

my death demands us staying in Iraq. If you think the U.S. ought to get out tomorrow, don't cite my name as an example of someone's life who was wasted by our mission in Iraq. I have my own opinions about what we should do about Iraq, but since I'm not around to expound on them I'd prefer others not try and use me as some kind of moral capital to support a position I probably didn't support. Further, this is tough enough on my family without their having to see my picture being used in some rally or my name being cited for some political purpose. You can fight political battles without hurting my family, and I'd prefer that you did so.

On a similar note, while you're free to think whatever you like about my life and death, if you think I wasted my life, I'll tell you you're wrong. We're all going to die of something. I died doing a job I loved. When your time comes, I hope you are as fortunate as I was.

“What an idiot! What a loser!”

—Chaz Reingold, *Wedding Crashers*.

“Oh and I don't want to die for you, but if dying's asked of me;

I'll bear that cross with honor, 'cause freedom don't come free.”

—American Soldier, *Toby Keith*.

Those who know me through my writings on the Internet over the past five-plus years probably have wondered at times about my chosen profession. While I am not a Libertarian, I certainly hold strongly individualistic beliefs. Yet I have spent my life in a profession that is not generally known for rugged individualism. Worse, I volunteered to return to active duty knowing that the choice would almost certainly lead me to Iraq. The simple explanation might be that I was simply stupid, and certainly I make no bones about having done some dumb things in my life, but I don't think this can be chalked up to stupidity. Maybe I was inconsistent in my beliefs; there are few people who adhere religiously to the doctrines of their chosen philosophy, whatever that may be. But I don't think that was the case in this instance either.

As passionate as I am about personal freedom, I don't buy the claims of anarchists that humanity would be just fine without any government at all. There are too many people in the world who believe that they know best how people should live their lives, and many of them are more than willing to use force to impose those beliefs on others. A world without government simply wouldn't last very long; as soon as it was established, strongmen would immediately spring up to establish their fiefdoms. So there is a need for government to protect the people's rights. And one of the fundamental tools to do that is an army that can prevent outside agencies from imposing their rules on a society. A lot of people will protest that argument by noting that the people we are fighting in Iraq are unlikely to threaten the rights of the average American. That's certainly true; while our enemies would certainly like to wreak great levels of havoc on our society, the fact is they're not likely to succeed. But that doesn't mean there isn't still a need for an army (setting aside debates regarding whether ours is the right size at the moment). Americans are fortunate that we don't have to worry too much about people coming to try and overthrow us, but part of the reason we don't have to worry about that is because we have an army that is stopping anyone who would try.

Soldiers cannot have the option of opting out of missions because they don't agree with them; that violates the social contract. The duly-elected American government decided to go to war in Iraq. (Even if you main-

tain President Bush was not properly elected, Congress voted for war as well.) As a soldier, I have a duty to obey the orders of the President of the United States as long as they are Constitutional. I can no more opt out of missions I disagree with than I can ignore laws I think are improper. I do not consider it a violation of my individual rights to have gone to Iraq on orders because I raised my right hand and volunteered to join the army. Whether or not this mission was a good one, my participation in it was an affirmation of something I consider quite necessary to society. So if nothing else, I gave my life for a pretty important principle; I can (if you'll pardon the pun) live with that.

“It's all so brief, isn't it? A typical human lifespan is almost a hundred years. But it's barely a second compared to what's out there. It wouldn't be so bad if life didn't take so long to figure out. Seems you just start to get it right, and then . . . it's over.”

—Dr. Stephen Franklin, *Babylon 5*.

I wish I could say I'd at least started to get it right. Although, in my defense, I think I batted a solid .250 or so. Not a superstar, but at least able to play in the big leagues. I'm afraid I can't really offer any deep secrets or wisdom. I lived my life better than some, worse than others, and I like to think that the world was a little better off for my having been here. Not very much, but then, few of us are destined to make more than a tiny dent in history's Green Monster. I would be lying if I didn't admit I would have liked to have done more, but it's a bit too late for that now, eh? The bottom line, for me, is that I think I can look back at my life and at least see a few areas where I may have made a tiny difference, and massive ego aside, that's probably not too bad.

“The flame also reminds us that life is precious. As each flame is unique; when it goes out, it's gone forever. There will never be another quite like it.”

—Ambassador Delenn, *Babylon 5*.

I write this in part, admittedly, because I would like to think that there's at least a little something out there to remember me by. Granted, this site will eventually vanish, being ephemeral in a very real sense of the word, but at least for a time it can serve as a tiny record of my contributions to the world. But on a larger scale, for those who knew me well enough to be saddened by my death, especially for those who haven't known anyone else lost to this war, perhaps my death can serve as a small reminder of the costs of war. Regardless of the merits of this war, or of any war, I think that many of us in America have forgotten that war means death and suffering in wholesale lots. A decision that for most of us in America was academic, whether or not to go to war in Iraq, had very real consequences for hundreds of thousands of people. Yet I was as guilty as anyone of minimizing those very real consequences in lieu of a cold discussion of theoretical merits of war and peace. Now I'm facing some very real consequences of that decision; who says life doesn't have a sense of humor?

But for those who knew me and feel this pain, I think it's a good thing to realize that this pain has been felt by thousands and thousands (probably millions, actually) of other people all over the world. That is part of the cost of war, any war, no matter how justified. If everyone who feels this pain keeps that in mind the next time we have to decide whether or not war is a good idea, perhaps it will help us to make a more informed decision. Because it is pretty clear that the average American would not have supported the Iraq War had they known the costs going in. I am far too cynical to believe that any

future debate over war will be any less vitriolic or emotional, but perhaps a few more people will realize just what those costs can be the next time.

This may be a contradiction of my above call to keep politics out of my death, but I hope not. Sometimes going to war is the right idea. I think we've drawn that line too far in the direction of war rather than peace, but I'm a soldier and I know that sometimes you have to fight if you're to hold onto what you hold dear. But in making that decision, I believe we underestimate the costs of war; when we make the decision to fight, we make the decision to kill, and that means lives and families destroyed. Mine now falls into that category; the next time the question of war or peace comes up, if you knew me at least you can understand a bit more just what it is you're deciding to do, and whether or not those costs are worth it.

“This is true love. You think this happens every day?”

—Westley, *The Princess Bride*.

“Good night, my love, the brightest star in my sky.”

—John Sheridan, *Babylon 5*.

This is the hardest part. While I certainly have no desire to die, at this point I no longer have any worries. That is not true of the woman who made my life something to enjoy rather than something merely to survive. She put up with all of my faults, and they are myriad, she endured separations again and again . . . I cannot imagine being more fortunate in love than I have been with Amanda. Now she has to go on without me, and while a cynic might observe she's better off, I know that this is a terrible burden I have placed on her, and I would give almost anything if she would not have to bear it. It seems that is not an option. I cannot imagine anything more painful than that, and if there is an afterlife, this is a pain I'll bear forever.

I wasn't the greatest husband. I could have done so much more, a realization that, as it so often does, comes too late to matter. But I cherished every day I was married to Amanda. When everything else in my life seemed dark, she was always there to light the darkness. It is difficult to imagine my life being worth living without her having been in it. I hope and pray that she goes on without me and enjoys her life as much as she deserves. I can think of no one more deserving of happiness than her.

“I will see you again, in the place where no shadows fall.”

—Ambassador Delenn, *Babylon 5*.

I don't know if there is an afterlife; I tend to doubt it, to be perfectly honest. But if there is any way possible, Amanda, then I will live up to Delenn's words, somehow, some way. I love you.

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, pursuant to section 301 of S. Con. Res. 21, I previously filed revisions to S. Con. Res. 21, the 2008 budget resolution. Those revisions were made for legislation reauthorizing the State Children's Health Insurance Program, SCHIP.

Congress cleared H.R. 3963, the Children's Health Insurance Program Reauthorization Act of 2007, on November 1, 2007. The President vetoed that legislation on December 12, 2007. Unfortunately, the House of Representatives

was unsuccessful in its attempt today to override that veto. Consequently, I am further revising the 2008 budget resolution and reversing the adjustments previously made pursuant to section 301 to the aggregates and the allocation provided to the Senate Finance Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,019.643
FY 2009	2,114.585
FY 2010	2,169.124
FY 2011	2,350.432
FY 2012	2,493.503
(1)(B) Change in Federal Revenues:	
FY 2007	-4.366
FY 2008	-31.153
FY 2009	7.659
FY 2010	5.403
FY 2011	-44.118
FY 2012	-103.593
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,503.226
FY 2009	2,520.727
FY 2010	2,572.750
FY 2011	2,685.528
FY 2012	2,722.688
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,474.039
FY 2009	2,569.248
FY 2010	2,601.736
FY 2011	2,692.419
FY 2012	2,704.415

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[In millions of dollars]

Current Allocation to Senate Finance Committee:	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,091,702
FY 2008 Outlays	1,086,944
FY 2008–2012 Budget Authority	6,067,019
FY 2008–2012 Outlays	6,057,014
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	-9,332
FY 2008 Outlays	-2,386
FY 2008–2012 Budget Authority	-49,711
FY 2008–2012 Outlays	-35,384
Revised Allocation to Senate Finance Committee:	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,082,370
FY 2008 Outlays	1,084,558
FY 2008–2012 Budget Authority	6,017,308
FY 2008–2012 Outlays	6,021,630

LETTER TO THE U.N.

Mr. SPECTER. I ask unanimous consent that the attached letter to the Honorable Ban Ki-Moon, Secretary-General of the United Nations, dated January 17, 2008, be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, January 17, 2008.
Hon. BAN KI-MOON,
Secretary-General of the United Nations,
United Nations Headquarters, New York, NY.

DEAR SECRETARY-GENERAL: By letter dated January 2, 2008, I requested that the United Nations initiate an investigation into the assassination of former Pakistani Prime Minister Benazir Bhutto. With this letter, I am enclosing for you a copy of that letter and would appreciate a response.

After considering the matter further and watching developments, it is my view that the United Nations should organize a standing commission to investigate assassinations which would have international importance. We are seeing terrorism, supplemented by assassinations, becoming commonplace to achieve political objectives.

While a United Nations investigation into the assassination of former Prime Minister Bhutto is still something that should be done, it would obviously have been much better to have had a unit in existence which could be immediately dispatched to the scene to investigate the locale as soon as possible and to interrogate witnesses while their memories are fresh and before others might try to stop them from talking.

I would very much appreciate your response on these important matters.

Sincerely,

ARLEN SPECTER.

STATE SECRETS PROTECTION ACT

Mr. KENNEDY. Mr. President, yesterday, Senator SPECTER and I introduced the State Secrets Protection Act. I have been working on this bill with Senator SPECTER for several months, and I thank him for his commitment and leadership on this very important issue. I hope that our collaboration on this legislation will demonstrate that even the most sensitive problems can be addressed through bipartisan cooperation if we keep the interests of the Nation front-and-center and roll up our sleeves to do the work of seeking a realistic and workable solution. The State Secrets Protection Act is an essential response to a pressing need.

For years, there has been growing concern about the state secrets privilege. It is a common law privilege that lets the Government protect sensitive national security information from being disclosed as evidence in litigation. The problem is that sometimes plaintiffs may need that information to show that their rights were violated. If the privilege is not applied carefully, the Government can use it as a tool for cover up by withholding evidence that is not actually sensitive. The state secrets privilege is important, but there is a risk it will be overused and abused.

The privilege was first recognized by the Supreme Court in 1953, and it has been asserted since then by every administration, Republican and Democratic. Under the Bush administration, however, use of the state secrets privilege has dramatically increased and the harmful consequences of its irreg-

ular application by courts have become painfully clear.

Injured plaintiffs have been denied justice, courts have failed to address fundamental questions of constitutional rights and separation of powers, and confusion pervades this area of law. The Senate debate on reforming the Foreign Intelligence Surveillance Act has become far more difficult than it ought to be because many believe that if courts hear lawsuits against telecommunications companies, the courts will be unable to deal fairly and effectively with the Government's invocation of the privilege.

Studies show that the Bush administration has raised the privilege in over 25 percent more cases per year than previous administrations and has sought dismissal in over 90 percent more cases. As one scholar recently noted, this administration has used the privilege to "seek blanket dismissal of every case challenging the constitutionality of specific, ongoing government programs" related to its war on terrorism, and as a result, the privilege is impairing the ability of Congress and the judiciary to perform their constitutional duty to check executive power.

Another leading scholar recently found that "in practical terms, the state secrets privilege never fails." Like other commentators, he concluded that "the state secrets privilege is the most powerful secrecy privilege available to the president," and "the people of the United States have suffered needlessly because the law is now a servant to executive claims of national security."

In 1980, Congress enacted the Classified Information Procedures Act—known as CIPA—to provide Federal courts with clear statutory guidance on handling secret evidence in criminal cases. For almost 30 years, courts have effectively applied that law to make criminal trials fairer and safer. During that period, Congress has also regulated judicial review of national security materials under the Foreign Intelligence Surveillance Act and the Freedom of Information Act. Because of these laws, Federal judges regularly review and handle highly classified evidence in many types of cases.

Yet, in civil cases, litigants have been left behind. Congress has failed to provide clear rules or standards for determining whether evidence is protected by the state secrets privilege. We have failed to develop procedures that will protect injured parties and also prevent the disclosure of sensitive information. Because use of the state secrets privilege has escalated in recent years, there is an increasing need for the judiciary and the executive to have clear, fair, and safe rules.

Many have recognized the need for congressional guidance on this issue. The American Bar Association recently issued a report "urg[ing] Congress to enact legislation governing Federal