

if we mean not basely to abandon the noble struggle in which we have been so long engaged, and which we have pledged ourselves never to abandon until the glorious object of our contest shall be obtained—we must fight! I repeat, sir, we must fight! An appeal to arms and to the God of hosts is all that is left us!

They tell us, sir, that we are weak; unable to cope with so formidable an adversary. But when shall we be stronger?

Will it be next week, or the next year? Will it be when we are totally disarmed, and when a British guard shall be stationed in every house?

Shall we gather strength by irresolution and inaction? Shall we acquire the means of effectual resistance by lying supinely on our backs and hugging the delusive phantom of hope, until our enemies shall have bound us hand and foot? . . .

. . . The millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us.

Besides, sir, we shall not fight our battles alone. There is a just God who presides over the destinies of nations, and who will raise up friends to fight our battles for us. The battle, sir, is not to the strong alone; it is to the vigilant, the active, the brave. . . .

. . . It is in vain, sir, to extenuate the matter. Gentlemen may cry, Peace, Peace—but there is no peace.

The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here idle?

What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!

Those are the words of Patrick Henry, which I feel terribly inadequate delivering myself, but I am so honored to have this incredible opportunity, and the words ring so true today.

As we know how history unfolded, he was so correct about the fact that it was a time for action and that there would be an almighty who would stand on the side of freedom and on the side of liberty, which is still true today. I know the Senator from Connecticut would share that view with me.

I so much appreciate this wonderful opportunity, and I yield back to the Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank Senator MARTINEZ for that wonderful reading and for all that his person speaks to. He said he was an immigrant to this country, born in Cuba. The truth is, we are all immigrants, the founding generation. We are all immigrants. The original Americans were Native Americans. I think some of us whose families have been here a while may forget all of that.

The country in its founding documents posited these magnificent ideas based on faith, the endowment of our Creator, but then this openness and equality. The Senator from Florida, in his lifetime, his fresh memory, reminds us all how we have to be grateful for each succeeding generation as an obligation to accept the responsibility and, if you will, the destiny that is included

in these documents—the Declaration and the Constitution—but we are also beneficiaries of those. Certainly, I have been in my life, and the Senator from Florida has been in his life.

It is great to have somebody such as the Senator from Florida, by virtue of his own ability and hard work being a Senator, to be here and to read Patrick Henry's inspiring words. That is really what America is about.

Mr. MARTINEZ. It is very special.

Mr. LIEBERMAN. Mr. President, I am honored that Senator WARNER has come to the floor. He is a great Virginian in the tradition of Jefferson, and I wish to call on him because I believe he would like to add just a few words here at the end of this hour of celebration of our independence.

Mr. WARNER. Mr. President, I see our distinguished colleague from Missouri on the floor.

Mr. BOND. Mr. President, I apologize to my friend from Virginia, but we were going to start the FISA debate at 11. I understand there is a request to extend. I would like to lock in a time when we can accommodate those Senators wishing to speak but establish a firm time when Senator ROCKEFELLER and I may begin the discussion of FISA.

Mr. WARNER. Mr. President, I am going to speak for maybe 4 minutes. My distinguished colleague from Connecticut, who is too humble to say so, perhaps, deserves credit for what is going on this morning, together with Senator CORNYN. We are about to wind up in less than 15 minutes. I would think that at 11:15 we would be ready to go on the bill, and I wish to join the Senator from Missouri on this bill.

Mr. LIEBERMAN. Mr. President, if I may, I am going to finish up in a moment with just a minute because I have had plenty of time to speak, so we will be there before 11:15.

Mr. BOND. Mr. President, are there other requests of people wishing to speak?

Mr. WARNER. No.

Mr. LIEBERMAN. No.

Mr. WARNER. So I would put it in the form of a unanimous consent request that we be allowed to continue at this point.

EXTENSION OF MORNING BUSINESS

Mr. BOND. Mr. President, I think Senators CORNYN and DURBIN wish to speak. So after the Senator from Virginia and the Senator from Connecticut finish speaking, if we could—I would suggest that we give them the remaining time on morning business until 11:30. I ask unanimous consent to establish morning business until 11:30.

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

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I am very heart warmed that this concept is

giving us the opportunity to talk about these magnificent documents. I was fortunate at one time to be designated by the President and actually confirmed by the Senate in a position for the Nation's bicentennial to lead discussions all across America in all 50 States—and indeed I traveled to 22 foreign countries—working on the concept of America's bicentennial and of the magnificence of the Constitution, the Declaration of Independence, and the Bill of Rights. I remember so well when talking to audiences the rapt attention that was given at that period in our history about the importance of these documents. Not one, not two—I don't know how many people would say to me that they felt the hand of divine providence came down and rested upon the shoulders of the Founding Fathers to put together such a magnificent framework of government.

That framework of government today stands as the longest and oldest surviving form of a democratic republic on Earth. It is something to think about. All the other forms of government—monarchies and so forth—have either been changed or have gone into the dust bin of history but not ours. It is because of the genius of these individuals that enables us to carry forward.

I remember I was challenged one time that Switzerland's Government was continuous. I reminded them that Napoleon crossed the Alps, I think it was in—and I will check it and correct it for the record—in about 1827 and annexed Switzerland to France. That persisted for some 18 months, and then Napoleon decided it was too cold over there, didn't want it, and cut it loose and let it go. I will polish that history later on.

I believe we should focus on the magnificence of this document, its endurance, and that we are proudly the trustees of this framework of government, to make it work as envisioned by the Founding Fathers. We recognize that with the passage of time, there are things that have overtaken some of the original—not their basic concepts, but just the electronic world in which we live now, the instantaneous information world and all of those things have contributed. Nevertheless, we are the oldest surviving democratic republic on Earth today because of the magnificent work of the Founding Fathers.

I yield the floor.

Mr. LIEBERMAN. Mr. President, I wish to thank Senator WARNER for those very eloquent words. I can't think of a better way to end this celebration of the Declaration of Independence written by Thomas Jefferson of Virginia than with the words of the great Senator from Virginia today, JOHN WARNER. I appreciate all of the Members of the Senate having participated in this celebration of our founding documents and of the principles that have given America its purpose and destiny over these many decades. Of course, we hope this will serve in its way as a teaching instrument, a civics

lesson for those around the country who may be listening.

For our own part here in the Senate, let's pledge today to uphold these principles and their values and the eloquence with which they were expressed, with the same dedication and persistence in courage as the great first generation of Americans who wrote them.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, it is my understanding that the time between now and 11:30 is equally divided between myself and a Senator on the Republican side?

The ACTING PRESIDENT pro tempore. That is not part of the unanimous consent agreement.

Mr. DURBIN. Is there any pending unanimous consent or any pending consent relative to the time?

The ACTING PRESIDENT pro tempore. Only that morning business continue until 11:30.

Mr. DURBIN. I ask unanimous consent to speak for 10 minutes—well, let me just make that request, that the remaining time between now and 11:30 be equally divided between the Democratic side and the Republican side and that I be allocated the Democratic time.

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

Mr. DURBIN. I thank the Chair.

MEDICARE

Mr. DURBIN. Mr. President, after this debate on the history of our country and this institution, it is worth reflecting on the fact that were it not for this Chamber, this Senate, we may not be a United States of America. They couldn't reach an agreement on what to do with small Colonies when they became States. Would they be overwhelmed by some House of Representatives where the big Colonies with the big populations would dominate? So the small Colonies held back, and they reached a compromise. They said: We will create a Senate of small Colonies and large Colonies, soon to become States; they will each have two Senators. So even if you are small in population, you will have an equal voice as a large Colony and a large State. That is why today in the Senate, every State has two Senators regardless of its size, and that is why the Senate is of equal import in the legislative process as the House. That was the great compromise.

Then the Senate wrote its rules consistent with that compromise and said: And then within the Senate, each of these States will be recognized and respected as a minority. So it takes more votes to do things in the Senate than it does in the House. It isn't strictly a majority rules.

They created something called a filibuster. A filibuster, which some of you

recall from Jimmy Stewart in "Mr. Smith Goes to Washington," is when a Senator would stand and start to speak, hold the floor, stop the debate, and this Senator, by himself or herself, really controlled the Chamber. For the longest time, that is the way it worked or, in fact, didn't work. Any Senator could stop the train. Any Senator could stop the Senate.

Then, in the early 1900s, they said: Well, there ought to be a way to stop one Senator from bringing the Senate to a halt. Maybe if we came up with 67 votes or a two-thirds vote of the Senate, then we could make that Senator stop filibustering and go on with our business. That was the rule for a long time. Then in the 1960s it was changed again to 60 votes. Today that is the rule. If any Senator starts a filibuster to amend or stop any nomination, any bill, any treaty, it takes 60 votes to stop the filibuster and move forward on the bill.

How often are filibusters used? In the history of the Senate, rarely. But now there is a new game in town. The history of the Senate tells us that the largest number of filibusters in any 2-year period in the history of the Senate has been 57 filibusters.

Look at the record for this session of Congress. We have had 79 Republican filibusters, and we are still counting. In other words, 79 different times the Republican minority Senators have tried to stop the business of the Senate, stop the debate, stop the amendment, and force this vote, the 60 votes to resume business in the Senate.

Of course, every time we have to come up with 60 votes, we have to burn 30 hours off the clock. So we waste a day and a few hours. And every time we need 60 votes to move something forward, we need at least nine Republican Senators joining the 51 Democrats. That is the math of the Senate today, 51 to 49.

On many occasions, when 79 Republican filibusters were initiated, the matter before the Senate came to a halt. We could not come up with 60 votes. The filibuster prevailed. We had to move on to another item of business.

You say to yourself: How do you ever get anything done? If any Senator can stand up and stop the Senate, and 79 times in the last year and a few months this has happened, how do you ever get anything done? The answer is, there are some Senators who do not want anything to get done. They are determined that the Senate not take up controversial issues, that the Senate not pass legislation, and they are the dominant voice in the minority today.

The most recent issue that brought this before the Senate is one that affects 40 million Americans directly. I am talking about senior citizens under Medicare and another 8 or 9 million Americans under TRICARE, which is the health insurance plan for those members of the military and their families and some veterans. Here is the issue.

On July 1, there went into effect a provision that reduced the reimbursement for doctors who treated Medicare patients by 10.6 percent. We knew this was coming. We have tried to address it. Many doctors have said: This would be a disaster. If you reduce our reimbursement for Medicare, many of us cannot afford to take Medicare patients. We will reduce our caseloads, which means senior citizens will not have the choice and doctors they want.

Some of the doctors they trusted will say: I am sorry, we have to reduce the number of Medicare patients because we are not getting paid adequately by the Federal Government.

We had a provision before the Senate, and we said let's stop the 10-percent reimbursement cut from going into effect. That is what it said. The House considered that same provision, and the House passed it by a margin of 6 to 1. A majority of the Republicans joined the overwhelming number of Democrats and said: We don't want the pay cut for physicians treating Medicare patients to go into effect. It passed 6 to 1.

Then it came over here, and we thought it was fairly routine. Guess what. Filibuster No. 79. The Republicans stood up and said: We don't want you to consider this issue. You will need 60 votes to move forward on this Medicare issue. So we called it for a vote before the Fourth of July recess, and we lost. How many votes did we put on the board? We needed 60. We put 59 on the board. Of course, Senator KENNEDY is recovering. He was not here. But all the other Democrats—including Senator CLINTON who was back from the Presidential campaign, and Senator OBAMA came back—voted in favor of suspending this cut in Medicare reimbursement for physicians. But only nine of the Republicans crossed the aisle. We needed the 10th Republican, and we could not get it. We could not get 60 votes. As a result, we went home.

We are back because the issue is back because across America we are hearing from doctors, we are hearing from seniors, the American Medical Association, the American Association of Retired Persons, and scores of other health and senior groups that are saying to us: This is irresponsible. The Senate has a responsibility to stop this cut from going into effect and jeopardizing the medical care for 40 million seniors and 8 or 9 million members of military families.

So when the vote comes up tomorrow to strengthen Medicare, we need one more Republican vote. We need one more Republican Senator to join us. We are hoping that out of those who voted against this provision the last time, some have gone home and heard from seniors, heard from the doctors, and believe Medicare is important.

What I have just described to you is the centerpiece of this debate. But there is another part to it which I have to mention. The way we pay for this reimbursement to Medicare physicians is