'S REMARKS TO NATO ALLIES

**Mr. DASCHLE.** Mr. President, last weekend in Munich, our colleague, Senator LIEBERMAN, gave a remarkable speech to the annual Wehrkunde Security Conference. Alliances have contributed to America's strength since the end of World War II, and Senator LIEBERMAN, like many of us, has watched with concern as those alliances have weakened over the last 2 years. He makes a compelling case on why those alliances remain vital to our security and why it is important that the administration redouble its efforts to strengthen those alliances.

I ask unanimous consent that the text of his speech be printed in the RECORD.

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

#### "HALTING THE CONTINENTAL DRIFT AND REVITALIZING THE U.S.-EUROPE RELATIONSHIP"

(By U.S. Senator Joe Lieberman; Feb. 8, 2003)

#### REMARKS TO WEHRKUNDE CONFERENCE (AS PREPARED FOR DELIVERY)

We come together in trying times with an urgent responsibility: to fortify our transatlantic alliance, which has vanquished many foes, spawned many democracies, and promoted many freedoms—but is now struggling to find a common voice in the face of many dangers.

The growing reach of NATO and its principles belies a disheartening truth. In a world facing new and evolving threats—terrorists, rogue regimes, and Weapons of Mass Destruction—NATO is split, and risks not only becoming the shell some predicted it would be after the fall of the Berlin Wall... but a dangerous stumbling block to a safer world.

The big question before us today is not who will join NATO or whether NATO will field a rapid response force, but instead, can our alliance survive a world in which our enemies are less defined, the dangers are more

dispersed, and the road to victory is much less clear?

We who are privileged to be leaders of NATO countries must make sure that the answer to that question is yes. The world of the 21st Century and each of our nations will be much safer if our alliance becomes not just larger but stronger, united around shared principles and the need for a common defense to the uncommon new threats that now face us all.

This process might best begin with some family therapy, since we have been acting too often in recent years like a dysfunctional family.

Let me begin with our side of the family. Since NATO'S inception, the strength of our alliance has always depended on American power. But America's power to lead has always depended on America's ability to listen. During the last two years, the American administration has turned a deaf ear to Europe. Some in America have sent the message that they see NATO and its member countries as a rubber stamp for the crisis that matters most to the United States at the moment, instead of a multilateral alliance of nations who listen to each other's concerns.

But I assure you that most Americans understand that America is not an island; it is part of an interconnected world. No matter how mighty a country's army or how large its treasury, vigorous and resilient alliances built on mutual respect are essential to securing the peace and making the world a safer place.

At the same time, we Americans are upset that so many Europeans seem so much less anxious about the new threats of terrorism, rogue nations, and weapons of mass destruction than we are. We accept the fact that for more than 50 years, U.S. leadership of NATO and our unique role in the world has meant that our security responsibilities have been more global than Europe's. While we worry about missiles in North Korea or conflict in the Taiwan Straits, Europe has mostly been able to focus on securing its own borders. But if September 11th has taught us anything, it's that none of us can retreat behind borders—because terror recognizes no borders. In today's world, enemies of freedom anywhere are a threat to safety everywhere.

I understand why the heavy hand from Washington has lately been seen less as a source of protection and more as a cause of resentment. But I'm here today to argue for your enlightened self-interest. Robert Kagan rightly asks: why should free people—citizens of our closest European allies—seem more worried about America than about terrorism—more anxious about Bush than about bin Laden?

We must urgently and honestly confront and resolve the differences that now divide us. If we fail to, the current continental drift will become a permanent rift, and we will all risk losing much more than family harmony. We will endanger our common security and future prosperity. And the world will lose its most reliable force for freedom and stability.

#### THE ANATOMY OF OUR DISHARMONY

We NATO allies still share three basic bonds, as we have since the beginning: common values and aspirations, common enemies who threaten those values, and common fates should we fail to work together. That those bonds are being weakened is an urgent threat that we must confront and resolve without delay.

#### THE WORLD WE SEE

The first wedge between us is in the way we see the world and its newest problems. Prime Minister Blair put it well when he said recently: "The problem people have