

RUSSIA'S FALTERING DEMOCRACY

Mr. BIDEN. Mr. President, I rise today, regrettably, to discuss the faltering state of democracy in Russia. I say "regrettably," because during my more than 31 years in the U.S. Senate, I have consistently striven to improve relations between our country and Russia.

For example, a few years ago, despite severe U.S. budgetary constraints and significant foreign policy differences with Moscow, I introduced legislation that when enacted substantially increased funding for Muskie Fellowships for graduate students from Russia.

During my time in the Senate—which has spanned the last decade of Brezhnev, the brief ruling periods of Andropov and Chernenko in the early 1980s, the lengthier and stormy tenures of Gorbachev and Yeltsin, and since 2000 the era of Vladimir Putin—I have always believed that a constructive relationship with Russia is in the best interest of that great country, and is a vital national interest of the United States.

During the Soviet period our ties were based overwhelmingly on strategic considerations. Moscow and Washington had huge, redundant nuclear arsenals that, if ever used, would have "made the rubble bounce"—that is, would have gone a long way toward destroying life on this earth as we know it.

The focus of our diplomacy, particularly of our arms control negotiations, was to make that ultimate horror scenario impossible.

But we had no illusions about making the Soviet Union a genuine partner in anything more than in that narrow strategic sense. Whether or not one fully concurred with President Reagan's memorable description of the U.S.S.R. as an "evil empire," no one could have asserted that it in any way resembled a democracy, anchored by the rule of law, with civil liberties and human rights for all its citizens.

In fact, after the signing of the Helsinki Final Act in 1975, the United States effectively utilized the so-called "Basket Three" of that document to publicly hold the Soviet Union accountable for its violations of human rights and civil liberties.

Great hopes for change accompanied the collapse of the Soviet Union at the end of 1991 and Boris Yeltsin's successor government in the Russian Federation. Although the lid did come off of the worst of state repression, Yeltsin's tenure was marred by widespread corruption, which discredited democratic reform in the eyes of many Russians.

Yet Yeltsin, for all his failings, did successfully make the difficult personal transition from communist to democrat. Given time, Russia's political system held—and still holds—the promise of evolving into a genuine democracy.

That potential, unfortunately, has not only not been utilized, it has been

systematically stifled by Yeltsin's hand-picked successor, Vladimir Putin.

In his 4½ years in power, Mr. Putin, an intelligent and street-smart former agent of the KGB, has developed a system known as "managed democracy." Aside from the unintended irony of this oxymoronic construct, in practice it is long on "managed" and short on "democracy." In essence, Russians are witnessing a rollback of the civil liberties they enjoyed during the 1990s.

Both the 2003 parliamentary elections and the March 2004 presidential election were described as seriously flawed by international observers.

The Putin government has selectively and ruthlessly utilized its prosecutorial powers to silence incipient rivals and thereby intimidate other potential opponents. The most celebrated case is that of Mikhail Khodorkovsky, former head of Yukos Oil, Russia's most modern, Western-like private company. Mr. Khodorkovsky's principal sin appears to have been his belief that a wealthy man had the right to engage in Russian political life as a potential alternative to Putin by funding independent, non-governmental organizations.

The imprisonment and legal proceedings against Khodorkovsky have violated virtually every canon of fairness and legality. His trial on tax evasion charges, which opened on Wednesday in Moscow, was scheduled to be held in a cramped courtroom in a blatant move to restrict access to outside observers.

In a speech late in May, President Putin delivered an ominous warning to Russian organizations that defend democracy and human rights for allegedly serving "dubious" interests and receiving financial support from the West.

Putin has also used financial gimmicks to eliminate the major, independent national television stations in Russia, leaving only a handful with local audiences. Earlier this month the most popular and outspoken surviving Russian television journalist was fired.

As a result of this repressive media policy, Russian viewers have long since been denied objective coverage of world events, especially of the brutal war being waged by their army in Chechnya.

In that context, President Bush's answer last week to a question at a G-8 press conference in Sea Island, GA, is disturbing. The President said that the G-8 leaders were "united by common values." He went on to explain: "We do agree on a free press. We don't necessarily agree with everything the free press writes, but we agree on a free press."

The ancient Greeks used irony as a rhetorical device by attributing a positive characteristic to negative reality. The Black Sea was called "the peaceful sea" precisely because, in actuality, it was so stormy. We moderns might call it "the power of wishful thinking."

I hope that is what President Bush was doing—subtly pushing Putin into

behaving like a member of the G-8 club, to which Russia now belongs despite its mid-size economy, which, absent extraneous political criteria, would not qualify it for membership.

For although the Russian newspaper scene is still vibrant, as I have just described, its electronic media are anything but free. And, as in the majority of other countries, most citizens of the Russian Federation get their news from television, not from newspapers.

Some observers fear a crackdown on the print medium and perhaps even on foreign broadcaster journalists based in Russia.

As for supposed overall "common values," the most recent report on Russia in "Nations in Transit 2004," published by Freedom House, shows Russia slipping from poor to very poor during calendar year 2003 in 5 of 6 categories: electoral process; civil society; independent media; governance; and constitutional, legislative, and judicial framework. The only category in which it did not fall was corruption, and there it remained mired at an extremely poor level.

I hope, therefore, that Putin will not misconstrue President Bush's off-the-cuff answer in Sea Island as license to continue his own undemocratic domestic policies.

As several American commentators and newspaper editorials have discussed, Russia's inclusion in the G-8 since the late 1990s is not irreversible. Its economy certainly does not qualify it for membership, and if it persists in violating the "common values" to which it pays lip service, the United States and its democratic allies may decide to return to the G-7 format.

I hope it does not come to that.

I thank the Chair and yield the floor.

PLEDGE OF ALLEGIANCE CASE

Mr. BROWNBACK. Mr. President, I would like to applaud the decision by the Supreme Court yesterday dismissing the Pledge of Allegiance Case and affirming a student's right to say the pledge with the phrase "One Nation Under God." The majority decision concluded that the Court lacked jurisdiction over Mr. Newdow's claim of injury since Mr. Newdow is merely a non-custodial parent with no decision-making authority over his daughter's education.

The Court, of course, chose to sidestep the larger issue presented by the case. If you recall, Mr. President, the Ninth Circuit's stunning decision was deeply troubling to many Americans when it was first announced in 2000. The Ninth Circuit, unable to legally address the issue of relationship between the father and the daughter, simply decided that Mr. Newdow had a fundamental right to have his child shielded in public school from religious views that differ from his own.

Never mind that such a right has not been articulated before, and certainly not within the context of a noncustodial relationship, but more importantly, a right of such magnitude has

brehtaking implications for the future relationship between the Federal judiciary and public education. For one thing, any disenchanting parent similarly offended by what their children are taught in public schools could run to the Federal courts and clog the system with litigation. Mr. Newdow's objection to the Pledge of Allegiance is that it supports the historical fact that this Nation was founded on a belief in monotheism; the Pledge of Allegiance simply reflects that singular and important fact about this Nation and about us. As a matter of law, injury of the kind alleged by Mr. Newdow must be direct and palpable. Having an unorthodox interpretation of historical fact certainly does not rise to a level which would confer article III standing.

But even if we assume that Mr. Newdow had standing, the merits of Newdow's case are nonexistent as Chief Justice Rhenquist, O'Connor, and Thomas argues in their minority opinion. Recitation of the Pledge of allegiance in public schools is fully consistent with and appropriate within the context of the establishment clause of the first amendment to the United States Constitution. The words of the pledge simply convey the conviction held by the Founders of this Nation that our freedoms come from God. Congress inserted the phrase "One Nation Under God" in the Pledge of Allegiance for the express purpose of reaffirming America's unique understanding of this truth, and to distinguish America from atheistic nations who recognize no higher authority than the State. The Ninth Circuit's decision was problematic on several fronts.

Let me point out a few specifics. First, the court ignored the distinction that the Supreme Court historically has drawn between religious exercises in public schools and patriotic exercises with religious references. The Court repeatedly has said that the latter are consistent with the establishment clause. The voluntary recitation of the Pledge of allegiance is not a coerced religious act, and the Ninth Circuit's conclusion to the contrary is insupportable.

Second, the Ninth Circuit ignored the numerous pronouncements by past and present members of the Court that the phrase "under God" in the Pledge of Allegiance poses no Establishment Clause problems. It is one thing to identify isolated dicta with no precedential weight; it is something quite different to ignore, as the Ninth Circuit did, consistent and numerous statements from the Court's opinions all pointing to a single conclusion. The Ninth Circuit's refusal to heed the Court's previous statements about the pledge is simply inexcusable and is a glaring and continuing example of judicial activism run amok.

A decision to affirm the Ninth Circuit could have had ramifications extending far beyond the recitation of the Pledge of Allegiance in public schools. There is no principled means

of distinguishing between recitation of the pledge, and recitation of passages from other historical documents reflecting the same truth. The Declaration of Independence and the Gettysburg Address that every student in this Nation is familiar with contain the same recognition that the Nation was founded upon a belief in God.

Should we, in a recitation of those seminal speeches, similarly delete any references to God? In fact, had the Ninth Circuit's decision been allowed to stand, it could have cast doubt about whether a public school teacher could require students to memorize portions of either one.

Additionally, much in the world of choral music would become constitutionally suspect, if it is performed by public school students. If the optional recitation of the Pledge of Allegiance violates the establishment clause, what would be the basis by which music teachers can have students perform any classical choral pieces with a religious message? The phrase "under God" in the Pledge of Allegiance is descriptive only. In contrast, much in classical choral music is explicitly religious. They would, under the Ninth Circuit's decision have a greater chance of being rejected.

In ruling that Michael Newdow could not sue to ban the Pledge of Allegiance from his daughter's school and others because he did not have legal authority to speak for her, the Court avoided the larger question of whether or not recitation of the pledge in a public school is an unconstitutional violation of the First Amendment proscription against the establishment of religion.

However, restrictions on religious freedom in the guise of preventing the establishment of religion have been eroding our freedoms and adversely affecting our culture. This began in 1962 in the *Engel v. Vitale* case, when 39 million students were forbidden to do what they and students had been doing since the founding of our Nation, and only a year later in the *School District of Abington Township v. Schempp*, the Court held that Bible readings in public schools also violated the first amendment's establishment clause. Then 1992, *Lee v. Weisman* removed prayer from graduation exercises, and the 2000 ruling in *Santa Fe Independent School District v. Doe*, prohibited student-initiated, student-led prayer at high school football games.

No legislative body affirmatively adopted any of these restrictions. In fact, the people's representatives—at both the Federal and State level—did precisely the opposite. For example, when Congress added the phrase "under God" in 1954 to the Pledge of Allegiance, it did so with the explicit intention of fostering patriotism and piety. It was done to reflect the values of the American people.

Those values, Mr. President, have not changed. And the Court's ruling yesterday simply confirms what the American people have always known: ac-

knowledging God in the public square is patriotic, wise, and good. It is not in conflict with our founding principles, or with our Constitution.

COMBAT CASUALTY CARE

Mr. INOUE. Mr. President, I rise today to recognize the courageous men and women of military medicine, whose efforts to preserve life on the battlefield must not go unnoticed. Since World War II, I have followed the advances in personal protection and combat casualty care which have changed the fate of thousands of our military men and women.

The improvements in battlefield protection have given our military the lowest levels of combat deaths in history. While there is still regrettable loss of life in Iraq and Afghanistan, the fact that we are saving hundreds of lives which could not have been saved in past operations is proof that these advances are paying off.

Historically, 20 percent of all war casualties resulted in death. Today, that rate has been cut in half. Additionally, the rate of total battlefield casualties has also declined by half.

Many advances have led to these decreases. Improved body armor, the placement of forward surgical teams, improved medical training and evacuations, in theatre assessments of unforeseen medical complications, and superior medical technology are just a few of the changes I want to address.

As we read about casualties in the press, one might not realize that much has changed. We read about injury or death by mortar or improvised explosive device. And, as in the past, when soldiers are injured, the first person they call out for is not their mother, not their sweetheart, or even God, but for a medic. But circumstances are different when that medic arrives today. Training of our medics has improved drastically. Today every medic is certified as an emergency medical technician. They are provided with improved medical kits with state-of-the-art medical equipment. The military unit on the ground has these additional capabilities and life saving techniques to improve combat care from the moment of injury.

A second major development in treating battlefield injuries is the placement of forward surgical teams closer to the front lines. These teams target the 15-20 percent of wounded who, without care within the first hour after wounding, would die before seeing the inside of a combat support hospital. Uncontrollable hemorrhage has been a major cause of death in previous wars. Today, the forward surgical teams are well equipped to identify and stop bleeding using a hand held ultrasound machine to identify internal bleeding. Advances in hemorrhage control dressings have also had a substantial impact on saving lives.

Circumstances were definitely a little different when I served during