

administered anesthesia during in utero surgeries.

Think about the pain that unborn children can experience, and then think about the more gruesome abortion procedures. Of course, we have heard about partial birth abortion, but also consider the D&E abortion. During this procedure, commonly performed after 20 weeks—when there is medical evidence that the child can experience severe pain—the child is torn apart limb-from-limb. Think about how that must feel to a young human.

Pain is absolutely relevant to the subject at hand.

Oddly, one of Judge Hamilton's reasons for ruling against the partial-birth abortion ban is that: "[Fetal pain] appears to be irrelevant to the question of whether [partial-birth abortions] should be banned, because it is undisputed that if a fetus feels pain, the amount is no less and in fact might be greater in D&E by disarticulation than with the [partial-birth abortion] method."

Apparently, Judge Hamilton believes that fetal pain is irrelevant to the issue at hand because other abortions might be more painful. Clearly, Judge Hamilton's logic is flawed.

Judge Hamilton's decision crosses the line. What we have seen in this week's District Court decision is judicial bias and judicial activism at its extreme. Judge Hamilton egregiously reveals her own bias in favor of abortion when she writes: "The court found all of the plaintiffs' experts not only qualified to testify as experts, but credible witnesses based largely on their vast experience in abortion practice. However, of the four government witnesses who were qualified as experts in ob/gyn, all revealed a strong objection either to abortion in general or, at a minimum, to the D&E method of abortion. The court finds that their objections to entirely legal and acceptable abortion procedures color, to some extent, their opinions on the contested intact D&E procedure."

By her logic, those with moral objections to abortion are biased—or "colored"—in their views against abortion, but those who perform abortions for money are not at all biased—or "colored"—in their views favoring abortions.

Sadly, the action of this California District Court is simply the latest instance of arrogant judges riding roughshod over the democratic process and constitutional law alike in a quest to impose a radical social agenda on America—in this case abortion on demand for any reason or no reason.

We are a democracy, not a people ruled by judicial dictate.

This district court decision is yet another example of why we need to reign in an increasingly reckless judiciary one, by means of stripping courts of authority they have usurped from the people and their legislative representatives, and two, through impeachment, when necessary at both the Federal and State level.

Policy-making decisions—particularly those that have such sweeping social implications—must be made by the representatives of the people in a way that is respectful of long-established traditions and principles of our social order. When activist judges use their positions to achieve policy goals, they must be resolutely opposed.

As the partial-birth abortion ban litigation continues in Nebraska and New York, I remain hopeful that we will see much more restraint and reasonable rulings coming forth from the judiciary.

TENNESSEE VETERANS

Mr. ALEXANDER. Mr. President, I recently received an invitation to an annual reunion of Tennessee veterans who served together in the 236th Combat Engineers Battalion in Burma, India and China during World War II. Veterans of the 236th have been getting together every year for nearly 50 years, and the story of the reunions of the 236th is almost as interesting as those of the action they saw in northern Burma fighting the Japanese.

What began as a picnic at Memphis City Park in 1956 has evolved into an annual reunion of surviving members of the 236th, and their families, on the second Sunday in July in Nashville. Veterans from the 236th, who spent one of the most significant periods in history together, now sit around and reminisce about the experience that made them men, rekindle old friendships, and honor the memories of their fallen comrades. Meanwhile, their families swim, shop, and attend events together. In recent years however, only a handful of veterans of the 236th are still able to attend, so the group has elected their children to take over responsibility for holding the reunions, even after the last member of the 236th has passed on.

The 236th was created during World War II, an offspring of the 44th Engineer Combat Regiment at Camp McCoy, WI. After practicing maneuvers in Tennessee in 1943, the 236th was deployed to the China-Burma-India Theater, where they started work on the Ledo Road, a necessary allied supply route through harsh jungle terrain at the base of the Himalayan Mountains, and on the edge of Japanese-occupied territory.

Work on the Ledo Road was halted by a Japanese garrison, dug in, in the town of Myitkyina, along the path of the road. General Stillwell, Chief Commander of the China-Burma-India Theater, had tried to dislodge the Japanese from Myitkyina in mid May, 1944, and had succeeded in taking a nearby airstrip, but was repelled from the town by unexpectedly strong Japanese defenses. With these defenses and a front line force already weakened from fatigue, disease and wounds, Stillwell called up the 236th to the front lines. Men who had been used to driving trucks and operating heavy equipment

were suddenly picking up a rifle and heading into battle.

The Japanese had managed to assemble nearly 2,500 soldiers in Myitkyina in the final days of May to engage the 236th and another battalion of combat engineers, the 209th. The battle for Myitkyina raged for 2 months and the engineers, fighting alongside poorly trained Chinese soldiers, bore the brunt of the Japanese forces, defending against infantry attacks as well as artillery and mortar fire. The battle resulted in victory for the allies, but at a heavy price: 56 killed in action and another 142 wounded from the 236th alone. One of these casualties was SGT Fred Coleman, who threw himself on a grenade in order to save the lives of his comrades.

The members of the 236th distinguished themselves in the battle for Myitkyina and earned the praise of their commanders. Stillwell himself was impressed with the performance of the 236th, many of whom had not picked up a rifle since basic training: "hats off to the engineers!" And both battalions of combat engineers received the Presidential Unit Citation for their valiant efforts in battle.

Tennessee is the Volunteer State and the spirit of Tennessee is embodied in the 236th. From the battle of King's Mountain in the Revolutionary War, through the Mexican War, the Civil War, and our great World Wars, Tennesseans have answered the call. We have honored those volunteers, and we have honored them as veterans.

We should especially honor our Tennessee sons and daughters today because so many—thousands—are serving in the war against terrorism—men and women in active duty, the National Guard, and the reserves.

This summer, as we celebrate Armed Forces Day, Memorial Day, the dedication of the new World War II Memorial and the 60th anniversary of D-Day, we should not only remember the actions and sacrifices of the great men and women who have come before us, such as those of the 236th, but what their sacrifices have ensured for us: our freedom.

The best thing we can do this summer as we pay tribute to our veterans and soldiers is this: to try to show as much respect and honor to these great volunteers as they have always shown our country.

ROBERT A. BEAN: A LIFETIME OF CONTRIBUTION

Mr. PRYOR. Mr. President, I join the Senate community in mourning the loss of a long-time friend and colleague Robert A. Bean. Throughout his life, Bob was a hard worker, devoted to public service and a man of great integrity and character. Bob began his public service career as a congressional page at the young age of 15. Many promotions and two decades later, he continued to help the U.S. Senate run smoothly. During these years, Bob

forged countless friendships with those around him and made immeasurable contributions to the community.

Each and every day, Bob went above and beyond the call of duty to help Members of Congress, staff members and Capitol visitors find their way, whether it was through complex parliamentary procedure or to the nearest elevator in the Capitol. His vast knowledge of the Senate's operations was garnered from decades of public service. Following Bob's days as a page, he served in the Democratic cloakroom, and was later promoted to deputy sergeant-at-arms, deputy assistant under-secretary of legislative affairs at the Department of the Treasury, and Democratic staff director for the Committee on House Administration. Bob retired from the Hill in 2002, having accrued enough years of service to make him eligible for retirement. Too young and active, however, Bob returned to work just months later at the Jefferson Consulting Group, where he quickly made a name for himself.

My dad, former Senator David Pryor, first met Bob during page school and saw in him the same quality as everyone else: a passion to help others. Throughout the years, they remained close friends. Bob traveled to Arkansas to campaign several times for my dad, and later he joined me in Little Rock on the campaign trail. Even with all his qualifications and prestige, no job was too small. I remember him canvassing in the Arkansas heat, stuffing envelopes and hammering yard signs into the ground. And no job was too big or difficult. Following my campaign, Bob helped me coordinate inauguration events and setup my office, and he helped orient a number of my staff members who were new to Washington and the Senate. His willingness to do anything for anybody at anytime is what made Bob loved by so many.

Jim English, a former assistant Secretary of the Senate, said Bob was "the kind of person who would give you the shirt off his back. He was a man with loyalty to the Senate and to his friends."

Longtime friend Bill Norton who worked with Bob in the cloakroom and earlier as a page added, "Bob loved Congress as an institution; those were his happiest days."

While he took his work seriously, Bob was also known to enjoy his weekends with friends and family on the *Margaret B* while fishing on the Chesapeake. It was on such a day when Captain Bob was enjoying the afternoon on his boat, having just caught a 36-inch striper, when God chose to take Bob home.

Bob was also a devoted family man. As good as a friend he was to us, Bob was an even better son, brother and uncle. I want to express my deepest condolences to the Bean family: his mother Margaret; brothers, John, Kenneth and Brian; sister-in-law Patti; niece Rachel and nephew Christian.

Bob's commitment to service provides inspiration to us all. We will miss

Bob Bean. We will remember him well. We will celebrate his life, and we will try to live up to his dedication and generosity.

ADDITIONAL STATEMENTS

TRIBUTE TO FRENCHBURG JOB CORPS

• Mr. BUNNING. Mr. President, I pay tribute today to the Frenchburg Job Corps Center in Frenchburg, KY. On June 24, 2004 this center will celebrate a milestone anniversary. For 30 years the Frenchburg Job Corps Center has taught a variety of skills to our Kentucky workforce, helping the men and women of Kentucky to improve their job skills and their general well being.

I am grateful for all the work that the Frenchburg Center has done over the last 30 years. Their contribution to the Commonwealth of Kentucky should not be underestimated. Through the work of this center many men and women have been enabled to become valuable pillars of their local and state economies.

The skills that these men and women learned range from the culinary arts to apartment maintenance. But all of these skills have been of inestimable value when it comes to doing one of the most important things in life, providing for yourself, your family and your community.

I believe the Commonwealth would not be the same without the dedication of these men and women and I thank the Frenchburg Job Corps for its 30 years of dedication to the workforce of the Kentucky. •

TRIBUTE TO JIM AYERS

• Mr. ALEXANDER. Mr. President, I wish to honor the extraordinary efforts of one man who exemplifies the spirit which makes Tennessee the volunteer state.

That man is Jim Ayers of Parsons, TN. Parsons sits at the intersection of Highway 412 and 69, just west of the banks of the Tennessee River. It is the largest town in rural Decatur County. At 18, Jim left home to attend Memphis State University. Working 30 hours a week, he paid his way through college, graduating with a degree in business administration. Jim was the first in his family to earn a college degree. He went on to success in a number of industries—from banking and real estate to manufacturing and health care.

Many American success stories would end right there. For Jim, this was just the beginning.

In 1999 Decatur's Riverside High School graduated 129 students and sent 36 on to post-secondary education. That's 27 percent. This month 101 of 111, 90 percent, of students graduating from Riverside, will go on to 2 and 4-year colleges and universities.

The difference between 1999 and 2004? Jim Ayers.

You see, Jim realized the opportunities he had because his parents had motivated him to further his education. To perpetuate this encouragement, Jim created the Ayers Foundation Scholars Program. The program supplies counselors to assist every student with college counseling and planning and grants renewable scholarships of up to \$4,000 to any Decatur County student who wants to go on to college.

This year Jim's foundation disbursed \$578,000 to more than 300 young men and women attending 13 different schools. To meet any remaining tuition bills, counselors found an additional \$800,000 in Federal and State grants and other scholarships. Since its inception, the foundation has also spent in excess of \$175,000 to help 68 teachers from Decatur and Henderson counties to obtain masters degrees or plus 30 certification.

Last week at a dinner in honor of this first class of Ayers' foundation graduates, Jim announced the foundation will begin funding scholarships for students at Henderson County's Scotts Hill High School. In addition, Jim committed to extend funding for advanced degrees for teachers in Perry County.

Decatur's favorite son came home to make this a place where the American dream thrives.

Mr. President, I have spent a lot of time thinking about leadership, character, and education. Men like Jim serve as examples to us all of the opportunity education provides and the difference one man can make in the fabric of the American character.

Thank you for allowing me to honor my friend Jim Ayers. •

TRIBUTE TO LINDA KURZ

• Mr. BOND. Mr. President, Sieglinde Kurz received her Bachelor of Arts degree from Fontbonne College, St. Louis, Missouri in 1961 and her Masters Degree in Health Care Management from Northwestern University, Evanston, Illinois in 1976.

Linda Kurz started her career with Department of Veterans Affairs in November 1965 as a Research Chemist in Renal Hypertension Research at the St. Louis VA Medical Center.

Linda Kurz, during her government career was the Administrative Assistant to the Associate Director, Hines, Illinois; Associate Director, VA Medical Center, Tomah, Wisconsin; Associate Deputy Regional Director, Northeastern Region, Albany, NY; Associate Director, VA Medical Center, Marion, Illinois; Director, Construction Project Coordination and Budget, VA Headquarters, Washington, DC; Director, VA Medical Center, Marion, Illinois. She left the Marion VAMC to accept the position of Director at the St. Louis VAMC.

Linda Kurz served as Director of the St. Louis VA for 5 years and 8 months from May 1998 through January 2004, one of the largest and most complex VA facilities in the Nation.