

Whereas effective character education is based on core ethical values, which form the foundation of democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those who have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of National Character Counts Week, during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations would focus on character education, would be of great benefit to the Nation: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning October 16, 2005, as “National Character Counts Week”; and

(2) calls upon the people of the United States and interested groups to—

(A) embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) observe the week with appropriate ceremonies, programs, and activities.

RECOGNIZING AND HONORING THE LIFE AND ACHIEVEMENTS OF CONSTANCE BAKER MOTLEY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 272, submitted early today by Senator SCHUMER.

The PRESIDING OFFICER. The clerk will please report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 272) recognizing and honoring the life and achievements of Constance Baker Motley, a judge for the United States District Court, Southern District of New York.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Mr. President, I am in support of this resolution to recognize and honor the life and achievements of Constance Baker Motley, a judge for the United States District Court, Southern District of New York. Sadly, Judge Motley passed away last week, on September 28, 2005, at the age of 84, after having lived an extraordinary and exemplary life.

Constance Baker Motley was the first African American woman, and only the fifth woman, to serve on the federal judiciary. Before becoming a judge, she was a renowned civil rights lawyer,

public servant, and trailblazer. Her remarkable career reads like a civil rights history book.

After earning her Bachelor of Arts degree in Economics from New York University and her law degree from Columbia University, Constance Baker Motley joined Thurgood Marshall at the NAACP Legal Defense and Educational Fund. For 2 decades, Constance Baker Motley worked closely with Marshall and other leading civil rights lawyers to dismantle desegregation throughout the country.

She was the only woman on the legal team that won the landmark desegregation case, *Brown v. Board of Education*. She went on to argue 10 major civil rights cases before the Supreme Court, winning all but one of them, including James Meredith’s fight to gain admission to the University of Mississippi.

In 1964, Judge Motley became the first African-American woman elected to the New York State Senate, and in 1965, she became the first African-American woman, and woman, to serve as a city borough president, the great borough of Manhattan. During this time, Judge Motley worked tirelessly to revitalize the inner city and improve urban housing and public schools.

In 1966, President Lyndon B. Johnson appointed Constance Baker Motley to the Southern District of New York. She was confirmed 9 months later, over the strong opposition of Southern Senators. She rose to the position of Chief Judge in 1982, and assumed senior status 4 years later. She served with distinction for nearly 4 decades, until last week. Her passing is a great loss to New York, as well as the country, and for this reason her life must be remembered and celebrated.

This resolution extends the Senate’s heartfelt sympathy to Judge Motley’s friends and family and commends her for her 39-year tenure on the United States District Court for the Southern District of New York and her lifelong commitment to the advancement of civil rights and social justice.

Mr. OBAMA. Mr. President, I rise today to say that, as I have often thought, justice is a curious thing.

She has been poked and prodded, detained and defaced, and her piercing light is too often hidden from view. Justice had a tough time in Montgomery and Selma, and she took a sore drumming alongside Susan B. Anthony and the other fighters for women’s suffrage. If you asked Dr. Martin Luther King, Jr. or Ms. Fannie Lou Hamer where justice was during those cold nights in jail in 1963, they might have said that she was nowhere to be found.

But inevitably and incredibly justice always seems to find her way. She creeps into the dark spots of our history. She rears her head where she is not wanted. And, eventually, she causes the barriers meant to hold her back to crack and crumble, under the collective weight of those who fight for her cause.

On January 25, 1966, justice was at it again. It was on that date after a storied career of educational success, fervent legal advocacy, and legislative accomplishments that Constance Baker Motley became the first African-American woman appointed to the Federal judiciary. Judge Motley passed away on September 28, 2005, at the age of 84. She is survived by her husband Joel, a son, three sisters and a brother. I rise today to honor her and the concept of justice for which she fought all her life.

Constance Baker was born on September 14, 1921, in New Haven, CT. Her father was a chef for an exclusive club at Yale, and her mother was active in the NAACP. She graduated from New York University in 1943 and received her law degree from Columbia University in 1946. As a third-year student at Columbia, Judge Motley joined the staff of the NAACP Legal Defense and Educational Fund. She would eventually become its principal trial attorney.

Judge Motley’s list of accomplishments while working for the Legal Defense Fund is stunning. In 1950, she drafted the complaint that would become *Brown v. Board of Education*. In 1957 she argued the case in Little Rock, AR, which prompted President Eisenhower to call in Federal troops to protect the “Little Rock Nine”. She personally argued the 1962 case in which James Meredith won admission to the University of Mississippi, as well as the suit that resulted in the enrollment of black students at the University of Georgia. All told, Judge Motley won 9 of the 10 civil rights cases she argued before the Supreme Court, an astounding accomplishment for that or any other time period.

After 20 years with the NAACP, Judge Motley was elected to the New York State Senate and became the first African-American woman to serve in that body. Among her first tasks was fighting for additional low- and middle-income housing. In February of 1965, Judge Motley was elected to serve as the President of the Borough of Manhattan, becoming the first woman of any race to serve in that post. And in 1966, President Johnson helped bring justice’s work full circle. He appointed Judge Motley to the Federal District Court for the Southern District of New York, making her the first African American woman to sit on the Federal bench. She served with distinction in the Southern District, and became the chief judge of this court in 1982. She took senior status in 1986.

I honor Judge Motley today. I honor her for her wisdom, for her tenacity, and for the fire with which she advocated for equal rights. And, equally important, I honor the spirit of justice that motivated Constance Baker Motley. It spurred her on from her early days in Connecticut to her long and distinguished tenure on the Federal bench. I ask that this body and all Americans remember Judge Motley today. And I ask that we attempt to infuse the same sense of justice which

guided Judge Motley into our own work, and our daily lives.

I am pleased to join a bipartisan group of my colleagues in introducing a resolution honoring the life of Judge Constance Baker Motley and I hope this body will move swiftly to its passage.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 272) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 272

Whereas Constance Baker Motley was born in 1921, in New Haven, Connecticut, the daughter of immigrants from the Caribbean island of Nevis;

Whereas in 1943, Constance Baker Motley graduated from New York University with a Bachelor of Arts degree in economics;

Whereas, upon receiving a law degree from Columbia University in 1946, Constance Baker Motley became a staff attorney at the National Association for the Advancement of Colored People Legal Defense and Educational Fund, Inc., and fought tirelessly for 2 decades alongside Thurgood Marshall and other leading civil rights lawyers to dismantle segregation throughout the country;

Whereas Constance Baker Motley was the only female attorney on the legal team that won the landmark desegregation case, *Brown v. Board of Education*;

Whereas Constance Baker Motley argued 10 major civil rights cases before the Supreme Court, winning all but one, including the case brought on behalf of James Meredith challenging the University of Mississippi's refusal to admit him;

Whereas Constance Baker Motley's only loss before the United States Supreme Court was in *Swain v. Alabama*, a case in which the Court refused to proscribe race-based peremptory challenges in cases involving African-American defendants and which was later reversed in *Batson v. Kentucky* on grounds that had been largely asserted by Constance Baker Motley in the *Swain* case;

Whereas in 1964, Constance Baker Motley became the first African-American woman elected to the New York State Senate;

Whereas in 1965, Constance Baker Motley became the first African-American woman, and the first woman, to serve as president of the Borough of Manhattan;

Whereas Constance Baker Motley, in her capacity as an elected public official in New York, continued to fight for civil rights, dedicating herself to the revitalization of the inner city and improvement of urban public schools and housing;

Whereas in 1966, Constance Baker Motley was appointed by President Johnson as a United States District Court Judge for the Southern District of New York;

Whereas the appointment of Constance Baker Motley made her the first African-American woman, and only the fifth woman, appointed and confirmed for a Federal judgeship;

Whereas in 1982, Constance Baker Motley was elevated to Chief Judge of the United States District Court for the Southern District of New York, the largest Federal trial court in the United States;

Whereas Constance Baker Motley assumed senior status in 1986, and continued serving with distinction for the next 2 decades; and

Whereas Constance Baker Motley passed away on September 28, 2005, and is survived by her husband Joel Wilson Motley Jr., their son, Joel Motley III, her 3 grandchildren, her brother, Edmund Baker of Florida, and her sisters Edna Carnegie, Eunice Royster, and Marian Green, of New Haven, Connecticut: Now, therefore, be it

Resolved, That the Senate—

(1) extends its heartfelt sympathy to the family and friends of Constance Baker Motley on the occasion of her passing; and

(2) commends Constance Baker Motley for—

(A) her 39-year tenure on the United States District Court for the Southern District of New York; and

(B) her lifelong commitment to the advancement of civil rights and social justice.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 161, which was received from the House.

The PRESIDING OFFICER. The clerk will please report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 161) authorizing the use of the Capitol Grounds for an event to commemorate the 10th Anniversary of the Million Man March.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 161) was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

INTER-AMERICAN CONVENTION AGAINST TERRORISM—TREATY DOCUMENT NO. 107-18

U.N. CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME—TREATY DOCUMENT NO. 108-16

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following treaties on today's Executive Calendar, Nos. 2 and 3. I fur-

ther ask unanimous consent that these treaties be considered as having passed through their various parliamentary stages, up to and including the presentation of the resolutions for ratification; that any committee conditions, declarations, or reservations be agreed to as applicable; that any statements be printed in the RECORD as if read; and that the Senate take one vote on the resolutions of ratification, to be considered as separate votes; further, that when the resolutions of ratification are voted upon, the motion to reconsider be laid on the table; the President be notified of the Senate's action, and that following the disposition of the treaties, the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered. The treaties will be considered to have passed through their various parliamentary stages, up to and including the presentation of the resolutions of ratification.

The resolutions of ratification are as follows:

INTER-AMERICAN CONVENTION AGAINST TERRORISM (T.D.107-18)

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO UNDERSTANDING

Resolved (two-thirds of the Senators present concurring therein), The Senate advises and consents to the ratification of the Inter-American Convention Against Terrorism (the "Convention"), adopted at the thirty-second regular session of the General Assembly of the Organization of American States meeting in Bridgetown, Barbados, and signed by the United States on June 3, 2002 (Treaty Doc. 107-18), subject to the understanding in Section 2.

SECTION 2. UNDERSTANDING

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the United States instrument of ratification:

The United States of America understands that the term "international humanitarian law" in paragraph 2 of Article 15 of the Convention has the same substantive meaning as the law of war.

SECTION 3. RESERVATIONS, UNDERSTANDING, AND DECLARATION RELATIVE TO THE TRAFFICKING PROTOCOL

(a) RESERVATIONS.—The advice and consent of the Senate under section 1 is subject to the following reservations relative to the Trafficking Protocol, which shall be included in the United States instrument of ratification:

(1) The United States of America reserves the right not to apply in part the obligation set forth in Article 15, paragraph 1(b), of the United Nations Convention Against Transnational Organized Crime with respect to the offenses established in the Trafficking Protocol. The United States does not provide for plenary jurisdiction over offenses that are committed on board ships flying its flag or aircraft registered under its laws. However, in a number of circumstances, U.S. law provides for jurisdiction over such offenses committed on board U.S.-flagged ships or aircraft registered under U.S. law. Accordingly, the United States will implement paragraph 1(b) of the Convention to the extent provided for under its federal law.

(2) The United States of America reserves the right to assume obligations under this Protocol in a manner consistent with its fundamental principles of federalism, pursuant