

it can be approved in the immediate future. It would have tremendous significance with our President being there at this present time.

So I have no objection to the request by my friend from Oklahoma.

The ACTING PRESIDENT pro tempore. The minority leader withdraws his reservation.

Without objection, the unanimous consent request is agreed to.

The Senator from Missouri.

Mr. BOND. Mr. President, I rise to express my support for the effort that my colleague from Missouri is making. When the Senator from Missouri was in the House, he was chairman of the House Small Business Committee when I was chairman of the Senate Small Business Committee. We took great pride in the tremendous contribution that small business made to our State, both in terms of the jobs they produced as well as the tremendous boost that the small businesses were able to provide to our productive sector.

Again, I commend the Senator from Missouri for the action he took last year to make sure that these minority small business contractors could be qualified. This will go a long way toward easing the procedure to make sure that minority small business operations have a chance to get in on the work of the highway bill. It is very important that we move forward with our highway construction, and having the minority small businesses providing jobs in their community and representing the communities that will be served is a very worthy goal.

This small measure would have a big impact. So I urge the adoption of this amendment.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

All time has expired. The question is on agreeing to the amendment. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Mississippi (Mr. COCHRAN), the Senator from Wyoming (Mr. ENZI), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), and the Senator from Alaska (Ms. MURKOWSKI).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Minnesota (Mr. DAYTON), the Senator from North Dakota (Mr. DORGAN), the Senator from Iowa

(Mr. HARKIN), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—89

Akaka	Dole	McConnell
Allard	Domenici	Mikulski
Allen	Durbin	Murray
Baucus	Ensign	Nelson (FL)
Bayh	Feingold	Nelson (NE)
Bennett	Feinstein	Obama
Bingaman	Frist	Pryor
Bond	Graham	Reed
Boxer	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Hatch	Salazar
Burr	Hutchison	Santorum
Byrd	Inhofe	Schumer
Cantwell	Inouye	Sessions
Carper	Isakson	Shelby
Chafee	Jeffords	Smith
Chambliss	Johnson	Snowe
Clinton	Kennedy	Specter
Coburn	Kerry	Stabenow
Coleman	Kohl	Stevens
Collins	Landrieu	Sununu
Conrad	Lautenberg	Talent
Cornyn	Leahy	Thomas
Corzine	Levin	Thune
Craig	Lieberman	Vitter
Crapo	Lincoln	Voinovich
DeMint	Lott	Warner
DeWine	Lugar	Wyden
Dodd	Martinez	

NOT VOTING—11

Alexander	Dorgan	McCain
Biden	Enzi	Murkowski
Cochran	Harkin	Sarbanes
Dayton	Kyl	

The amendment (No. 600) was agreed to.

The PRESIDING OFFICER. The Senator from Ohio.

MORNING BUSINESS

Mr. DEWINE. Mr. President, I ask unanimous consent that there now be a period of morning business.

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

60TH ANNIVERSARY OF END OF WWII IN EUROPE

Mr. DEWINE. Mr. President, yesterday was the 60th anniversary of the end of World War II in Europe. It was also, of course, Mother's Day. My speechwriter Ann O'Donnell shared a letter with me her grandfather wrote that is a fitting remembrance of both occasions. It is a letter from a young Army private, 12th Armored Division, named Glenn H. Waltner. Stationed in Germany at the time, he wrote to his mother, Mrs. J. J. Waltner in Freeman, SD.

The letter is postmarked 60 years ago today, May 9, 1945, though it was written, actually, on May 3, 1945. It reads as follows:

Dearest Mother,  
 Mother's Day is only a short time away again. Since we cannot be together, I'm taking this opportunity to thank you for being my mother. You've always been all that any son could ever ask a mother to be—kind, pa-

tient, loving, considerate, and forgiving. Though Mother's Day comes but once yearly, don't think you're not appreciated the other [days of the year]. I thank God daily for the privilege of having been your son.

[I] am well—have been moving so swiftly and far that mail still hasn't reached us, nor can we mail letters often. Shaved today for the first time in a long while and haven't had my hair cut for months, I guess. Hear peace rumors daily, but apparently, the Germans don't know a thing about it.

Happy Mother's Day—Love from your son, Glenn.

Mr. President, I imagine that many hundreds of letters just like this went out 60 years ago to mothers all across our country. Letters went out as they waited patiently, praying for the safe return of their dear, beloved sons serving overseas during the war. Fortunately, just a few short days after this particular letter was written, the rumors about peace did become a reality as Hitler's Germany surrendered to Allied forces, bringing to an end almost 6 years of brutal, bloody battle and an unparalleled threat to mankind in the Nazi's attempt to destroy the Jewish race.

When I think about all those who served during World War II, I am reminded of a famous speech in William Shakespeare's play "Henry V." The title character attempts to rally his men with a St. Crispin Day speech, a moving appeal to soldiers facing a vastly superior French force. Shakespeare's Henry assures his men of their place in history, creating the bond that links them all. An excerpt from that speech reads as follows:

And Crispin Crispian shall ne'er go by,  
 From this day to the ending of the world,  
 But we in it shall be remember'd;  
 We few, we happy few, we band of brothers.

Stephen Ambrose, of course, in his book, "Band of Brothers," also wrote about this fraternal bond that connects all warriors to one another. Ambrose documented the journey of the men of Easy Company, E Company, 506th Regiment, 101st Airborne Division, through their journey through World War II. While the men of the 506th seem at times lost in the confusion and tragedy of war, Ambrose ends his book with a poignant reflection on what they encountered during the war. He wrote as follows:

They found combat to be ugliness, destruction, and death, and hated it. Anything was better than the blood and carnage, the grime and filth, the impossible demands made on the body—anything, that is, except letting down their buddies. They also found in combat the closest brotherhood they ever knew. They found selflessness. They found they could love the other guy in their foxhole more than themselves. They found that in war, men who love life would give their lives for them.

Over the last couple of years, my staff and I have had the great privilege of getting to know a group of World War II veterans who, like the men of Easy Company, are, indeed, a band of brothers. They are a band of selfless, patriotic, quiet heroes who to this day, 60 years after the end of the war, remain in close contact, staying in touch

with one another and their families through e-mails, newsletters, and reunions. They also, to this day, continue to remember and honor those in their company who never made it home, those who were killed during the fighting, those who will remain as they were at the time frozen in their youth.

I am speaking about the men of Company K, the most decorated company in the 409th Regiment of the 103rd Infantry Division, 6th Corps of the 7th Army. The men of K Company, however, are not unique. The bonds they share and the sacrifices they made are no different than the bonds and the sacrifices of all those who served in World War II together.

Two years ago at this time, I spoke about the 58th anniversary of V-E Day and specifically about K Company. Since that time, my staff and I have heard from many of the surviving members of K Company and their families. We have learned a great deal about what so many men and women went through both during and after the war.

I must say the connection my office and I have established with the members of K Company, soldiers who saw battle in Germany, France, and Austria, has been one of the most rewarding experiences I have had during my entire time in Congress.

One of the members of K Company is my dad, Richard DeWine. In talking to both my mother and my father this past weekend about the end of the fighting in Europe 60 years ago, they remember vividly what happened, where they were 60 years ago yesterday. My mother remembers riding on a firetruck during an impromptu celebration in my parents' hometown of Yellow Springs, OH. She remembers that celebration after the announcement was made of the German surrender.

My dad, half a world away at the time, remembers spending the night before in a foxhole near Innsbruck, Austria, the night before the surrender. And he, like PVT Glenn Waltner who wrote in his letter to his mother, my dad also heard rumors that the war was nearing an end. My dad says the rumors were all over the place. But nevertheless, my dad stayed awake that night in that foxhole fearing that the enemy would attack. He remembers thinking he saw German soldiers coming towards them.

The next morning, and later when he talked to his comrades, his buddies, when he compared notes with them, they thought the same thing, that the Germans were coming after them, coming towards them. Yet they never attacked that night, thank Heavens.

My dad says when the war did end the next day, he can still remember groups of German troops surrendering, and then when he and his K Company buddies went into Innsbruck, quite shortly thereafter he remembers the people of Innsbruck throwing flowers at them as they rode into Innsbruck.

My parents' recollections and the letter I read on the Senate floor from Glenn Waltner are just a couple of examples of the many stories we all have heard about those who fought during World War II. It is through the stories of those who served over half a century ago that we continue to learn about history, about humanity, and about the sacrifices that were made by our parents, grandparents, those who made the sacrifices. Sixty years later, we continue to learn from all those who served in World War II. We continue to learn about honor, respect, loyalty, humility, and sacrifice.

I thank each of them for what they did, what they did for each one of us, and what they did for our country and what they did for the world, what they did over 60 years ago.

They fought so that we could know peace, so that we could remain free. They will never be forgotten.

I thank the Chair, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### PROTECTING THE INDEPENDENCE OF THE COURTS

Mr. BAUCUS. Mr. President, inscribed on the Justice Department building are the words: "No free government can survive that is not based on the supremacy of law."

Aristotle said: "Where the laws are not supreme, there demagogues spring up."

And Balzac wrote: "The soul of liberty is love of law."

It is a free and independent judiciary that ensures the supremacy of law. It is a free and independent judiciary that guards against the demagogue. It is a free and independent judiciary that protects the soul of liberty.

As Montesquieu wrote in *The Spirit of the Laws*: "There is no liberty if the judiciary power be not separated from the legislative and the executive."

And as George Washington wrote to John Jay in 1789, when Washington invited Jay to be Chief Justice: "The Supreme Court must be recognized as the keystone of our political fabric."

The effort by some to abridge the Senate's role in the confirmation of judges is nothing less than an effort to diminish the independence of the judiciary. That is the bottom line.

The Senate's rules and its paramount value of unlimited debate are central to preserving that independence of the judiciary. The Senate's involvement in the confirmation of judges helps to ensure that nominees have the support of a broad political consensus. The Senate's involvement helps to ensure that

the President cannot appoint extreme nominees. The Senate's involvement helps to ensure that judges are more independent.

The Framers wanted the courts to be an independent branch of government, helping to exercise the Constitution's intricate system of checks and balances. The Senate's involvement in the confirmation of judges helps to ensure that the judiciary can be that more independent branch. And that independence of the judiciary, in turn, helps to ensure the protection of personal rights and liberties.

Just witness the Bill of Rights and the Constitution and the degree to which the court protects the Bill of Rights against improper encroachment by the legislative branch and in some cases by the executive branch.

The current fight over allowing the President to more easily gain confirmation of Supreme Court Justices and Appellate Court judges recalls another such effort by a President to affect the independence of the judiciary. It was in 1937, when President Franklin Roosevelt tried to pack the Supreme Court.

Roosevelt's effort to pack the Court failed in 1937 because enough Senators from his own party stood up to their President. They stood up for the Constitution that they loved.

One of those Senators was Montana's Burton K. Wheeler.

Until then, Burt Wheeler, a Democrat, had been an ardent champion of New Deal causes. But that changed with Roosevelt's effort to pack the Court.

In his book about Lyndon Johnson, *Master of the Senate*, the historian Robert Caro recounts what happened:

Burton K. Wheeler of Montana, long a leader in Senate fights for liberal causes, was coming to see that the Court plan implied an alteration in the whole balance of governmental power in favor of the White House. What, he wondered, would come next? He refused to fight for this cause. Wheeler was a senator other senators followed. Roosevelt sent his aide Thomas G. Corcoran to him with an offer. Its details would be a matter of dispute; at a very minimum, Wheeler would be allowed to give 'advice' on the nominations of two of the six justices. Wheeler had accepted other offers from Corcoran before, but he refused to do so on the Court-packing plan. 'I'm going to fight it with everything I've got,' he told Corcoran. The President hurriedly invited his old friend Burt to dine at the White House that evening; the Senator replied that the President had better 'save the plate for someone who persuaded more easily'.

And on the Senate floor, Senator Wheeler said:

I am saying to the Senator now that those connected with the administration have said that they wanted six men upon the Supreme Court whom they could trust, that they wanted men on the Court who would decide cases as they wanted them to be decided. That is the issue. It can be camouflaged as much as one wants to attempt to camouflage it, but the truth is that it is impossible to get away from the fact that this is a proposal to make the Supreme Court of the United States subservient to the executive branch of government.