

Here is one about Miguel Estrada's legal memoranda. Here is the information we have regarding Miguel Estrada's legal memoranda. The writing this morning was too small. But here is what it says:

Miguel Estrada's legal memoranda.

Here is what we have: Nothing. My friend from Arizona said this would be chilling; why would we want to set a precedent like this?

It has been set in the past. We have had Chief Justice Rehnquist, for beginners. When he came before this body and we wanted to look at a memo, we got it. I don't have all the names here, but we know Civiletti and Roberts and others—it has happened on other occasions. This is no dangerous, misleading, scary precedent.

We have, by virtue of the Constitution of the United States, an obligation to make sure that we advise and consent to the nomination of the President. Article II, section 2, says that is our obligation, and that is what we are doing. We have an obligation that is in the depths of the Constitution to do just that.

If they, the majority, believe this man is as good as they say he is, let us share in the information, let us look at his legal memoranda, and let us also have him answer questions.

You would think we would want to know, as part of our constitutional duties, what a person's legal philosophy is. As the Senator from Illinois, Mr. DURBIN, and I this morning indicated in an exchange, Mr. DURBIN, the distinguished Senator from Illinois, the senior Senator from Illinois, he said to Miguel Estrada: Give us the name of a case in the Supreme Court that you disagreed with.

As Senator DURBIN and I said: You know, we have been to law school. I will bet it is not too hard of a press to come up with a case about which you think the U.S. Supreme Court was wrong. How about Dred Scott? Maybe Dred Scott was wrong.

Not him. He wouldn't tell us. No.

I have no opinion on that.

Miguel Estrada's legal philosophy—that is it. And because that is it, this blank, we are going to make a decision? No.

The majority leader is the one here who has to make a decision. He can go on like we are today, tonight, tomorrow. In fact, I read in a publication here that one of the Republican leaders says:

If [Democrats] want to stay through the weekend, we'll stay through the weekend.

Boy, is that a threat that just chills me. We may have to work here over the weekend? That would be terrible. Is that supposed to take away our constitutional duties, because they are going to make us work? I work whether I work here or go home.

The leader has to make a choice: Are they going to pull this nomination or do they think enough of this man to give us his legal memoranda and have

him answer questions? Or he could do something that is done a lot around here: File cloture. See if he can stop the debate.

As I have said before, we are in harmony over here. We believe what we are doing is principled and right. No matter how many times the other side says there is no problem, all they have to do is see what is going on here. There is a problem. If they want to resolve that problem, all the cards are in their hands and they can decide how they want to handle it. Otherwise, if they want us to stay here, we will stay in quorum calls or we will talk.

I have suggested to some of the Senators here if we get past the morning hour when we have to be fairly germane to what is being talked about, I think it would be an excellent time, as the Senator from West Virginia did yesterday, I think we should have a little discussion about what is going on in the world. We are very close to going to war. That is what I am told. I think it would be very important to the people of Nevada to have a discussion about that. I think we are going to win the war, but are we going to win the peace in Iraq? That should be a subject. If they want to keep us here all weekend, we could talk about that at some length.

Mr. BYRD. Madam President, will the Senator yield?

Mr. REID. I am happy to yield for a question without losing the floor.

Mr. BYRD. Are we likely to be in session this weekend?

Mr. REID. That is a decision they have to make. I am just reading from one of the publications. One of the Republican leaders said they are really going to get us on this. They are not filing cloture, but what they are going to do is talk all night tonight and all night tomorrow night, to get a vote on the Estrada nomination by the weekend.

Let me just say to everyone within the sound of my voice, that will not get them a vote on Estrada. We have told them what we believe is appropriate.

People may disagree with us. This is the Senate. We have certain rules. We are not dealing from under the deck. We are not holding any cards up our sleeves. We have said openly what we are doing. We are not going to allow a vote on this until we get the information we want. So it is up to them. If they want to threaten us, we could also—we could talk about the war, as the distinguished Senator from West Virginia did yesterday.

I think it is also important to think about this economic plan that has been suggested, the one the President has put forward that the Chairman of the Federal Reserve says is not a good plan. The chairman of the Ways and Means Committee in the House says it is not a good plan. We could talk and elaborate on how some of the Republicans feel about their own plan. That would take a little bit of time.

We could talk about the President's Medicare fix, which the Speaker of the

House of Representatives said is a really bad idea.

We can talk about a lot of things. This is the Senate rules. We do not have to talk about Miguel Estrada. I said to everyone yesterday and I have said it today, everything has been said about Miguel Estrada, for and against him. But not everyone has said it. So we can be here, we can continue rehashing Miguel Estrada.

But the President said—I think I am quoting almost verbatim when he was told there is a filibuster—the game is over.

I don't know what that means. That is a term he used a lot. He said the game is over in Iraq. The game is over on Estrada. This is not a game; this is something we are doing based upon principle.

I think, for the good of the country, unless they are going to give us the information we want, this nomination should be pulled. Then we can get on to other things that I think are very pressing that we should get on to.

I want to make sure I was right. I want to make sure I said this right.

Senate Judiciary Committee Chairman Orrin Hatch . . . scoffed the Democrats' demand for more information about Estrada.

I said the President said: The game is over.

Senator HATCH said that. He is quoting what the President said on other things.

That game is over.

The game is over—this is not a game. This is not something that was arrived at in a short period of time. In fact, the Democratic leader waited a number of days before the decision was made, after he conferred literally with every Democratic Senator about how he felt about this. This is not an arbitrary decision made by the Democratic leader. This is a decision made by Senator DASCHLE after having conferred with every Democratic Senator, on more than one occasion in most instances. That is what the body over here desired to do, and that is what we are doing. We hope everyone understands this is not a game. We are very serious about what we are doing. We believe what we are doing is principled.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TRIBUTE TO JOE MEADOWS

Mr. BYRD. Madam President, this past Saturday my longtime, good friend, and former staff member, Joe Meadows, passed away.

Joe Meadows was a dedicated, hard-working, conscientious, sincere, and loyal individual. As the mail clerk in my office in the Hart Building, he managed the mailroom for me. He did his

job effectively and efficiently. And everyone else on the staff liked him.

One couldn't help but like Joe Meadows. From time to time, when I went into his section of the office, I would find Joe Meadows with a handful of papers, letters, correspondence, and files in one hand. And with his glasses down over his nose, he would look up over his glasses.

He was a wonderful man. He rarely talked about it, this quiet, soft-spoken, hard-working, unassuming man. He was also one of the best country fiddle players in the United States. He was a bluegrass musician, born in a small coal town in southern West Virginia, on the last day of 1934.

Joe never learned to read a note of music.

Does the distinguished Senator from New York have memories concerning the year 1934?

Mr. SCHUMER. Madam President, I appreciate the Senator yielding. I say to the Senator, my memories are those my parents told me.

Mr. BYRD. Well, the Senator, I take it, was not around in 1934?

Mr. SCHUMER. I was not.

Mr. BYRD. OK. Well, I was a high school senior in 1934. I graduated that year. And we were hearing talk, in those days, about a gadget that would allow one to see a person as that person spoke or would allow one to see a person who played the violin as the violin was being played. That was a few years right after the invention of the television. Television was invented in 1926. And so I am talking about 1934, just 8 years after television was invented. Eight years after television was invented, 1934.

Oh, we heard about this gadget, as I say. It was coming and would be on the market in a few years. My, what a change that made, 1934; well, the last day of 1934, Joe Meadows was born. He never learned to read a sheet of music, but he could really play it. He could make that fiddle cry. He could make it scream. He did have neighbors and a father who played the fiddle.

He had an extraordinary gift for music: Joe Meadows from the hills of southern West Virginia. He is one of the finest bluegrass musicians I ever heard. Like many lads in southern West Virginia, including myself, Joe Meadows grew up listening to the Grand Ole Opry on the radio. The Grand Ole Opry, I can remember the times when that was all we had to listen to on Saturday night—the Grand Ole Opry.

Yes, I can remember the Solemn Old Judge and Deford Bailey. Deford Bailey played that harmonica. Oh, he could make that harmonica scream. He could make that harmonica play "Freight Train Blues," Deford Bailey. And there was Sam and Kirk McGee. There was Arthur Smith and His Dixieliners: "Going on down that Dixie line, walking in my sleep"—Arthur Smith and His Dixieliners. He played "The Mockingbird." He could make that mockingbird sing on that violin.

But Joe Meadows could do anything that Arthur Smith could do, and better.

The Grand Ole Opry, that is all we had in those days. On Saturday nights we would square dance and listen to the Grand Ole Opry. There was the Fruit Jar Drinkers. That was kind of a lousy band. I probably shouldn't say that. But I did not think as much of the Fruit Jar Drinkers as I did the Dixieliners, by any means. And Roy Acuff used to sing "That Great Speckled Bird" Saturday nights. Saturday nights, 1934.

I graduated from high school in 1934. I liked a pretty, pretty girl, too. She was not in my class. She was in the next class behind me, and she was the daughter of a coal miner. And that coal miner played a fiddle. His name was Fred James.

I took a liking to that daughter of the coal miner. And I tell you, you young ladies, and young men as well, who are pages here, I tell you how I courted my girl, my sweetheart, how I won her hand in marriage.

There was another boy in my class at Mark Twain High School in 1934. His name was Julius Takach. His father had a grocery store at Ury, what we called Cooktown, about 3 miles south of Stotesbury where I lived. And Julius Takach would, every morning, come to school with his pockets filled with that candy and chewing gum, bubble gum, and so on, from his father's store.

Now, I tell you, I made it my business to be the first to greet Julius at the schoolhouse door upon his arrival every day because he would give me some of that candy and chewing gum.

I tell you, it was something to be able to present your girl, your sweetheart, a piece of bubble gum. And I never let her know that I did not buy that, I did not purchase that gum or candy. I did not let her know it was given to me, but it was given to me by Julius Takach.

I would meet her when the classes changed, and I would give her that candy and chewing gum. Boy, what a hit I thought I was, giving that pretty girl that candy and chewing gum.

Well, now, 65 years and almost 9 months after I married that pretty girl, I am here to tell these young men who are pages, that is the way you court your girl, with another boy's bubble gum.

Mr. SCHUMER. Will my friend and leader from West Virginia yield?

Mr. BYRD. Yes.

Will the CONGRESSIONAL RECORD please note that there was laughter.

The PRESIDING OFFICER. The Senator from New York.

Mr. BYRD. Would the reporter kindly note there was laughter again in the CONGRESSIONAL RECORD. We have to make that CONGRESSIONAL RECORD come alive.

Mr. SCHUMER. My colleague from West Virginia, if he might yield—

Mr. BYRD. Yes.

Mr. SCHUMER. Is making everything come alive in this Chamber. We have

not had a happier moment in a long time. And I very much appreciate the stories he is telling. I was going to say, I guess we all ought to take this up, because 65 years of marriage to Erma—and we all hope and pray she is in good health again; and I hope she is—is something we should all pay very good attention to.

Now, I don't know, these days, if the young ladies will just accept bubble gum. You might have to do a little more than that, maybe a whole basket of candy or something. But it is good for us to know.

I did not want to interrupt my colleague. I just, in terms of the scheduling, ask if it might be all right to ask unanimous consent that after the Senator from West Virginia is finished I be recognized for the time that I might need.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. Madam President, if I may continue, I try to remember great speeches. One of the best speeches I ever heard was made by our colleague from West Virginia when he came to the floor, it must have been about a year and a half ago, and talked, with as much love as he has for his employee who has passed and almost as much love as for his wife, about the beauties of coming to West Virginia on a vacation. It was one of the finest, nicest speeches I ever heard. I will never forget it, and I think this one is going to be just as memorable. I look forward to hearing my friend continue. I thank him for his courtesy.

Mr. BYRD. Madam President, I thank the distinguished senior Senator from New York for his observations. I am very grateful to him.

Like many lads in southern West Virginia, including myself, Joe Meadows grew up listening to the Grand Ole Opry on radio—that was back in the days of the Great Depression—as well as "Farm and Fun Time" and other radio programs that featured country and bluegrass music. And Joe Meadows absorbed it all. His ear was fixed on and naturally attuned to the fiddle playing. Joe listened. Joe learned. And later, Joe performed what he had heard. At the age of 16, Joe Meadows began performing with Melvin and Ray, the Goins Brothers, and from there he went on to tour with and recorded with the greatest names in country and bluegrass music including Jim and Jesse, the Stanley Brothers, and the legendary Bill Monroe and his Blue Grass Boys.

Joe Meadows' musical career included 25 years on the road as a professional fiddle player and a 7-year run at the Grand Ole Opry. He had toured Europe four times and Japan once where he was incredibly well received. Before I stopped playing the fiddle, Joe Meadows and I would sometimes sit down on weekends and play our fiddles together. We usually taped our sessions, and then we listened to our recordings together to see how we could improve our

playing. Well, he couldn't improve his playing much, but I had plenty of room to improve my own. I always hoped to be as smooth in handling that bow, that fiddle bow as Joe was. He had complete control of that fiddle bow. I don't think I ever got there, but he never stopped trying to help me.

Joe Meadows was not only naturally endowed with a strong and supple bow arm, the good Lord blessed him with a great pair of fiddler hands.

I never have had the pleasure to observe anyone whom I liked to listen to better than I liked Joe Meadows. He had nimble, quick fingers, and he used them beautifully.

The bluegrass and mountain music and old-time fiddling world has lost a great musician. I have lost a good friend. West Virginia has lost a good and gracious son.

My wife Erma and I extend our deepest condolences to Joe Meadows' family and to his many friends.

Let fate do her worst.

There are relics of joy,  
Bright dreams of the past  
That she cannot destroy.

They come in the nighttime  
Of sorrow and care,  
And bring back the features  
That joy used to wear.

Long, long be my heart  
With such memories filled,  
Like the vase in which roses  
Have once been distilled.

You may break, you may shatter  
The vase, if you will,  
But the scent of the roses  
Will hang, 'round it still.

#### ON THE BRINK OF WAR

Mr. BYRD. Madam President, to contemplate war is to think about the most horrible of human experience. On this February day, as this Nation stands at the brink of battle, every American on some level must be contemplating the horrors of war.

My wife says to me at night: Do you think we ought to get some of those large bottles, the large jugs, and fill them with water? She says: Go up to the attic and see if we don't have two or three there. I believe we have two or three there.

And so I went up to the attic last evening and came back to report to her that, no, we didn't have any large jugs of water, but we had some small ones, perhaps some gallon jugs filled with water. And she talked about buying up a few things, groceries and canned goods to put away.

I would suspect that kind of conversation is going on in many towns across this great, broad land of ours. And yet this Chamber is for the most part ominously, dreadfully silent. You can hear a pin drop. Listen. You can hear a pin drop. There is no debate. There is no discussion. There is no attempt to lay out for the Nation the pros and cons of this particular war. There is nothing.

What would Gunning Bedford of Delaware think about it? What would John Dickinson of Delaware think about it? What would George Read think about it? What would they say?

We stand passively mute in the Senate today, paralyzed by our own uncertainty, seemingly stunned by the sheer turmoil of events. Only on the editorial pages of some of our newspapers is there much substantive discussion concerning the prudence or the imprudence of engaging in this particular war. I can imagine hearing the walls of this Chamber ring just before the great war between the States, a war that tore this Nation asunder and out of which the great State of West Virginia was born.

But today we hear nothing, almost nothing, by way of debate. This is no small conflagration that we contemplate. It is not going to be a video game. It may last a day or 6 days. God created Earth, and man, the stars, the planets, and the Moon in 6 days. This war may last 6 days. It may last 6 weeks. It could last longer. This is no small conflagration that we contemplate. This is no simple attempt to defang a villain. No, this coming battle, if it materializes, represents a turning point in U.S. foreign policy and possibly a turning point in the recent history of the world.

This Nation is about to embark upon the first test of a revolutionary doctrine applied in an extraordinary way, at an unfortunate time—the doctrine of preemption, no small matter—the idea that the United States or any other nation can legitimately attack a nation that is not imminently threatening but which may be threatening in the future.

The idea that the United States may attack a sovereign government because of a dislike for a particular regime is a radical, new twist on the traditional idea of self-defense. It appears to be in contravention of international law and the U.N. Charter. And it is being tested at a time of worldwide terrorism, making many countries around the globe wonder if they will soon be on our hit list, or some other nation's hit list.

High-level administration figures recently refused to take nuclear weapons off the table when discussing a possible attack on Iraq. What could be more destabilizing? What could be more world shattering? What could be more future shattering? What could be more unwise than this kind of uncertainty, particularly in a world where globalism has tied the vital economic and security interests of so many nations so closely together?

There are huge cracks emerging in our time-honored alliances. One wonders what is going to happen, and about what is happening to the United Nations. One should pause to reflect on what is happening there at the United Nations, formed 54 years ago. And we say: If you are not with us, you are against us. That is a pretty hard rule to lay down to the United Nations. If you are not with us, you are against us. If you don't see it our way, take the highway. We say to Germany and we say to France—both of whom have been around longer than we—if you don't see

it our way, we will just brush you to the side.

Do we fail to think about a possible moment down the road, a bit further on, when we may wish to have Germany and France working with us and thinking with us, standing with us, because there is a larger specter, at least in my mind, looming behind the specter of Saddam Hussein and Iraq. There looms a larger specter, that of North Korea, which has one or two nuclear weapons now, and others within reach within a few weeks. So there are huge cracks, I say, emerging in our time-honored alliances, and U.S. intentions are suddenly subject to damaging worldwide speculation.

Anti-Americanism based on mistrust, misinformation, suspicion, and alarming rhetoric from U.S. leaders is fracturing the once solid alliance against global terrorism which existed after September 11, 2001.

Here at home, people are warned of imminent terrorist attacks, with little guidance as to when or where such attacks might occur. Family members are being called to active duty, with no idea of the duration of their stay away from their hearthside, away from their homes, away from their loved ones, with no idea of the duration of their stay or what horrors they may have to face, perhaps in the near future. Communities are being left with less than adequate police and fire protection, while we are being told that a terrorist attack may be imminent. What about those communities like little Sophia, WV?

Mr. DURBIN. Will the Senator yield for a question?

Mr. BYRD. Yes, I am happy to yield.

Mr. DURBIN. I am happy the Senator has taken the floor today. We have spent most of our time discussing other matters. But this is a critically important matter in West Virginia and Illinois.

I ask the Senator, as a matter of record, if he would kindly recount, since September 11, the efforts he has personally made, as well as speaking on behalf of this side of the aisle in the caucus, to try to bring together the necessary resources and funds so that we can be prepared to deal with acts of terrorism against the United States. We were just alerted this weekend that we were on something called the orange alert. The Senator noted that his wife asked what does this mean in terms of water and protecting our families and our houses.

Would the Senator be kind enough to tell us for the record, as we reflect on whether we are prepared to deal with terrorism, what we have tried to do—unsuccessfully—since September 11 to respond to this challenge?

Mr. BYRD. Madam President, I thank the very able and distinguished Senator from Illinois who is a graduate of the other body where I believe he served on the Appropriations Committee.

He serves on the Senate Appropriations Committee. I need only respond