

traditional definition of that word but engaged in the kind of brutality against humanity, today there is a codified body of laws that would certainly make those people subject to international law let alone our own kind of crimes.

The point I am trying to make is, it just gives it some clarity. What are they? What is the legal status in that category? If you are a POW, there is one set of laws that apply. If you are an enemy combatant, there is a set of laws and regulations that apply. If you are a non-enemy combatant and have engaged in the very activities my colleague described, what is the law that applies to those individuals under those circumstances? There is no status at all being attributed to these people. They are in limbo. That is what I am concerned about.

Mr. SESSIONS. Mr. President, I certainly respect the Senator's thoughts about that. I must follow up a little bit.

First, what happened at Nuremberg happened after the war was over.

Mr. DODD. I agree.

Mr. SESSIONS. We held German prisoners in the northern campus of the University of Alabama where I lived when I was in law school. They had German prisoners there during World War II.

But what I want to try to reassure my colleague about is that we do have a proper procedure that is ongoing. For example, we have defined these as combatants. We give them a combatant status review tribunal when they come in. They are reviewed in that fashion. They have a three-judge panel. They actually go beyond the requirements that the U.S. Supreme Court said in the Hamdi case.

In addition to that, they created an Administrative Review Board that, on an annual basis, must make an assessment of whether there is continued reason to believe that the enemy combatant poses a threat to the United States or its allies, or whether there are other factors bearing upon the need for the kind of detention, including its enemy combatant intelligence value in the gulf war on terrorism.

For example, in the first year of those Administrative Review Board hearings, there were 330 decisions to continue to detain the prisoners, 119 decisions to transfer them to other jurisdictions, other countries perhaps, or possibly other countries, and 14 release decisions. This second year, to date, the review board had 12 findings of continued to detain, 6 transfers, and no release decisions.

At least there is a procedure. In response to criticisms in the Congress, around the word, in response to the Supreme Court decision, they have taken it carefully because the military is proud of its standards. The military wants to do this right. But they have a responsibility not to release those who should not be released as they continue to pose a threat to the security of our Nation.

Mr. DODD. If my friend will yield further, I am sure he is a good lawyer. In the *Rasul v. Bush* case in 2004, of course, the Supreme Court ruled "a state of war is not a blank check for the President," and "enemy combatants have the right to challenge their detention before a judge or other neutral decisionmaker."

That took a court case basically going to the highest Court of our land—I don't know what the ruling was, 5 to 4 or 6 to 3—and they ruled in that case enemy that combatants have a judicial right to challenge their status.

All I am saying, I am not trying to determine the outcome, just what is the status for the people to be detained or moved other places.

Our highest Court has said it is not a blank check, that they have a right to make a case. I don't want to be seen as perceiving—because I am saying they have a right to make a case, do I like these people? Am I trying to befriend them? I am saying the rule of law has to apply.

We are different. That is what makes us different from these people. These people would never give their victims a right to a judicial system proceeding as they engage in the kind of activity my colleague from Alabama properly described.

What makes my colleague from Alabama, and I hope myself and our colleagues, different is this very point the Supreme Court made. Even these enemy combatants have the right to make a case before a judge or other "neutral decisionmaker," that the state of war is not a blank check for the President. That is the point I am trying to make. I am not trying to characterize the people in any other way than what my colleague has described.

The point the Senator and I need to come together on is the rule of law. That is all I am trying to suggest. I don't have an amendment to offer, but we have to find this common ground on this issue because it is who we are. It is what we want the world to know and appreciate what the United States is. That is really what did so much for us in the wake of World War II where we became this symbol of nations that rise above their passions and their emotions.

He is absolutely right on Nuremberg. Several people got limited sentences, some got off, and many got executed, as they should have, but it went through a legal process. To read those transcripts, where people went on and talked as Goering—I am tempted to draw the comparison of Goering to Saddam Hussein, who talks endlessly. Goering did almost the same, and there was concern by some that he might have gotten away had it not been for a very aggressive prosecution.

It was the rule of law, and how proud these people were that showed the world—and the United States led—we were different.

The fact situations are very different between the end of a conflict and an ongoing conflict and how you deal with it, but the rule of law does deserve stronger support than I am afraid we are giving. That is my concern.

Mr. SESSIONS. I thank the Senator.

I believe care has been taken to comply with the Supreme Court cases. The Department of Defense has gotten the system in a way that has a combatant status review tribunal and an administrative review board, and there have been multiple hearings. The Department is giving these prisoners—whether they are prisoners of war, lawful or unlawful combatants who are being detained—the rights to which they are entitled. I really do believe they have.

That is the only concern I have about the perception that might be out there, even around the world, that we are acting outside the rule of law. I do not believe that is so.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

CELEBRATE WEST VIRGINIA

Mr. BYRD. Mr. President, on June 20, 1863, a new State was added to the Union. Today, 143 years later, we celebrate the birthday of West Virginia. I am always happy to have an excuse to share my love for West Virginia with the rest of the Nation.

The story of West Virginia is unique and fascinating, a one-of-a-kind juxtaposition of geography, history, and politics. It is a story as interesting as the State is beautiful.

The steeply folded mountain ridges that define the southern edge of the State, and her rich mineral and natural treasures that more than made up for her paucity of flat agricultural terrain, defined her early years and set her apart socially and economically from the rest of Virginia. West Virginia's natural attributes attracted a hardy, can-do breed of opportunistic settlers determined to scratch a living for their families from her rocky hillsides. They mined salt and coal, hunted and trapped, and cut small family farms out of the hillsides. These mountaineers had little in common with the gentrified, land-owning and slave-owning plantation masters of eastern Virginia's tidewater and piedmont regions. Thus, even as the issue of slavery began to strain the relations between the Nation's industrial North and her agricultural South, the contrasts within Virginia were sharp.

A child of conflict, West Virginia's birth was surprisingly peaceful. Before the Civil War, the Commonwealth of Virginia was a large State, fraught with its own internal divisions, based

largely on geography and economics. The eastern coastal plains and piedmont regions, with their large plantation economies, had much in common with the secessionist Southern States, while the mountainous Blue Ridge and Appalachian western portions of the State were populated by small farmers and woodsmen who had little use for the practice of slavery. Thus, when the convention was held in Richmond, VA, on April 17, 1861, to decide on Union or secession, the farmers and businessmen of western Virginia held with the North on the slavery question and the eastern half of the State held with the South. The matter was put to a statewide vote. Led by Clarksburg's John S. Carlile, Western delegates marched out of the Secession Convention and vowed to form a State government loyal to the Union.

From May 13-15, 1861, another convention was held, this one in Wheeling. Delegates from western Virginia decided to wait for the results of the statewide vote, which approved Virginia's secession from the Union on May 23. After the statewide vote, it was proposed that delegates from the western counties be elected to a convention to decide the matter for themselves. The convention, conducted in Wheeling from June 11-25, 1861, established a Restored, or Reorganized Government of Virginia. Francis H. Pierpont was elected Governor. President Lincoln recognized the Restored Government as the legitimate government of Virginia, and senators and representatives were chosen to represent the pro-Union Virginia.

In October 1861, residents of 39 counties in western Virginia approved the formation of a new Unionist State. A Constitutional Convention met in Wheeling from November 1861 to February 1862. At the convention, delegates selected counties to be included in the new State. In all, 50 counties were selected. Five additional West Virginia counties—Mineral, Grant, Lincoln, Summers, and Mingo—were formed after statehood to bring the total number of counties in West Virginia to its current 55.

Some eastern and southern counties did not support statehood but were included in the new State for political, military, or economic reasons. The mountain range west of the Blue Ridge became the eastern border of the new State, to provide a natural barrier to a Confederate invasion which many feared. The secessionist Eastern Panhandle counties were included in order to control the important Baltimore and Ohio railroad line. The inclusion of secessionist counties in the new State made for a certain amount of tension and any number of fascinating war stories.

Perhaps the most interesting war story involves the proclamation of West Virginia as a State. The U.S. Constitution requires that a new State gain approval for its establishment from the original State, which did not

happen in the case of West Virginia. Virginia had seceded from the Union and was not, in any case, receptive to the idea of losing any part of its territory to the Union. Since President Lincoln had recognized the Restored Government of Virginia as the legal government of Virginia, it granted permission to itself on May 13, 1862, to form the State of West Virginia.

The U.S. Congress approved the West Virginia statehood bill after amending it to assure that another slave State was not created. The Senate passed the West Virginia Statehood Act on July 14, 1862, and on December 10, 1862, the House of Representatives followed suit. President Lincoln signed the bill into law on December 31, 1862. On March 26, 1863, the citizens of the 50 counties approved the statehood bill, and on June 20, West Virginia was officially established. The Restored Government of Virginia, with Pierpont continuing as Governor, moved to Alexandria, VA, from Wheeling, now that Wheeling was no longer in Virginia but in West Virginia.

The naming of West Virginia was also up for debate. Several possibilities were debated, including Kanawha, New Virginia, Western Virginia, Alleghany, Columbia, and Augusta, before the name of West Virginia was adopted by a majority of 30 votes. The runner up was Kanawha, which garnered just nine votes, including that of Mister James Henry Brown of Kanawha.

Mr. President, these few facts are but a drop of water in the lake of West Virginia's history. I invite the Nation to come and discover more in person. Our history runs deep, from the fossils hidden in the coal seams and rocks to the misnamed New River, which is, ironically, among the oldest rivers on the continent. There are historic sites across the State from frontier forts to Revolutionary War and Civil War battle grounds.

West Virginia boasts an extensive park system that preserves the natural beauty of the State for all to enjoy. Fairs and festivals celebrate food from apple butter, blackberries, ramps, grapes, molasses and maple syrup. Sternwheelers, dulcimers, and even George Washington's bathtub merit their own festivals. People are not ignored, either, as festivals celebrate pioneers and indians, Black history and Celtic culture, as well as the heritage of counties and countries from Ireland to Italy, Greece to Lebanon. Music, from Appalachian string bands to bluegrass to gospel, comes in for its share of the fun. And the great natural treasures of West Virginia are not forgotten. There are festivals and jubilees for trees, rivers, birds, mountains, marble, coal, oil and gas, and even monarch butterflies. One can hardly mention West Virginia without thinking of the State's great craftsmen and women, renowned for stunning handmade products that are featured in many fairs and festivals as well as being available throughout the State in galleries and

studios. Quilts, carvings, paintings, pottery and glass are but a few of the selections.

Larger commercial firms are also famous for their fine artistry. In honor of West Virginia's birthday, each year the Blenko Glass Company of Milton, WV, produces a limited number of special edition pieces—the number equaling the number of years the State is celebrating. The 2006 edition consists of 143 glass vases, each 11 inches high in a blending jungle green base that fades to a topaz gold mouth, rimmed in cobalt. The beautiful commemorative vase this year was designed by Hank Murta Adams. What a lovely way to mark a special day.

West Virginia is a special place. It may seem a little out of the way, but it is surprisingly close to many of the population centers on the east coast. It is full of quiet, peaceful spots—small towns with friendly people and breathtaking vistas of scenic beauty. It has churches and music, small farms and mills, rushing whitewater and still ponds. West Virginia is a place for family exploration, a place where it is easy to pull off the road and reenter the past, to stop and meet a craftsman at work, or just to eat a sandwich under a shady tree beside a cool stream. The more adventurous families might enjoy some of the whitewater rafting that West Virginia is famous for, or rock climbing, or paddling a canoe down a river canyon while watching for eagles overhead. You do not need to go on a crowded, canned cruise or to a hot, line-filled amusement park to find enjoyment. Just come to West Virginia and you will learn to love it as I do.

Roy Lee Harmon wrote a poem about West Virginia that I would like to close with. Roy Lee Harmon was from Boone County and lived in Beckley for many years. He held the post of State Poet Laureate from 1937 until 1978, some 41 years, becoming the Poet Laureate Emeritus in 1979. He wrote six books of poetry before he died in 1981. In his last book, published in 1978, he noted that after suffering from a long illness, when he died, "I shall thank God of all creation who has allowed me to live so long in my beloved hills of West Virginia and write my poems." I wish the State and all of her inhabitants, my beloved Mountaineers, best wishes for another year of happiness in their mountain fastness. Happy Birthday, West Virginia, and may God continue to bless you for another 143 years.

WEST VIRGINIA

This was no land for lily-fingered men
Who bowed and danced a neat quadrille,
In towns and cities far beyond the ken
Of mountaineers—who loved each rock and rill.

It was a place for lean, tall men with love
For freedom flowing strongly in their veins,
For those attuned to vagrant stars above,
To rugged peaks, deep snows, and June-time rains.

And so our State was whelped in time of strife
And cut its teeth upon a cannon ball;

Its heritage was cleaner, better life,
Within the richest storehouse of them all.
With timber, oil and gas and salt and coal,
It bargained in the world's huge market-
place.

The mountain empire reached a mighty goal;
It never ran a pauper's sordid race.

And best of all, it sire a hardy flock
Whose fame will grow with centuries to be,
Tough as a white-oak stump or limestone
rock,

The mountaineers who always shall be free.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. ROCKEFELLER. Mr. President, today, I am honored to celebrate the great State of West Virginia. June 20, 2006, commemorates the 143rd birthday of the "Wild and Wonderful" State of West Virginia marking a milestone in both national and state history.

The historical importance of West Virginia should not be underestimated. Born in 1863 out of the turmoil of the Civil War, it has become synonymous with dedication, hard work, and integrity. West Virginia emerged as a staunch supporter of individuality, freedom, and tolerance. The common experience of the Civil War forged a unique bond of fraternity and camaraderie between its citizens. The commendable citizens of our great State exemplify all of the aforementioned attributes through their unending commitments to their jobs, communities, and families.

People, however, are not the sole attraction to the State. The West Virginia experience is transforming and mesmerizing. Visitors from around the world enjoy the vibrantly lush forests, clearly flowing streams, and majestic snow-capped mountains, which provide excellent outlets for recreational activity. Hiking, mountain biking, hunting, fishing, whitewater rafting, skiing, and golfing are just a few of the amenities provided in the treasure that is West Virginia.

The culture of West Virginia rivals nature in beauty and intensity. Music, history, pottery, glass, and storytelling make up a patchwork quilt of extraordinary experiences. Each individual, young or old, visitor or native, is wrapped warmly into West Virginia's comforting blanket of culture and identity.

The West Virginia motto, "Mountaineers are always free," rings throughout the State with resounding force. Jerry West, Pearl Buck, Chuck Yeager, and Senator ROBERT C. BYRD are just a few of the influential people of our time from West Virginia. As of June 12, 2006, Senator BYRD has had the distinction of being the longest serving Senator in U.S. history. Clearly, West Virginia has provided and continues to provide successful and inspiring individuals to the world.

Sadly, West Virginia has seen great tragedy in the last year: In four separate mining accidents, 19 miners have lost their lives. Coal production is woven into the fabric of our State. While we always knew of the risks, los-

ing loved ones is always devastating. Following those accidents, the Nation finally focused on what West Virginia has long known—we must improve mine safety. Currently, 40,000 direct jobs are supplied by the coal industry's influence in the State. This month, the MINER Act was signed into law by President Bush. This momentous step in mine safety legislation will bring greater safety to the brave men and women who work in the mines. The important role coal plays in the culture, economy, and history of West Virginia cannot be understated. The jobs provided through the coal industry contribute to the well-being of thousands of West Virginians, they increase State development, and they enhance the economic vitality of the State. It is our responsibility to make sure that miners are safe, secure, and protected.

In addition to some of the hardships our State has faced since its 142nd birthday, we also have a lot to celebrate: The Toyota Motor Manufacturing Plant located in Buffalo, WV, recently celebrated its 10th anniversary. Since its inception in 1996, the plant has expanded five times and has been the single most productive engine and transmission facility in all of North America for 4 consecutive years. In 1996, 350 jobs were provided by the Toyota plant. By 2007, it is estimated that 1,150 workers will be employed by the organization.

Additionally, the West Virginia University football team won the right to participate in the 2006 Sugar Bowl in Atlanta, GA. In a stunning victory, the West Virginia University Mountaineers upset the University of Georgia Bulldogs 38 to 35. The Mountaineers finished the season ranked fifth overall in the Associated Press poll tying the highest ranking in school history.

I am proud to represent West Virginia. I am proud to live in West Virginia, and I am proud to be called a West Virginian. Today, it is my great honor to celebrate and commemorate the 143rd birthday of the "Wild and Wonderful" State of West Virginia. •

VOTE EXPLANATION

Mr. JOHNSON. Mr. President, I would like the RECORD to reflect that I was necessarily absent on Monday June 19, 2006, for rollcall vote No. 175, the confirmation of the nomination of Sandra Segal Ikuta, of California, to be U.S. circuit court judge. Unfortunately, my flight from South Dakota to Washington, DC, was delayed due to bad weather. Had I been present for this vote, I would have voted in favor of the nomination.

HONORING OUR ARMED FORCES

LIEUTENANT COLONEL CHARLES E. MUNIER

Mr. THOMAS. Mr. President, I wish today to express our Nation's deepest thanks and gratitude to a special man and his family. I recently received

word of the untimely death of LTC Charles Munier of Wheatland, WY, while serving his country in the war on terrorism. Lieutenant Colonel Munier passed away on Monday, June 12, 2006, at Walter Reed Hospital following a stroke suffered while serving in Afghanistan where he was helping to train the Afghan army.

Lieutenant Colonel Munier served in Wyoming National Guard as facilities manager for Camp Guernsey, Wyoming's training center for both Guard and Active-Duty military. He is remembered by his brother soldiers as a pivotal member of the Camp Guernsey staff and an outstanding officer who took his duties as a citizen soldier very seriously. In his civilian life, Lieutenant Colonel Munier worked for the Platte County Sheriff's Office as the jail administrator.

Lieutenant Colonel Munier epitomized the ethos of the citizen soldier. He did not hesitate to put down the plowshare and pick up the rifle when his country needed him. It is because of people like Charles Munier that we continue to live safe and free. America's men and women who answer the call of service and wear our Nation's uniform deserve respect and recognition for the enormous burden that they willingly bear. They put everything on the line every day, and because of these folks, our Nation remains free and strong in the face of danger.

Lieutenant Colonel Munier is survived by his wife Nancy, his daughter Victoria Rice, and her husband Tim, and his brothers and sisters in arms of the Wyoming National Guard. Today we say goodbye to a husband, a father, and an American soldier. Our Nation pays its deepest respect to LTC Charles E. Munier for his courage, his love of country, and his sacrifice, so that we may remain free. He was a hero in life, and he remains a hero in death. All of Wyoming and, indeed, the entire Nation are proud of him.

INSTABILITY IN SOMALIA

Mr. FEINGOLD. Mr. President, given the continuing instability in Somalia, the growing tensions between the Transitional Federal Government and the Islamic Courts Union, ICU, and the worsening humanitarian conditions throughout the country, it is more essential than ever that the U.S. Government and the international community engage fully in efforts to bring about a peaceful solution to the conflict that has plagued Somalia for more than 15 years.

Most immediately, it is essential that the ICU recognize the legitimacy of the TFG and that it engage in good-faith efforts to support the TFG's role and authority as Somalia's legitimate Government. The ICU must take immediate actions to begin assisting the TFG to extend its authority to Mogadishu, and it must do so in a transparent and expeditious manner.