

Supreme Court should not bind everybody in America to recognize something that I believe will be absolutely catastrophically disruptive to our culture.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I say, while the Senator from Utah is here, how much I appreciate his wise words on so many subjects that are important to our country and to our culture and to American families. He has spoken eloquently about the importance of persevering in Iraq, the importance of traditional families as the bulwark of our culture and in the best interest of children, and the importance of making sure we keep the American military the dominant force in the world by making sure we transform in particular our Air Force by the implementation of the F-22 Raptor which, not coincidentally, is built in part in the State of Texas which is important both for our national security and in terms of the jobs it creates in my State.

I say to the Senator how much I appreciate him and his wisdom and his great leadership on the Senate Judiciary Committee.

Mr. HATCH. Mr. President, if my colleague will yield, I thank my colleague for his kind remarks. My colleague from Texas served on the Texas Supreme Court. He understands these issues very well, serving in a tremendous fashion on the Senate Judiciary Committee. I feel so blessed as chairman to have him and the other freshmen Senators on that committee, each one of whom is playing a significant role in this body and on that committee. I thank my colleague.

Mr. CORNYN. I thank the Senator for those kind comments.

SYMBOLS

Mr. CORNYN. Mr. President, as we all know, symbols are important. Symbols, even more than our words, are powerful communicators of intent, of value, and of commitment. We know, for example, what the pictures that have recently come to light of the abuse of a few Iraqi prisoners in the Abu Ghraib prison have communicated in a way that mere words could not. Indeed, out of all of the terrible consequences of that criminal activity by a few, there has been a positive. I believe that positive is, No. 1, the commitment of the Department of Defense, from the Secretary of Defense, Donald Rumsfeld, all the way down to the troops in the prison themselves, to make sure we get to the facts, that we hold those guilty accountable, and that we do so in a public way which demonstrates that in a democracy we do things in a way that people can judge for themselves whether they are being handled appropriately.

I trust by the time we get through with these investigations—about six of

them in all—and by the time the prosecutions of the seven who have been charged with criminal conduct, misconduct, and possibly others who will be charged as well, by the time we get through, the world will see our commitment to the rule of law and to minimum standards of human decency.

When I think about symbols, I also think about, for example, what has happened in Madrid with the attacks on the trains there which killed many of that country and which, in the eyes of some, caused Spain, because of the election, to pull their troops out of Iraq. We know there is very likely a different explanation for the outcome of that election, but I am haunted by the words of GEN John Abizaid, commander of the central command, including Iraq and that whole troubled part of the world, who said al-Qaida was emboldened as a result of the reaction that they perceived occurred by that attack. That is another example of how symbols are enormously powerful in ways that it is hard for us to articulate or explain in mere words.

I would like to also talk about another symbol that I think is very important for us, beyond the perseverance that we see, and that Senator HATCH talked about so eloquently, of our troops in the battlefield who have put themselves in harm's way to protect us and to liberate the Iraqi people. I believe there is another important symbol that we can send which will tell our enemies that we are absolutely committed to defending ourselves against terrorism. That is the legislation that has been filed today by Senator KYL of Arizona, of which I am a proud cosponsor.

This bill is one page in length. It is very short. I believe it is a powerful symbol. If we act, as I believe we should, to adopt this legislation, that would send a powerful message to our enemies that we remain committed to defending ourselves in this new and dangerous world we live in since 9/11 and that we have not lost our resolve in Iraq or Afghanistan or anywhere else where the war on terrorism rages.

This bill that has been filed would simply do this: It would take the USA PATRIOT Act, which has a sunset provision that causes a number of elements of that bill to expire at the end of next year, and it simply repeals that sunset provision, thus making the USA PATRIOT Act a permanent part of our laws.

Yesterday, we heard from FBI Director Robert Mueller, who voiced strong support for renewing the PATRIOT Act, which this would do. He said, for 2½ years the PATRIOT Act has proved extraordinarily beneficial in the war on terrorism and has changed the way the FBI does business. Many of our counterterrorism successes, in fact, are the direct result of provisions included in the act, a number of which are scheduled to sunset at the end of next year.

I strongly believe it is vital to our national security to keep each of these

provisions intact. Indeed, Director Mueller is not alone. We heard bipartisan support in testimony before the 9/11 Commission, which is studying lessons learned from that terrible event in our history and the aftermath, of what it is we can do to make our country stronger and to defend ourselves from the extremists who simply want to kill us and eliminate our way of life.

One by one, from former FBI Director Louis Freeh to former Attorney General Janet Reno to Attorney General John Ashcroft—just to name a few—they touted the impact of the PATRIOT Act in reducing the wall that prevented information sharing between criminal investigators and our counterterrorism intelligence officials. They talked about how important the PATRIOT Act was in bringing down that wall that prevented information sharing at the Federal level.

As a former State law enforcement officer myself, I can tell you, since 9/11, another thing that has made America safer is not just greater information sharing at the Federal level, between Federal agencies, but indeed it has also been the information shared with State and local law enforcement officials.

Director Mueller made that point again yesterday about how important it is that we work collectively, using all of our resources at the State, Federal, and local levels to make sure we protect this country and keep our citizens safe.

I ask unanimous consent that excerpts of quotations from a number of colleagues on both sides of the aisle, which I have reduced to one sheet, be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 1.)

Mr. CORNYN. Mr. President, with this background and context, you might wonder who would possibly object to this legislation that would repeal the sunset provision in the PATRIOT Act. Some might say, well, if the PATRIOT Act provisions are not set to expire until the end of next year, why now? My response is, why not?

Indeed, if we want to send a powerful message that we have maintained our resolve and commitment to defend our country against the scourge of terrorism, this would be a powerful symbol, a powerful message that this body could send that our commitment is strong, that we will maintain our resolve, and we will fight the war on terrorism and defend ourselves from those who would kill our innocent civilians in this country and elsewhere; that we will maintain that resolve and we will fight until the very end.

So I think it is very important that we pass this legislation. Let me also mention, there is a bipartisan consensus which appears throughout Washington and throughout this country about how important the PATRIOT Act has been to protect American citizens; that there are those who would

use the tactic of fear to try to convince the American people—or at least some segment of the American people—that the PATRIOT Act jeopardizes their civil liberties. I must say the debate about the proper balance between civil liberties and security is not a new one. It is one that we have had since the beginning of this country, where we have attempted to strike that balance, where the Founding Fathers, when they gathered in Philadelphia, debated long and hard about how to maintain our civil liberties but at the same time provide the Federal Government enough power to do the things that only the Federal Government can do, such as protect our national security.

So it is not a new debate. I think, indeed, the debate is healthy. But it bothers me when we begin to see those who would use scare tactics to mislead the American people about their civil liberties being in jeopardy because of the existence of the PATRIOT Act.

Indeed, Senator Dianne Feinstein of California, with whom I serve on the Senate Judiciary Committee, asked the American Civil Liberties Union, ACLU, if they could document a single instance—just one—of the civil liberties of the American people being in jeopardy or being trampled upon because of the PATRIOT Act. She said it was reported back to her that they could come up with none. Zero. Zip.

That troubles me a great deal because of another thing I would like to mention, which is a solicitation I happened to receive in the mailbox at my residence from the American Civil Liberties Union, which attempted to use the PATRIOT Act as a fundraising tool by scaring the reader, saying that somehow the PATRIOT Act was jeopardizing their civil liberties, and indeed the only way the American people could protect themselves against the trampling of their civil liberties was to send money to the ACLU so they could fight against the PATRIOT Act on behalf of our civil liberties.

That solicitation troubled me a great deal. I cannot honestly say that it surprised me because we know that fear is a powerful motivator and, indeed, there are those who use fear to raise money for a variety of purposes. But I think it is important that the facts be known, and the fact is what Senator FEINSTEIN pointed out before the Senate Judiciary Committee; that when put to the test and asked to document a single instance of a violation of the civil liberties of any American citizen as a result of the passage of the PATRIOT Act, the ACLU could not come up with any.

So it is deeply disturbing but perhaps not surprising to see them take a contrary position, one designed to help them raise money and grow their membership in a mail solicitation sent to my home and, no doubt, to many other people in this country.

We also know that there are those in the political arena who would use the PATRIOT Act to scare the American

people into believing that somehow President Bush, the Republican leadership in this Congress, or perhaps even Attorney General John Ashcroft who has taken a solemn oath to defend the laws of the United States, including the Constitution, indeed including the PATRIOT Act, that they would use the PATRIOT Act to scare people and to cause them to question the commitment of the leadership of this Nation of providing for the security of the American people, but at the same time question their commitment to protecting the civil liberties of the American people.

It is discouraging to see that sort of rhetoric. Ultimately, I believe the American people—they get it. If given the facts, they will make their own decision, and it will be a good decision based upon factual information. The problem is when people misstate the facts or simply mislead the American people and provide them false information, it is hard to reach the right conclusion if you do not have accurate information. That is why I sought to stand here today and talk about what the facts really are.

One last example I will give you, Mr. President, is about how much this rhetoric of fear, the scare tactics have been successful. I believe at last count, there were 317 city councils across this country, the governing body of cities across this country, that have passed resolutions condemning the USA PATRIOT Act because they fear that the existence of the act has somehow compromised the civil liberties of their constituents.

I say that because it is a grave concern when public officials use the bully pulpit that we are provided by virtue of our office to provide their constituents with false information, whether wittingly or unwittingly, and it would be my sincere hope that each of those 317 city governments would reconsider their decisions in light of the information I have shared with you this afternoon and that others would be glad to share with anyone.

The truth is, we are a diverse country. We have different experiences. We come from different regions. We have different traditions in many ways, but we are all Americans. We are all committed to our national security and the protection of our people, just as we are dedicated to the protection of the civil liberties of every American. While we may have a variety of opinions about the wisdom of this or any other legislation or any other course of action, everyone is entitled to their opinion, but no one is entitled to mislead the American people about the facts.

In conclusion, if this body were to take up this legislation quickly, as I hope it will, and were to pass this legislation that would repeal the sunset provision in the PATRIOT Act, which would otherwise cause portions of the act to cease to exist at the end of next year, if we were to pass this legislation in a consensus, bipartisan fashion, it

would send a powerful message to our enemies that our determination remains strong, that we remain resolved to do whatever is necessary to protect the American people, whether it is by defending them from the terrorists who would strike us at home by breaking up terrorist cells, by getting good intelligence and other information we need in order to defeat the terrorists before they can attack, such as they did so tragically on 9/11, or whether the issue is our resolve to finish the job we have started in Iraq and to honor those who have sacrificed so much to protect our national security and to make sure that the blessings of liberty are exported beyond our borders to the people of Iraq who have previously known only oppression and tyranny at the hands of a terrible tyrant such as Saddam Hussein.

I thank the Chair for the time I have been given to talk on this important subject.

EXHIBIT 1

Senator Baucus (D-MT): "I believe the bill we passed today balances the needs of protecting the country from terrorism and protecting our rights as citizens of this great country." (Senator Baucus, Press Release, October 25, 2001)

Senator Schumer (D-NY): "If there is one key word that underscores this bill, it is 'balance.' ... The balance between the need to update our laws given the new challenges and the need to maintain our basic freedoms which distinguish us from our enemies is real." (Senator Schumer, Congressional Record, October 25, 2001)

Senator Schumer (D-NY): "[T]he scourge of terrorism is going to be with us for a while. Law enforcement has a lot of catching up to do. There is no question about it. In this bill, at least, we give them fair and adequate tools that do not infringe on our freedoms but, at the same time, allow them to catch up lot more quickly." (Senator Schumer, Congressional Record, October 25, 2001)

Senator Levin (D-MI): "[T]he antiterrorism bill [Patriot Act] which the Senate is about to pass reflects the sentiments the American people have expressed since the events of September 11—that we must act swiftly and strongly to defend our country without sacrificing our most cherished values. The Senate antiterrorism legislation meets that test. It responds to these dangerous times by giving law enforcement agencies important new tools to use in combating terrorism without denigrating the principles of due process and fairness embedded in our Constitution." (Senator Levin, Congressional Record, October 25, 2001)

Senator Daschle (D-SD): "This reflects the balance between protection of civil liberties and privacy with the need for greater law enforcement." (Leon Bruneau, "U.S. Senate Passes Anti-Terror Bill, Sends it to Bush for Signature," Agence France-Press, October 25, 2001)

Senator Biden (D-DE): "The agreement reached has satisfied me that these provisions will not upset the balance between strong law enforcement and protection of our valued civil liberties." (Senator Biden, Congressional Record, October 25, 2001)

Senator Feinstein (D-CA): "As we look back at this massive, terrible incident on September 11, we try to ascertain whether our Government had the tools necessary to ferret out the intelligence that could have, perhaps avoided those events. The only answer all of us could come up with, after having briefing after briefing, is we did not have

those tools. This bill aims to change that. This bill is a bill whose time has come. This bill is a necessary bill. And I, as a Senator from California, am happy to support it." (Senator Feinstein, Congressional Record, October 25, 2001)

Mr. CORNYN. I yield the floor.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

MEMORIAL DAY

Mr. BYRD. Mr. President, May 31 is Memorial Day, the day we set aside each year to remember and to honor those men and women who gave their lives in service to our Nation.

Memorial Day used to be called Decoration Day in the old South—the day that we reminisce in our memories of our past, our locking with hands or words our lives with others, our children, grandchildren, and people whose voice is forever stilled.

This year, this day has even more meaning as we once again find our men and women in uniform engaged in hostilities in Afghanistan and Iraq.

Freedom does not come cheap. It is too often paid for not only in dollars but in the lives of America's best sons and daughters.

All across the Nation out there, all across the prairies, the plains, the green valleys, the mountains, the rivers, the rust belt, the East, the North, the South, and the West—all across the Nation, families will be visiting the gravesites of their loved ones.

Long, long be our hearts of 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.

Among rows of tombstones adorned with small American flags, they will lay wreathes and pay their respects to those who have served our country with honor and distinction in our Nation's wars.

This national tribute will provide the opportunity for mothers and fathers not only to tell their children about the sacrifices of their ancestors and relatives but also to pass on valuable lessons about history and about humanity. But even when our world is beset with the worst of human nature, the best of human nature can rise above it all.

I am reminded today of the story of the "Immortal Chaplains" of World War II, Rev. George I. Fox, Rev. Clark V. Poling, Father John P. Washington, and Rabbi Alexander D. Goode. When the U.S. troopship *Dorchester* was torpedoed by a Nazi submarine, with only minutes to live, these four chaplains calmly handed out what life-

jackets there were on the ship to the panicking passengers, the soldiers and sailors. When they ran out of life preservers to hand out, what did these four chaplains do?

Can you see it? Can you envision a moment like that?

They took off their own life preservers and gave them away. They gave them to others so others might live.

Then, as the *Dorchester* was sinking, what did they do? They locked arms and prayed, and sank to their watery graves. They prayed, locked arms, and went to their watery graves.

While some among us might not hesitate to take off that life preserver and give it to our spouse, certainly, our child, or a parent, how many of us would give it to a stranger, as did the immortal chaplains. Self-sacrifice, unity, and respect for each other and each other's faith were the qualities they displayed that night, and in so doing these four chaplains of four different faiths demonstrated their deep faith in God and they honored the mission of our great Nation.

These four chaplains, as I say, were of different faiths. Two were Protestant ministers, was one a Jewish rabbi, and the fourth was a Roman Catholic priest. But they were united as one in their devotion to their Maker, their love for their fellow man, and their willingness to sacrifice so that others might live. It was these convictions that inspired one of the most memorable events not just of World War II but of all time.

Memorials in their honor have been built in the country. The U.S. War Department posthumously awarded them the Distinguished Service Crosses. The U.S. Postal Service issued a special stamp to commemorate their sacrifice. Congress has honored them by authorizing the Four Chaplains Medal and with a resolution designating a Four Chaplains Day.

Think about it. Amidst all the great and important military leaders such as Generals Patton, MacArthur, and Eisenhower, amidst all the great and powerful political leaders of that war such as Franklin Roosevelt and Winston Churchill, we also remember these four humble men of God.

Yes, think about it. Amidst all of the destruction and all of the carnage of that war, destruction, and carnage in the form of an Auschwitz, Pearl Harbor, Dresden, and Hiroshima, we remember the immortal chaplains for their act of kindness and mercy.

Yes, think about it. Amidst all the misery and tragedy of that war, amidst all the hate and all the horror of that war, we still remember the four chaplains and their act of heroism and love.

Today, a half century later, we again find ourselves in a terrified world, a world that we did not seek, a terrifying world, a world that we did not want but one in which we must endure if we are to prevail. War, disease, crime, and terrorism have transformed our land into a code red world.

Every generation has its turmoil. That is, sadly, the way of the world. And this particular terrifying era of adversity and challenge in which we now find ourselves, we would do well to bear in mind those immortal chaplains, the four who refused to succumb to fear and performed selfless acts of kindness and mercy.

They truly, truly personified the greatest of men in all generations. The sacrifice of those four men endures as an inspiring act of humanity. For as Jesus said: Greater love hath no man than this, that a man lay down his life for another.

So on this Memorial Day, we will pray as we remember those American service men and women who now stand in harm's way yonder on the other side, yonder in a faraway land. We will pray for those who are serving our Nation in the dangerous climates of Iraq and Afghanistan. They are doing their duty for the families they love, and we will pray for their families and for the families who have already lost loved ones, who daily see that empty chair at the table, the chair which never again will be filled, that place at the table which will forever be empty.

And as we pray, we will recall the words of the Scriptures from Psalm 127: "Except the Lord build the house, they labor in vain that build it: except the Lord keep the city, the watchman waketh but in vain."

So I close with lines written by Joyce Kilmer.

"DULCE ET DECORUM EST"

The bugle echoes shrill and sweet,
But not of war it sings to-day.
The road is rhythmic with the feet
Of men-at-arms who come to pray.
The roses blossom white and red
On tombs where weary soldiers lie;
Flags wave above the honored dead
And martial music cleaves the sky.

Above their wreath-strewn graves we kneel,
They kept the faith and fought the fight.
Through flying lead and crimson steel
They plunged for Freedom and the Right.

May we, their grateful children, learn
Their strength, who lie beneath this sod,
Who went through fire and death to earn
At last the accolade of God.

In shining rank on rank arrayed
They march, the legions of the Lord;
He is their Captain unafraid,
The Prince of Peace . . . Who brought a

sword.

Mr. President, I yield the floor.

Mr. ROCKEFELLER. Mr. President, Memorial Day is always a time for our country to gratefully remember the brave men and women and their families who risked their lives in defense of our country and our fundamental American values.

This year is a special time because we will dedicate a long awaited national memorial for the 16 million men and women who fought in World War II, including the 400,000 Americans who paid the ultimate sacrifice for their country during the war. Almost 234,000 West Virginians served in World War II. At that time, it was 36 percent of the Mountain State's male population,