KENNEDY, MCCAIN and others in condemning ongoing violence and criminality by the Irish Republican Army.

Our actions are prompted in part by our meeting yesterday with the sisters and fiance of Robert McCartney, a Catholic resident of Belfast who was brutally murdered on January 30, by individuals who are members of the IRA. These six young women, Catherine McCartney, Paula Arnold, Gemma McMacken, Claire McCartney, Donna Mary McCartney, and Bridgeen Karen Hagans, have publicly challenged the code of silence that generally surrounds IRA activities, including the brutal murder of their brother, an innocent bystander.

These brave women came to Washington seeking our help to ensure that this heinous act is not forgotten as time passes and that justice is done, not only on behalf of their brother, but for all the people of Northern Ireland—Protestant and Catholic alike. They have called upon the IRA and Sinn Fein to stop covering up Robert's murder, and to begin immediately to cooperate directly with the Northern Ireland Policing Service in order to bring to justice those responsible for this heinous crime.

In response to their appeal we believe that it is important that the United States Senate express itself on their behalf. That is why we have asked the Senate to act on the pending resolution. That is why President Bush met personally with these brave women at the White House earlier today—to highlight the importance of justice being done.

Our actions on this resolution and the President's meeting earlier today put the world on notice that we condemn such acts. In addition, with this resolution we call on the leadership of Sinn Fein to insist that everyone responsible for this murder be brought to justice and that anyone with knowledge about the crime cooperate fully and directly with the Police Service of Northern Ireland in making that possible.

As an Irish American, I look forward to the annual celebration of Saint Patrick's Day. Earlier today we participated in the Annual Speaker's luncheon with visiting Prime Minister of Ireland, Bertie Ahern to commemorate this day.

I must tell you that we did so with less exuberance than in past years when there was frankly more to be joyful about.

Ten years ago on this day, there was excitement and promise at our Saint Patrick's Day celebration—the 1994 IRA ceasefire had been in place for more than 6 months and there existed a positive climate conducive to finding a political resolution to a quarter century of sectarian violence.

Seven years ago, in 1998, there was even more concrete evidence that sectarian violence was over as we were literally days away from the parties signing the Good Friday Accords which they did on April 9 of that year. That document was crafted by the political parties under the able leadership of former Majority Leader George Mitchell with the active involvement of President Bill Clinton, and Prime Ministers Tony Blair and Bertie Ahern. It spelled out in black and white an agenda and institutions for delivering justice and equality to both traditions within a framework of inclusive self-government.

Our annual Saint Patrick's Day celebrations since 1998 have been an opportunity to take stock of the progress toward full implementation of the Good Friday Accords. I for one have approached this day each year with the hope that we might finally declare that the Accords were fully functioning, and that violence and terror were no longer a part of the fabric of Northern Ireland's society.

Sadly, this Saint Patrick's day we struggle to call the glass half full with respect to progress on the Accords. The Northern Ireland Assembly is in suspension, the assembly's Executive is vacant. The parties are deadlocked over what must be done to restart the process. Collectively, Northern Ireland's political leaders must accept responsibility for the political impasse that now exists. But Sinn Fein and the IRA carry a heavier burden than others for restarting the process. Sinn Fein, as an organization, must commit itself fully and unequivocally to solely political means to advance its agenda of equality and inclusion. There is no place in a democracy for a political organization to have its own private paramilitary organization. Sinn Fein cannot call itself a democratic organization if it does not severe all ties with the IRA, an organization which espouses, condones, and covers up unlawful acts such as murder and robbery. And, if the IRA is in fact committed to the full implementation of the Peace Accords as it has publicly stated, then it must fully and verifiably decommission its weapons and go out business entirely.

In my opinion, nothing short of these actions is going to repair the damage done to the peace process by the recent acts of criminality by the IRA. Public demonstrations by the Catholic community in Belfast in support of the McCartney sisters' quest for justice made it patently obvious that whatever support might have existed for the IRA in that community exists no longer. It is very clear that the people of Northern Ireland want to live in peace—they want an end to vigilantism and intimidation—they want transparency and the rule of law. They want a future for themselves and their children.

Today, Northern Ireland is a struggling democracy—at a crossroad. Elections have occurred. Elected representatives have been chosen. The mechanisms of self-government are clearly spelled out in the Good Friday Accords. Everyone knows what needs to be done to move the process forward. I hope and pray that those with the power to make a difference will have the courage to do the right thing. The people of Northern Ireland deserve and expect nothing less.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Last week, a 15-year-old high school student was charged with assault after attacking a fellow student. According to police, the attacker yelled disparaging remarks about the victim's sexual orientation before the fight broke out. The victim was taken to the doctor with bruised ribs after he was repeatedly kicked.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

OPPOSING THE NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT

Mr. KYL. Mr. President, it has come to my attention that persons outside of the Senate have told Senators that I do not oppose S. 147, the latest incarnation of a bill that would create a tribal government for Native Hawaiians. This is untrue; it is probably being said because I agreed that the issue could be brought to the Senate floor for a vote. I continue to believe that this bill is profoundly unconstitutional and poses serious moral and political problems. I oppose this bill, and urge my colleagues to do so.

I ask unanimous consent that the following three news columns by Bruce Fein, constitutional scholar and former Reagan administration Justice Department official, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Mar. 11, 2005]

THE PINEAPPLE TIME BOMB

(By Bruce Fein)

It is not because Native Hawaiians should be cherished less but that equality under the law should be loved more that the Akaka Bill to create a race-based government should be opposed. The Senate Committee on Indian Affairs blithely approved the legislation Wednesday without seriously examining its constitutionality. The bill previously

passed the House in 2000 as a ''noncontroversial,'' like treating South Carolina's firing on Fort Sumter as a July Fourth celebration.

The proposed legislation would ordain a Native Hawaiian Governing Entity cobbled together by Native Hawaiians meeting a threshold of Native Hawaiian blood. The Entity would negotiate with the United States and the State of Hawaii for lands, natural resources, civil and criminal jurisdiction, and other matters within the customary purview of a sovereign. It would be a race-based state within a state: a government of Native Hawaiians, by Native Hawaiians, for Native Hawaiians. It does not deserve birth.

The grandeur of the United States has been a history of escape from ugly racial, ethnic or class distinctions. The nation celebrates equality of opportunity and merit rather than birth as the touchstone of destiny. American citizenship is defined by common ideals and aspirations unstained by hierarchy: no divisions between patricians or clergy, nobles and commoners. Indeed, the Constitution forbids titles of nobility.

Accordingly, Supreme Court Justice Antonin Scalia instructed in Adarand Constructors v. Pena (1995): ''To pursue the concept of racial entitlement—even for the most admirable and benign of purposes—is to reinforce and preserve for future mischief the way of thinking that produced race slavery, race privilege and race hatred. In the eyes of government, we are but one race here. It is American.''

The United States has flourished by overcoming stains on its creed of equality. Black slavery was ended by the 13th Amendment, and Jim Crow died with the Civil Rights Act of 1964 and Voting Rights Act of 1965. Individual Japanese-Americans got an apology and compensation for race-based maltreatment in World War II in the Civil Liberties Act of 1988.

Racism is defeated by its renunciation, not its practice. The latter pits citizen against citizen and invites strife and jealousies that weaken rather than strengthen.

An exclusive Native Hawaiian government is no exception. Justice Anthony Kennedy persuasively discredited the argument that the Akaka Bill will bring reconciliation between Native Hawaiians and their co-citizens in Rice v. Caytano (2000). In voiding a race-based restriction on the franchise for trustees of the Office of Hawaiian Affairs, Justice Kennedy sermonized: ''One of the principal reasons race is treated as a forbidden classification is that it demeans the dignity and worth of a person to be judged by ancestry instead of by his or her own merit and essential qualities. . . . [T]he use of racial classifications is corruptive of the whole legal order democratic elections seek to preserve. The law itself may not become an instrument for generating the prejudice and hostility all too often directed against persons whose particular ancestry is disclosed by their ethnic characteristics and cultural traditions.''

The Akaka Bill would create an unprecedented race-based government in Hawaii. Prior to the 1893 dethronement of Queen Lili'uokalani, the monarchy treated Native Hawaiians and immigrants alike. Each enjoyed equal rights under the law. Ditto under the successor government and territorial authority after Hawaii's annexation by the United States in 1898. In other words, the race-based legislation would not restore the 1893 legal landscape, but enshrine an odious political distinction amongst Hawaii's inhabitants that never before existed.

A Native Hawaiian enjoys the same freedoms as other Americans. Native Hawaiians may celebrate a distinctive culture under the protection of the Constitution, like the Amish. Racial discrimination against a Native Hawaiian is illegal. And the civil and political rights of Native Hawaiians dwarf what was indulged by the sovereign under the former monarchy.

Stripped of rhetorical adornments, the Akaka Bill is racial discrimination for the sake of racial discrimination; a dishonoring of the idea of what it means to be an American and a formula for domestic convulsions.

[From the Washington Times, Oct. 5, 2004]

A RACE-BASED DRIFT?

(By Bruce Fein)

The nation's mindless celebration of multiculturalism and denigration of the American creed has reached a new plateau of destructiveness. A bill recently reported by the Senate Appropriations Committee (S. 344) would establish a race-based government for Native Hawaiians unconstrained by the restrictions of the U.S. Constitution. The bill's enactment would mark the beginning of the end of the United States, akin to the sack of Rome by Alaric the Great in 410 A.D. A country that wavers in its fundamental political and cultural values—like a nation half slave and half free—will not long endure.

S. 344 would erect an independent government for the lineal descendants of Native Hawaiians to honor their asserted ''rights as native people to self-determination and self-governance.'' Best estimates place their number at more than 400,000. Like Adolf Hitler's blood tests for Jews, a minuscule percentage of Native Hawaiian ancestry would establish an entitlement to participate in the new racially exclusive domain.

The right to self-determination means the right of a people to choose their sovereign destiny, whether independence, federation, accession to another nation or otherwise. Thus, the bill would overturn the past and prevailing understanding of the Civil War. As Chief Justice Salmon Portland Chase lectured, Ulysses S. Grant's defeat of Robert E. Lee established an indivisible national unity among indestructible states.

The Native Hawaiian government would be unbothered by the ''irritants'' of the U.S. Constitution. Thus, it might choose theocracy over secularism; summary justice over due process; indoctrination over freedom of speech; property confiscations over property rights; subjugation over equality; or, group quotas over individual merit. The Native Hawaiian citizens of the Native Hawaiian government would also be exempt from swearing or affirming allegiance to the United States of America or the U.S. Constitution.

The race-based sovereignty created by S. 344 is first cousin to a revolution against the United States. As the Declaration of Independence elaborates, revolutions may be justified by repression or deafness to pronounced grievances. Thomas Jefferson's indictment of King George III is compelling on that score. But S. 344 does not and could not find Native Hawaiians are oppressed or maltreated in any way. They are first-class American citizens crowned with a host of special privileges. Indeed, the proposed legislation acknowledges that, ''Native Hawaiians . . . give expression to their rights as native peoples to self-determination and self-governance through the provision of governmental services to Native Hawaiians, including the provision of health care services, educational programs, employment and training programs, children's services, conservation programs, fish and wildlife protection, agricultural programs, native language immersion programs and native language immersion schools from kindergarten through high school.''

The annexation of Hawaii by the United States in 1898 has proven a bright chapter in the history of democracy and human rights. Native Hawaiians had failed for centuries to build a democratic dispensation and the rule of law. When Queen Lili'uokulani was ousted from power in 1893, the potentate was no more eager to yield monarchical powers than was the shah of Iran. Annexation and statehood in 1959 brought all Hawaiian residents irrespective of race or ethnicity the blessings of the U.S. Constitution—government of the people, by the people, for the people. Native Hawaiians prospered far beyond the destiny available under Queen Lili'uokulani and her royal successors. Suppose Japan had attacked Pearl Harbor when under the queen's sovereignty. The Hawaiian Islands would have been colonized and brutalized as was Korea from 1910–1945.

American civilization has been a boon, not an incubus, for the Native Hawaiians living today. Generally speaking, they thrive from the benefits of science, medicine, literature, higher education, free enterprise, private property and freedom of inquiry, amenities and enjoyments not found in lands untouched by Western values and practices. As elaborated in the report of Senate Committee of Indian Affairs accompanying S. 344, Native Hawaiians' nagging resistance to complete assimilation seems to explain their suboptimal demographics. Hawaiian law, for example, has invariably guaranteed subsistence gathering rights to the people to retain native customs and traditions.

Not a crumb of legitimate grievance justifies the odious race-based government championed by S. 344. To borrow from Associate Supreme Court Justice Antonin Scalia in Adarand Construction vs. Pena (1995), in the eyes of the law and the creed of the United States, there is only one race in the nation. It is American. And to be an American is to embrace the values of freedom, individual liberty and equality acclaimed in the Declaration of Independence, Constitution and Gettysburg Address. S. 344 would create a distinct race of Native Hawaiians subject to a race-based Native Hawaiian government with the purpose of creating and preserving non-American values: namely, ''Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions.''

Native Hawaiians hold no more right to a race-based government than countless other racial or ethnic groups in the United States. They are no more entitled to secede from the jurisdiction of the U.S. Constitution than were the Confederate States of America. Enacting S. 344 would surrender the intellectual and moral underpinnings of the United States.

E PLURIBUS UNUM—DEBATING THE LEGALITY OF THE AKAKA BILL

(By Bruce Fein)

Hawaii Attorney General Mark Bennett is dead wrong in his support of the Akaka Bill.

The proposed legislation celebrates race-based divisiveness over America's highest aspirations for unity and equality. The bill is blatantly unconstitutional.

E Pluribus Unum is the nation's birth certificate.

Ben Franklin sermonized that if we do not all hang together; we assuredly shall all hang separately. Abraham Lincoln preached that ''A house divided against itself cannot stand.'' Supreme Court Justice Benjamin Cardozo in Baldwin v. Seelig (1935) observed: ''The Constitution was framed . . . upon the theory that the peoples of the several states must sink or swim together, and that in the long run prosperity and salvation are in union and not division.'' Justice Antonin Scalia lectured in Adarand Constructors v.

Pena (1995) that the Constitution acknowledges only one race in the United States. It is American.

Attorney General Mark J. Bennett's spirited defense of the Akaka Bill (Hawaii Reporter, December 20, 2004) ignores this wisdom. It is nonsense on stilts. He talks about Congress' power to recognize tribes, but the Akaka Bill is not about recognizing a real tribe that truly exists. Instead, it proposes to crown a racial group with sovereignty by calling it a tribe. But to paraphrase Shakespeare, a racial group by any other name is still a racial group. Congress cannot circumvent the Constitution with semantics. The United States Supreme Court in United States v. Sandoval (1913) expressly repudiated congressional power arbitrarily to designate a body of people as an Indian tribe, whether Native Hawaiians, Jews, Hispanics, Polish Americans, Italian Americans, Japanese Americans, or otherwise. Associate Justice Willis Van Devanter explained with regard to congressional guardianship over Indians: ''[I]t is not meant by this that Congress may bring a community or body of people within the range of this power by arbitrarily calling them an Indian tribe, but only that in respect of distinctly Indian communities the questions whether, to what extent, and for what time they shall be recognized and dealt with as dependent tribes requiring guardianship and protection of the United States are to be determined by Congress, and not by the courts.''

Attorney General Bennett incorrectly argues that the Supreme Court has interpreted the Indian Commerce Clause to endow Congress with plenary ''power to deal with those it finds to be Indian Tribes. . . .'' No such interpretation has ever been forthcoming, and thus Mr. Bennett is unable to cite a single case to support his falsehood. Indeed, it is discredited by the Sandoval precedent.

Congress enjoys limited powers under the Constitution. They are generally enumerated in Article I, section 8, and include the power to regulate commerce ''with the Indian tribes.'' Clause 18 also empowers Congress to make all laws ''necessary and proper'' for executing its enumerated authorities. Contrary to the Hawaii Attorney General, the Indian Commerce Clause has been understood by the Supreme Court as conferring a power to regulate the nation's intercourse with Indian Tribes, but not to summon a tribe into being with a statutory bugle. The Attorney General is also unable to articulate a connection between any enumerated power of Congress and the Akaka Bill's proposal to endow Native Hawaiians with the quasi-sovereignty and immunities of Indian Tribes.

He absurdly insists that the Founding Fathers intended an open-ended definition of Indian Tribe because contemporary dictionaries defined tribe as ''[a] distinct body of people as divided by family or fortune or any other characteristic.'' But the Constitution's makers employed ''Indian'' to modify tribe. That modifier was understood to include only peoples with an Indian ancestry coupled with a primitive culture that necessitated federal protection from predation by States or private citizens. In Sandoval, for example, Congress properly treated Pueblos as an Indian tribe because ''considering their Indian lineage, isolated and communal life, primitive customs and limited civilization, this assertion of guardianship over them cannot be said to be arbitrary. . . .'' Chief Justice John Marshall in The Cherokee Nation v. Georgia (1831) likened an Indian Tribe's dependency on the United States to the relation of a ward to his guardian. The Akaka Bill, however, does not and could not find that Native Hawaiians need the tutelage of the United States because of their backwardness or child-like vulnerability to exploitation or oppression. Indeed, their political muscle has made them spoiled children of the law, as Attorney General Bennett himself underscores. Finally, the Constitution aimed to overcome, not to foster, parochial conflicts or jealousies. That goal would be shipwrecked by a congressional power to multiply semi-sovereign Indian tribes at will.

He stumbles again in attributing to a court the statement, ''Indian tribes do not exist in Alaska in the same sense as in [the] continental United States.'' The statement was made by the Secretary of the Interior in a letter noting that Alaskan tribes occupied land which had not been designated as ''reservations,'' in contrast to Indian tribes.

Section 2 of the Fourteenth Amendment further undermines the Attorney General's accordion conception of Indian Tribe. It apportions Representatives among the States according to population, but ''excluding Indians not taxed.'' Mr. Bennett's argument would invite the majority in Congress to manipulate apportionment by designating entire States that generally voted for the opposition as Indian Tribes.

Finally, the Attorney General wrongly insinuates that Congress would be powerless to rectify historical wrongs to Native Hawaiians absent the Akaka Bill. Congress enjoys discretion to compensate victims or their families when the United States has caused harm by unconstitutional or immoral conduct, as was done for interned Japanese Americans in the Civil Liberties Act of 1988. Congress might alternatively establish a tribunal akin to the Indian Claims Commission to entertain allegations of dishonest or unethical treatment of Native Hawaiians. As the Supreme Court amplified in United States v. Realty Co. (1896): ''The nation, speaking broadly, owes a 'debt' to an individual when his claim grows out of general principles of right and justice; when, in other words, it is based on considerations of a moral or merely honorary nature, such as are binding on the conscience or the honor of the individual, although the debt could obtain no recognition in a court of law. The power of Congress extends at least as far as the recognition of claims against the government which are thus founded.''

TRIBUTE TO DECLAN CASHMAN

Mr. DAYTON. Mr. President, I rise to pay tribute to Ms. Declan Cashman who tomorrow marks her 20th year of service in the Senate.

Declan began her career in the Senate back in 1985 as a legislative secretary for my distinguished friend, Senator Dave Durenberger of Minnesota. She was promoted to positions on the Subcommittee on Intergovernmental Relations, the Permanent Subcommittee on Investigations, and the Committee on Health, Education, Labor, and Pensions. Today, she serves as my executive assistant, where she is invaluable to me and so many others on my staff. I do not sign a letter without first asking, ''Has Declan looked at this?''

Despite her busy work schedule, Declan has many creative pursuits. She is both a lover of the theater and a talented actress herself. Recently, she has performed at Washington's Studio Theater, the Chevy Chase Players, and the Silver Spring stage.

Declan is an inspiration to the young men and women who come to work in Washington every year. Every morning, she is the first to arrive in my office, where she proceeds to scour her hometown Boston Globe, the New York Times, the Washington Post's Style section, and Page Six, over a cup of black coffee. As her coworkers arrive, she enthusiastically shares the best stories with them.

On behalf of her Senate coworkers over the past 20 years and the thousands of constituents she has assisted, I thank Declan for her dedication and excellent public service. I hope that she will grace my office with her presence for the next 2 years. Then someone else will be my fortunate successor.

RECOGNITION OF THE 80TH ANNUAL PRINCE OF PEACE EASTER PAGEANT

Mr. INHOFE. Mr. President, I rise today in recognition of the 80th Annual ''The Prince of Peace'' Easter Pageant that has been performed annually in the historic Holy City of the Wichitas since 1926. I am very proud of this truly outstanding Oklahoma tradition and would like to congratulate the dedicated performers and organizers both past and present who have kept it alive all these years.

The pageant was the brainchild of a young pastor, Reverend Anthony Mark Wallock, of the First Congregational Church in Lawton, OK. Eighty years ago, he gathered a few hardy souls from his church and Sunday school class on a mountain peak at Medicine Park, OK, where he conducted a short Easter morning service. That worship ceremony, which was carried out in word, song, and pantomime, eventually became the world-renowned Easter pageant, ''The Prince of Peace.''

Word about the pageant spread quickly, and began attracting a larger audience. As a result, the pageant was moved to the foot of Mount Roosevelt in the heart of the Wichita Mountains Wildlife Refuge. The twenty-two buildings at the new site were completed and dedicated on March 31, 1935, and the first pageant there, performed on April 21, drew a crowd of 82,000 people.

In the 1940's, the pageant even drew the attention of Hollywood and in 1948 the film, ''The Lawton Story—The Prince of Peace'' was produced with the participation of many local citizens in Lawton and the surrounding area. Although Reverend Wallock passed away on December 26 of that year, the story of the pageant he founded lived on in the community that he loved.

Since then, hundreds upon thousands of volunteers have carried on the annual tradition of presenting this historic production. It has become the longest continuously running outdoor Easter pageant in America. Every Easter season, on Palm Sunday Eve and Easter Eve, starting at 9:00 in the evening, 300 costumed volunteer performers bring the pageant to life.