

way to protect the rights of law-abiding citizens and reducing illegal and often fatal use of guns is to pass and enforce tough laws that severely punish criminals who use them. I have tried to do that throughout my legislative career.

I have consistently supported measures to keep firearms from getting into the wrong hands and efforts that increase the punishment of those who use firearms in the commission of a crime. I believe the Gun Show Loophole Closing Act helps achieve this goal.

For the most part, our current system is working. Under the existing Brady bill, when a purchaser buys a gun from a licensed dealer, he or she must undergo a background check through the Federal Government's National Instant Criminal Background Check System, or NICS, into which States feed records of certain criminals and others not qualified to own a gun. NICS has up to 3 days to inform the dealer as to whether the buyer is qualified to purchase a gun. But 95 percent of these checks come up with an instant or near instant response allowing or disallowing the purchase immediately. So a decision can be made. The person can get their gun.

This amendment simply applies the same commonsense check to all gun show sales. Right now, there is no statute requiring that all sellers at gun shows run these checks on potential gun buyers. Yet according to Federal officials, gun shows are the second leading source of illegal guns recovered from gun trafficking investigations.

By leaving this loophole open, by not requiring all gun show sellers to run NICS checks, we are presenting gun traffickers and other criminals with a prime opportunity to acquire firearms. This is terrifying. This is unacceptable. In common language, we have a situation where someone can walk into a gun show, look around, look for a licensed firearm dealer, and find a firearm dealer. If they buy a gun from that person, there will be a check run. But if they do not want a check run on them, all they have to do is find someone at the gun show who is not a licensed firearm dealer. At most gun shows they can find that person. They just have to look around. They will find them. Guess what. They do not have to have a check run.

If you are a criminal, if you have a felony conviction, or worse yet, if you are a terrorist, you go to a gun show and you find someone who is not a registered firearm dealer and you buy their gun and there is no check done. That is a classic definition or classic example of a loophole.

Following the attacks on September 11, for example, news reports suggested that al-Qaida produced a handbook in which it advised terrorists to purchase firearms at gun shows in the United States. Other media reports indicate that suspected terrorists have exploited this loophole to acquire firearms. It is imperative now, more than

ever, to enact legislation to protect our citizens from this potential area of terrorist exploitation.

This amendment is simply common sense. Regardless of where firearms are purchased, whether at a gun shop or a gun show, the laws should be the same. It seems silly if you go to a gun show to buy a gun, the determination as to whether you will have to undergo a background check is wholly dependent upon how you purchase a gun; that is, you could buy a gun from one seller and be subjected to the government's Brady check. But if you walk a few feet away, you can find another seller, give them some cash, they would be willing to give you a gun, and that gun would not be subject to a check and that seller would not be subject to a check. You would walk away with a gun and totally be unchecked. Don't we think that criminals know this? Of course they know it.

It is like having a metal detector at the front entrance of our building but leaving the back door wide open for anyone to pass through. Don't we think that under that circumstance, someone with nefarious intentions would simply use the back entrance? That would make our attempt at security completely illusory. Indeed, not only would there be no greater security whatever, we would be paying a lot of money to do absolutely nothing, nothing other than giving hard-working Americans a false sense of security. That certainly makes no sense and would not under those circumstances.

That is the exact same thing that is going on with the gun show loophole. People with these nefarious intentions know they have a back door to getting guns without any threat of a background check. Thus, this Government, spending millions of dollars on a sophisticated system of background checks to check the background of people who voluntarily choose to be checked, they go in, buy the gun, they voluntarily choose to be checked, but the system totally misses those who, with very little effort, choose to evade it.

That is a waste of the American people's money. At the same time, it gives them a false sense of security. We need to provide the American people with the security they deserve and for which they are already paying. This amendment, the McCain amendment, that we will vote on tomorrow, closes the gun show loophole in a way that respects the second amendment and also respects an honest law-abiding American's right to buy and sell guns and to attend gun shows. That is good law. It is good policy. It makes good common sense. That is why I support this amendment and urge my colleagues to join me tomorrow.

#### HAITI

Mr. DEWINE. Mr. President, I will discuss tonight the situation in Haiti. I have come to the Senate many times in

the past to discuss the situation in Haiti. Over the last 9, 10 years since I have been in the Senate, I have traveled to Haiti 13 or 14 different times. Haiti has been on the front page of the papers now and in the news for the last several weeks. The situation certainly reached a climax this weekend.

Once more, Haiti is at a crossroad. Once more, the U.S. troops, U.S. Marines, are back in Haiti. I commend President Bush for taking decisive action and sending the Marines into Haiti to stabilize the situation in this poor country. We have 20,000 Americans who live in Haiti. This country is in our own back yard. The President made the right decision.

But if we are to avoid this happening again and again and again, avoid the necessity of sending U.S. troops back to Haiti time and time again, avoid seeing the boat people coming toward the United States, avoid having to see the very sad scene of the U.S. Coast Guard having to pick these poor, miserable people up on the high seas and take them back to Haiti, if we are to avoid this in the future, and if the people of Haiti are to have any hope, then this country and the international community has to now take some very bold and radical steps.

Now is the time to change the future and to do some things differently. We have to do them in conjunction with the new coalition Haitian Government. The Haitian Government, by the way, cannot include and should not include the thugs, the drug dealers, the bad people who are part of this group of rebels who were marching on Port-au-Prince. These are not good people. They cannot be part of the government. But there are many good people in Haiti who can be a part, and are going to be a part of the new coalition government.

Briefly, in the time remaining in the Senate, I will make a few suggestions. These are suggestions made in regard to the long-term health of Haiti. They are this idea of bold and innovative and radical change of things that need to be done. First is trade. Congressman CLAY SHAW and I have introduced in our respective bodies a bill, S. 489, a trade bill, a very modest bill. It would not cost any American job. It might cost some jobs in Asia, but certainly it would not cost any jobs in the United States. It would create some jobs in Haiti, give them modest trade preference.

It was not too many years ago there were 100,000 assembly jobs in Haiti. Today, there are only about 30,000. This bill would create very quickly, probably 60,000 or 70,000 jobs in Haiti, assembly jobs. Haitian people are an industrious, hard-working people. Anyone who knows anything about Haiti will tell you that. These jobs would be created very quickly. For each job that is created, each one of those individuals would support many people and their families. Haitian people want the same thing that people in this country

want. They want to be able to make a living, to support their families, feed their children. This bill would go a long way to do that.

Second, the Haitian Government has inherited this new government, will inherit from past governments from years and years ago, a debt to the international community of \$1.17 billion. Let's do something bold. Let's get together with the international community and say that debt needs to be forgiven. Let's get rid of it. Don't saddle this government with that debt. That is bold. That is different. We have done it in the past. The international community did it as far as wiping away some of the debt for Nicaragua, another very poor country in this hemisphere—not as poor as Haiti—but we did it a few years ago. It needs to be done for Haiti if this Government of Haiti will have a chance.

Third, we have to put resources in and work with the new Government of Haiti in regard to the rule of law, and to start with the courts. We can have free elections and try to bring back democracy, and have democracy, but there is nothing more important—frankly, nothing tougher—than to develop a court system that respects the rule of law.

Why is the rule of law important? Well, one reason it is important is, if you are going to have foreign investment in the country, if you are going to get people, companies to put money into a country and to invest and create jobs—which is what you have to have; you have to have jobs—then they have to be able to have some assurance that when they make an investment, their investment will be protected. You only do that through the rule of law, and you do that by having honest judges and cases that can be processed in court.

We can do that by mentoring the judges, by helping create the system in their country, the magistrates. We need to put extra effort into that. We have the ability in this country to do it. We have good programs through our Justice Department and State Department. We have done it in other countries. We can do it there.

In relation to the police, we were making very good headway a few years ago in Haiti. We brought into Haiti some great Haitian-American cops from New York City and Chicago and LA. They went down to Haiti. They mentored the new, young recruits, and things were working. I saw it myself. You should have seen the pride when I talked to these Haitian-American policemen from Chicago and LA and New York. They were so proud of what they were doing.

Unfortunately, President Aristide allowed it to become political. It then started to become corrupt, and all that good work started to go down the drain. That work can be revised. Some of those policemen who were trained

are still in the country. Some of them were fired, kicked out by the politicians. They can be brought back. We can retrain some people, and that can be reconstituted, because Haiti has to have a good police force.

This time it is going to have to be separated somehow from the government politicians. It is going to have to be independent. It is going to have to respect the rule of law and not be politicized.

Fourth, we are going to have to restore aid to the government. A few years ago, when we became very disenchanted—what our Government did with the Aristide regime, I believe understandably so—we stopped giving any aid to the government. We gave aid to the NGOs and to the nonprofits and to the charitable organizations down there. I happened to think it was the right thing to do, and I supported that. But what that meant was, the government institutions suffered.

Today, with the new government that is starting to emerge in Haiti, we have to nourish that because if the institutions in a country do not flourish, it is hard to have democracy. So we have to reinstate, now, our direct aid. And other countries have to do the same. We are in this with other countries. They have to reinstate their direct aid. We have to reinstate our direct aid to the Government of Haiti so they can develop their institutions, whether they are the courts or the police or the other basic institutions of the country.

Fifth, Haiti is one of the most deforested countries in the world. It is a country that suffers from depleted topsoil. We have to work with them to develop better agricultural practices.

All the people are fleeing the countryside, going to Port-au-Prince, going to Cap-Haitien, creating more and more slums, with more and more people who cannot be fed, with more and more crime and all kinds of problems that you see with slums in cities.

That trend can only be reversed if people have a way of making a living and farming. So our economic development has to be focused on agriculture and good practices. USAID has to work with other donors around the world to focus on that.

Haiti is a relatively small country of 8 million people; it has hardly any topsoil left. It is deforested. The emphasis has to be put on sustainable agriculture and economic development.

Finally, we have to continue our assistance. The international community has to continue the assistance. We have to continue our assistance on all the good work that is being done in Haiti, including the amazing work in regard to fighting the AIDS problem in Haiti. AIDS is a huge problem, but there are excellent doctors who are working on that problem. Dr. Pape and Dr. Farmer are doing very wonderful work there.

So we have to be bold; we have to be radical, if we do not want to be back in Haiti in a couple more years with the Marines again.

Haiti is in our backyard. It will always be in our backyard. It will never be of strategic importance to the United States, but it will always be of importance. It will always be a country we will have to deal with. If not for humanitarian concerns—and I think it should be; I think we should worry about their humanitarian concerns—we will always be there because of the reasons I have mentioned.

No other nation in our hemisphere has a higher rate of AIDS than Haiti. No other nation in our hemisphere has a higher infant mortality rate or a lower life expectancy rate than Haiti. No other country in our hemisphere is as environmentally strapped as Haiti.

Despite its radical differences, Haiti remains in our own backyard. It is intrinsically linked to the United States by history, geography, and humanitarian concerns. It is linked to us by illicit drug trade and the ever-present possibility of droves of incoming refugees. Haiti's problems are—whether we like it or not—our problems.

To assure progress, Mr. President and Members of the Senate, we—Republicans and Democrats—in Congress need to join forces and approach Haiti with a united, bipartisan front. Haiti's dire humanitarian and economic crisis transcends partisan politics. Moreover, the United States must work with the international community over the long haul because any improvements will require a serious, sustained long-term commitment.

Conditions in Haiti will not change overnight. We must remain, though, committed to Haiti for as long as it takes for reforms to take root and for a democratic system of government to emerge.

Ultimately, the United States cannot "fix" Haiti, nor can the international community. But we can improve the situation, and we can help Haiti begin to help itself. Clearly, Haiti is at a pivotal point in its history, and so is the international community. We can either choose a path that builds upon Haiti's tentative democracy or choose a road that will lead to yet another dictatorial regime. This time, let's get it right. This time, let's not blow it.

Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Thank you, Mr. President. I commend my friend and colleague from Ohio for his eloquent and very thoughtful statements on both the legislation before the Senate as well as the situation in Haiti. I commend his wisdom to the rest of my colleagues, as I will take it upon myself.

# A CONSTITUTIONAL AMENDMENT ON MARRIAGE

Mr. DAYTON. Mr. President, I wish to change the subject to another important matter that has arisen, because recently President Bush announced his support for a constitutional amendment which would define marriage.

While our majority leader, Senator FRIST, wisely observed, last week, that one does not want to knee-jerk or respond too quickly to changing the Constitution—and I certainly agree with that observation—the Senate Republican Conference chairman recently said he hoped the amendment would pass out of the Judiciary Committee and be before the full Senate by mid to late April. So much for not knee-jerking or responding too quickly to amend the Constitution.

This is one constitutional amendment that evidently is being put on the fast track. I ask my colleagues to compare that timetable with the proposed constitutional amendment to ban the burning or desecration of the American flag, which I support, which has been proposed for the 3 years I have been in the Senate. No votes scheduled on that. No statement by the President about the need to protect the American flag.

For almost as long as that, there has been a proposed constitutional amendment to protect the rights of victims of violent crimes, which I also support. No vote planned on that. No statement from the President on protecting the victims of violent crimes—just a budget that cuts funding for local law enforcement programs, including almost eliminating the COPS program that puts more police officers on streets in cities and sheriffs in rural areas, in Minnesota and across the country, to prevent violent crimes.

It certainly shows the priorities of this President and the Senate's majority that protection of the American flag and of the rights of victims of violent crimes are set aside, while the constitutional amendment to define marriage gets this priority treatment.

In my opinion, it is the wrong priority and the wrong policy. The proposed constitutional amendment on marriage is un-American, un-Christian, and unwise. It is the wrong approach. We need to find a better answer. We also need to avoid the mean, ugly, dehumanizing, and divisive debate that a constitutional amendment would require. We owe the American people much better than that.

In the Bible, Jesus says, "Render unto Caesar the things which are Caesar's, and render unto God the things that are God's." Many of the Christian religions' marriage ceremonies proclaim marriage as an institution created by God. I agree. So let us leave the definition of marriage to the various religions as they interpret the Word of God, and Congress, the Federal Government, any government in this country, should keep its hands off of marriage. It belongs to God. That

follows the words of Jesus and it also follows the founding principle of this country, the freedom of religion, the separation of church and state.

Surely this body doesn't intend to tamper with that bedrock principle long enshrined in our Constitution, the free exercise of religion. It is the civil side of this overlapping term called marriage that we can and should concern ourselves with. First, we should clear up the confusion being caused by the dual usage of the word "marriage" to apply to both a religious ceremony and a legal contract. Let's find a term like "marital contract" or "legal union" or "matrimony" to describe the civil relationship for everybody. It will be perhaps a little awkward at first, as word changes always are, but they are far easier than constitutional amendments, and far less destructive than this one would be.

Yesterday I was having lunch with my father, a wonderful man whom I love dearly. He expressed his concern about gay marriages, and then I explained some of the real-life rights and protections involved, like property transfers, inheritance rights, or hospital visitations. He said, "I am for all that." That is the distinction which must be made. Not everybody will agree with my father about all of that. However, most Americans, I believe, would consider those issues differently and feel differently about them than about the term "gay marriage," which should not be forced upon them.

We have a choice. We can lead the consideration of these very personal, very sensitive, and very controversial matters toward a higher plain of respectful, rational discussion and resolution or we can drag them through divisive, destructive, and dehumanizing demagoguery on the Senate floor. Obviously, some people—starting, evidently, with the President of the United States—believe it is to their political advantage to do the latter. That is really a shame.

Our Constitution should be above Presidential politics; it should be above partisan politics; it should be above any politics at all. It is the greatest document on governance ever written by the human race in all of recorded history throughout the world. Since the first 12 amendments were quickly added, it has been amended only 15 other times in the past 200 years. Those amendments were either to adjust how our Government functions, such as the direct election of Senators, or the succession after the death of a President, or as amendments to extend the founding principles of this country of life, liberty, and the pursuit of happiness to all our citizens fully and equally, like the abolishment of slavery, giving women the right to vote, and providing equal protections to all of our citizens.

The Constitution doesn't define the Ten Commandments or the Golden Rule. It doesn't define war, peace, family values, spiritual growth, or even

good and evil. It is big hearted, not mean spirited. It unites rather than divides us. It expands human liberties, protects human rights, and it treats all of us as equals. Our Constitution affirms the best of the human spirit, tolerance, and acceptance of differences, and the rights of each of us as human beings—not the worst of human nature, prejudice, and hatred.

The proposed amendment on marriage is the worst. It is that mean spirited, degrading, and divisive. It is un-American and it is unworthy of our Constitution. It is also un-Christian.

I am not going to dwell on this point, but as a Christian I am offended by those false prophets who cloak their arguments with biblical references that simply do not exist. I recently reread the four Gospels of the New Testament—actually, the entire New Testament, the King James version. I cannot find anywhere that Jesus Christ condemns homosexual relationships or gay marriages. He makes no mention of them at all. Twelve times he condemns adultery. Six times he opposes divorce. No one is proposing a constitutional amendment to ban adultery or divorce.

What Jesus does say repeatedly is to love thy neighbor as thyself. One of the ten great commandments is: "Love one another as I have loved you. By this, people will know thee as my disciple."

Jesus did not say to love only thy opposite sex neighbor, or love only thy same race neighbor, or love thy just like my neighbor. He said, "Love thy neighbor as thy self." He also said to beware of false prophets who appear like sheep, but inwardly are raving wolves. How do you tell them apart? He said by those who preach love versus those who preach hatred. A simple test.

This proposed constitutional amendment spews hatred and that is why it is un-Christian. This amendment is un-American, un-Christian, and it is unwise. It is ugly, divisive, and destructive. Some people like to promote the so-called culture wars. They try to build themselves up by tearing other people down, try to make them seem immoral or bad or wrong for being the way God made them, or however one comes to be who he or she really is.

Ugly, divisive, destructive, hateful—that is what this debate will become right here on the Senate floor and spread all across America by false prophets who claim the moral high ground while they reach down into the emotional cesspool and hurl their slime at decent and innocent human beings—our fellow citizens.

As I said earlier—and I will close by saying it again—we have the choice and the obligation to do better than that. We can and we must address these issues and the people affected by them respectfully and responsibly. We can render unto Caesar the things that are Caesar's and render unto God the things that are God's. We can leave marriage to God, treat it as a religious ceremony under the terms and conditions established by religions and, as