emergency vacancies and were perpetuated as emergency vacancies by the Republican majority's refusal to act on President Clinton's nomination over the last 6 years. Indeed, the Republican Senate over the last several years refused to take action on no fewer than a dozen nominees to what are now emergency vacancies on the Courts of Appeals. I remind my colleagues of their failure to grant a hearing or Committee or Senate consideration to the following: Robert Cindrich to the Third Circuit; Judge James A. Beaty, Jr. and Judge James A. Wynn, Jr. to the Fourth Circuit; Jorge Rangel, Enrique Moreno and H. Alston Johnson to the Fifth Circuit; Judge Helene White, Kathleen McCree-Lewis and Kent Marcus to the Sixth Circuit; Bonnie Campbell to the Eighth Circuit; James Duffy and Barry Goode to the Ninth Circuit. Those were 12 Court of Appeals nominees to 10 vacancies who could have gone a long way toward reducing the level of judicial emergencies around the country.

So when others talk about the progress we are finally making in Senate consideration of judicial nominations, I hope that in the future they will recognize our accomplishments, understand our circumstances, and consider our record in historical context. I have yet to hear our Republican critics acknowledge any shortcomings among the practices they employed over the last 6 years. When they have done that and we have established a common basis of understanding and comparison, we will have taken a significant step forward. As it is, I must sadly observe that partisan carping is not constructive. It seems part of an unfortunate pattern of actions this week that are a conscious effort to increase the partisan rhetoric. I would rather we work together to get as much accomplished as we possibly can.

QUESTIONS FOR PARENTS

Mr. LEVIN. Madam President, according to a study by the Brady Center to Prevent Gun Violence, in 1998, there was a gun in more than four out of every ten households with children and a loaded gun in one in every ten households with kids. These numbers are frightening. While most parents think to ask where their kids are going, who they are going with and when they will be home, how many think to ask the parents of their children's friends whether they keep a gun in their home and whether they keep it locked?

Unfortunately, the Brady Center's study reports that more than 60 percent of parents have never even thought about asking other parents about gun accessibility. If we want to protect our children from gun violence, these are questions we probably need to start asking. After all, while in 1 year firearms killed no children in Japan, 19 in Great Britain and 153 in Canada, guns killed 5,285 children in the United States. Asking another parent whether they keep a gun in their home is tough. But the question could save a child's life.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in April of 1996 in Myrtle Beach, SC. A man was beaten by a group of men yelling ''we're going to get you, faggot'' and left for dead in a trash bin under the body of his friend who had his throat slashed by the men. The attack occurred outside a primarily heterosexual bar. As a result of the attack, the man lost his hearing in one ear, suffered broken ribs and required 47 stitches in his face.

I believe that 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 of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

TRIBUTE TO SENATOR MOYNIHAN AND HIS LEGACY OF DEFENDING ZIONISM

Mrs. CLINTON. Madam President, I rise today to honor one of the extraordinary legacies of my predecessor, Senator Daniel Patrick Moynihan, who served in this body for 24 years representing the people of New York.

With some seeking to insert contentious language regarding Zionism into declarations emerging from the upcoming United Nations World Conference Against Racial Discrimination, Xenophobia, and Related Intolerance in Durban, South Africa, I am reminded of Senator Moynihan's courageous statesmanship, when he condemned the 1975 U.N. resolution 3379 which infamously declared ''Zionism is a form of racism and racial discrimination.''

We should never forget the historic battle my predecessor waged to defeat this outrageous effort to de-legitimize the state of Israel and defame the Jewish people. Over 25 years ago, Senator Moynihan boldly called this hate-filled language ''criminal.'' It was criminal then and it's still criminal today.

On the day the resolution passed, Senator Moynihan declared, ''the United States . . . will never acquiesce in this infamous act . . . A political lie of a variety well known to the twentieth century and scarcely exceeded in all the annals of untruth and outrage. The lie is that Zionism is a form of racism. The overwhelming truth is that it is not.''

From the moment he entered the Senate in January 1977, Senator Moynihan dedicated much of his energy to repealing this despicable attack on Israel and the Jewish people, delivering passionate speeches on the Senate floor. As chair of the Senate Foreign Relations Subcommittee on Near Eastern and South Asian Affairs, Senator Moynihan introduced Joint Resolution 246, which called on the U.N. to repeal the 1975 resolution.

It took 17 long years to remove this stain from the United Nations' reputation. And as we begin this new century, nothing could be more damaging to the promise and integrity of the U.N. than to revive to this ignominious statement. In order to help prevent the U.N. from reviving one of the moments of its greatest shame, Senators SCHUMER, SMITH, LUGAR and I have written the following letter to Kofi Annan, the Secretary General of the United Nations, condemning any attempts to include inflammatory anti-Israel language into declarations associated with the World Conference Against Racism in Durban.

I ask unanimous consent that the letter be printed in the RECORD.

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

JULY 27, 2001.

Hon. KOFI A. ANNAN,
Secretary General of the United Nations, The United Nations, New York, NY.

DEAR SECRETARY GENERAL ANNAN: We are writing to express our serious concern regarding recent efforts to insert contentious language into declarations emerging from the upcoming United Nations World Conference Against Racism in Durban, South Africa. Such language, such as ''the racist practices of Zionism,'' undermines the goals of the conference to eradicate hatred and promote understanding. This meeting of the international community should not be a forum to encourage divisiveness, but a time to foster greater understanding between people of all races, creeds, and ethnicities.

As you know, on November 10, 1975, the United Nations General Assembly designated Zionism a form of racism. It took sixteen long years for the United Nations to acknowledge that this offensive language had no place at such an important world body. In March of 1998, you appropriately condemned this ugly formulation when you noted that the ''lamentable resolution'' equating Zionism with racism and racial discrimination was ''the low-point'' in Jewish-UN relations. Our former colleague Senator Daniel Patrick Moynihan called this designation by the United Nations ''criminal.''

Though this ''Zionism equals racism'' language was overwhelmingly rescinded in 1991 by the General Assembly, this issue is far from resolved. With the Palestinians and Israelis in the middle of a delicate cease-fire and after months of violence, we believe that gratuitously anti-Israel, anti-Jewish language at a UN forum will serve only to exacerbate existing tensions in the Middle East.

Mr. Secretary, we in Congress applaud your hard work in restoring the reputation of the UN. We urge you to continue your efforts by advocating to all nations of the world the importance of keeping inflammatory language out of this important conference. It is our hope that the Conference on Racism remains only as an opportunity to promote peace and reconciliation among all people, not one to target Israel or Jews. We

share a deep common interest in seeing the conference stay focused and embody a sense of unity in the fight against racism. Thank you for your attention to this matter of great importance.

Sincerely,

CHARLES E. SCHUMER,
HILLARY RODHAM CLINTON,
GORDON SMITH,
RICHARD G. LUGAR,
United States Senate.

Mrs. CLINTON. In 1975, Senator Moynihan warned his colleagues at the U.N. and the rest of the world that: ''As this day will live in infamy, it behooves those who sought to avert it to declare their thoughts so that historians will know that we fought here . . . with full knowledge of what indeed would be lost.''

Senator Moynihan recognized then, as we do today, that this language only serves to fuel hatred and bigotry throughout the world and has no place in international discourse. I am honored to have followed Senator Moynihan in the Senate, and I pledge to continue his tradition of promoting the principles of decency and human dignity and opposing efforts to sow hatred and bigotry, especially when they are cloaked in the guise of diplomacy.

I ask unanimous consent that the attached statement be printed for the RECORD.

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

SPEECH TO THE UNITED NATIONS GENERAL ASSEMBLY, BY U.S. AMBASSADOR TO THE U.N. DANIEL PATRICK MOYNIHAN, NOVEMBER 10, 1975

The United States rises to declare before the General Assembly of the United Nations, and before the world, that it does not acknowledge, it will not abide by, it will never acquiesce in this infamous act.

Not three weeks ago, the United States Representative in the Social, Humanitarian, and Cultural Committee pleaded in measured and fully considered terms for the United Nations not to do this thing. It was, he said, ''obscene.'' It is something more today, for the furtiveness with which this obscenity first appeared among us has been replaced by a shameless openness.

There will be time enough to contemplate the harm this act will have done the United Nations. Historians will do that for us, and it is sufficient for the moment only to note the foreboding fact. A great evil has been loosed upon the world. The abomination of anti-semitism—as this year's Nobel Peace Laureate Andrei Sakharov observed in Moscow just a few days ago—the Abomination of anti-semitism has been given the appearance of international sanction. The General Assembly today grants symbolic amnesty—and more—to the murderers of the six million European Jews. Evil enough in itself, but more ominous by far is the realization that now presses upon us—the realization that if there were no General Assembly, this could never have happened.

As this day will live in infamy, it behooves those who sought to avert it to declare their thoughts so that historians will know that we fought here, that we were not small in number—not this time—and that while we lost, we fought with full knowledge of what indeed would be lost.

Nor should any historian of the event, nor yet any who have participated in it, suppose, that we have fought only as governments, as chancelleries, and on an issue well removed from the concerns of our respective peoples. Others will speak for their nations: I will speak for mine.

In all our postwar history there had not been another issue which has brought forth such unanimity of American opinion. The President of the United States has from the first been explicit: This must not happen. The Congress of the United States in a measure unanimously adopted in the Senate and sponsored by 436 of 437 Representatives in the House, declared its utter opposition. Following only American Jews themselves, the American trade union movements was first to the fore in denouncing this infamous undertaking. Next, one after another, the great private institutions of American life pronounced anathema in this evil thing—and most particularly, the Christian churches have done so. Reminded that the United Nations was born in struggle against just such abominations as we are committing today—the wartime alliance of the United Nations dates from 1942—the United Nations Association of the United States has for the first time in its history appealed directly to each of the 141 other delegations in New York not to do this unspeakable thing.

The proposition to be sanctioned by a resolution of the General Assembly of the United Nations is that ''Zionism is a form of racism and racial discrimination.'' Now this is a lie. But as it is a lie which the United Nations has now declared to be a truth, the actual truth must be restated.

The very first point to be made is that the United Nations has declared Zionism to be racism—without ever having defined racism. ''Sentence first—verdict afterwards,'' as the Queen of Hearts said. But this is not wonderland, but a real world, where there are real consequences to folly and to venality. Just on Friday, the President of the General Assembly, speaking on behalf of Luxembourg, warned not only of the trouble which would follow from the adoption of this resolution but of its essential irresponsibility—for, he noted, members have wholly different ideas as to what they are condemning. It seems to me that before a body like this takes a decision they should agree very clearly on what they are approving or condemning, and it takes more time.''

Lest I be unclear, the United Nations has in fact on several occasions defined ''racial discrimination.'' The definitions have been loose, but recognizable. It is ''racism,'' incomparably the more serious charge—racial discrimination is a practice; racism is a doctrine—which has never been defined. Indeed, the term has only recently appeared in the United Nations General Assembly documents. The one occasion on which we know the meaning to have been discussed was the 1644th meeting of the Third Committee on December 16, 1968, in connection with the report of the Secretary-General on the status of the international convention on the elimination of all racial discrimination. On that occasion—to give some feeling for the intellectual precision with which the matter was being treated—the question arose, as to what should be the relative positioning of the terms ''racism'' and ''Nazism'' in a number of the ''preambular paragraphs.'' The distinguished delegate from Tunisia argued that ''racism'' should go first because ''Nazism was merely a form of racism.'' Not so, said the no less distinguished delegate from the Union Soviet Socialist Republics. For, he explained, ''Nazism contained the main elements of racism within its ambit and should be mentioned first.'' This is to say that racism was merely a form of Nazism.

The discussion wound to its weary and inconclusive end, and we are left with nothing to guide us for even this one discussion of ''racism'' confined itself to world orders in preambular paragraphs, and did not at all touch on the meaning of the words as such. Still, one cannot but ponder the situation we have made for ourselves in the context of the Soviet statement on that not so distant occasion. If, as the distinguished delegate declared, racism is a form of Nazism—and if, as this resolution declares, Zionism is a form of racism—then we have step to step taken ourselves to the point of proclaiming—the United Nations is solemnly proclaiming—that Zionism is a form of Nazism.

What we have here is a lie—a political lie of a variety well known to the twentieth century, and scarcely exceeded in all that annal of untruth and outrage. The lie is that Zionism is a form of racism. The overwhelmingly clear truth is that is it not.

The word ''racism'' is a creation of the English language, and relatively new to it. It is not, for instance, to be found in the Oxford English Dictionary (appears in 1982 supplement to Oxford Dictionary). The term derives from relatively new doctrines—all of them discredited—concerning the human population of the world, to the effect that there are significant biological differences among clearly identifiable groups, and that these differences establish, in effect, different levels of humanity. Racism, as defined in Webster's Third New International Dictionary, is ''The Assumption that . . . traits and capacities are determined by biological race and that races differ decisively from one another.'' It further involves ''a belief in the inherent superiority of a particular race and its right to dominate over others.''

This meaning is clear. It is equally clear that this assumption, this belief, has always been altogether alien to the political and religious movement known as Zionism. As a strictly political movement, Zionism was established only in 1897, although there is a clearly legitimate sense in which its origins are indeed ancient. For example, many branches of Christianity have always held that from the standpoint of biblical prophets, Israel would be reborn one day. But the modern Zionism movement arose in Europe in the context of a general upsurge of national consciousness and aspiration that overtook most other people of Central and Eastern Europe after 1848, and that in time spread to all of Africa and Asia. It was, to those persons of the Jewish religion, a Jewish form of what today is called a national liberation movement. Probably a majority of those persons who became active Zionism and sought to emigrate to Palestine were born within the confines of Czarist Russia, and it was only natural for Soviet Prime Minister Andrei Gromyko to deplore, as he did in 1948, in the 299th meeting of the Security Council, the act by Israel's neighbors of ''sending troops into Palestine and carrying out military operations aimed''—in Mr. Gromyko's words—at the suppression of the national liberation movement in Palestine.''

Now it was the singular nature—if, I am not mistaken, it was the unique nature—of this national liberation movement that in contrast with the movements that preceded it, those of that time, and those that have come since, it defined its members in terms not of birth, but of belief. That is to say, it was not a movement of the Irish to free Ireland, or of the Polish to free Poland, not a movement of the Algerians to free Algeria, nor of Indians to free India. It was not a movement of persons connected by historic membership to a genetic pool of the kind that enables us to speak loosely but not meaninglessly, say, of the Chinese people, nor yet of diverse groups occupying the same territory which enables us to speak if the American people with no greater indignity to truth. To the contrary, Zionists defined

themselves merely as Jews, and declared to be Jewish anyone born of a Jewish mother or—and this is the absolutely crucial fact—anyone who converted to Judaism. Which is to say, in terms of International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the 20th General Assembly, anyone—regardless of ''race, colour, descent, or nationally or ethnic origin . . .''

The state of Israel, which in time was the creation of the Zionist Movement, has been extraordinary in nothing so much as the range of ''racial stocks'' from which it Orient and Jew from the West. Most such persons could be said to have been ''born'' Jewish, just as most Presbyterians and most Hindus are ''born'' to their faith, but there are many Jews who are just converts. With a consistency in the matter which surely attests to the importance of this issue to that religions and political culture, Israeli courts have held that a Jew who converts to another religion is no longer a Jew. Inn the meantime the population of Israel also includes large numbers of non-Jews, among them Arabs of both the Muslim and Christian religions and Christians of other national origins. Many of these persons are citizens of Israel, and those who are not can become citizens by legal procedures very much like those which obtain in a typical nation of Western Europe.

Now I should wish to be understood that I am here making one point, and one point only, which is that whatever else Zionism may be, it is not and cannot be ''a form of racism.'' In logic, the State of Israel could be, or could become, many things, theoretically, including many things undesirable, but it could not be and could not become racism unless it ceased to be Zionist.

Indeed, the idea that Jews are a ''race'' was invented not by Jews but by those who hated Jews. The idea of Jews as a race was invented by nineteenth century anti-semites such as Houston Steward Chamberlain and Edouard Drumont, who saw that in an increasingly secular age, which is to say an age made for fewer distinctions between people, the old religions grounds for anti-semitism were losing force. New justifications were needed for excluding and persecuting Jews, and so the new idea of Jews as a race—rather than as a religion—was born. It was a contemptible idea at the beginning, and no civilized person would be associated with it. To think that it is an idea now endorsed by the United Nations is to reflect on what civilization has come to.

It is precisely a concern for civilization, for civilized values that are or should be precious to all mankind, that arouses us at this moment to such special passion. What we have at stake here is not merely the honor and the legitimacy of the State of Israel—although a challenge to the legitimacy of any member nation ought always to arouse the vigilance of all members of the United Nations. For a yet more important matter is at issue, which is the integrity of the whole body of moral and legal precepts which we know as human rights.

The terrible lie that has been told here today will have terrible consequences. Not only will people begin to say, indeed they have already begun to say that the United Nations is a place where lies are told, but far more serious, grave and perhaps irreparable harm will be done to the cause of human rights itself. The harm will arise first because it will strip from racism the precise and abhorrent meaning that it still precariously holds today. How will the people of the world feel about racism and the need to struggle against it, when they are told that it is an idea as broad as to include the Jewish national liberation movement?

As the lie spreads, it will do harm in a second way. Many of the members of the United Nations owe their independence in no small part to the notion of human rights, as it has spread from the domestic sphere to the international sphere exercised its influence over the old colonial powers. We are now coming into a time when that independence is likely to be threatened again. There will be new forces, some of them arising now, new prophets and new despots, who will justify their actions with the help of just such distortions of words as we have sanctioned here today. Today we have drained the word ''racism'' of its meaning. Tomorrow, terms like ''national self-determination'' and ''national honor'' will be perverted in the same way to serve the purposes of conquest and exploitation. And when these claims begin to be made—as they already have begun to be made—it is the small nations of the world whose integrity will suffer. And how will the small nations of the world defend themselves, on what grounds will others be moved to defend and protect them, when the language of human rights, the only language by which the small can be defended, is no longer believed and no longer has a power of its own?

There is this danger, and then a final danger that is the most serious of all. Which is that the damage we now do to the idea of human rights and the language of human rights could well be irreversible.

The idea of human rights as we know it today is not an idea which has always existed in human affairs, it is an idea which appeared at a specific time in the world, and under very special circumstances. It appeared when European philosophers of the seventeenth century began to argue that man was a being whose existence was independent from that of the State, that he need join a political community only if he did not lose by that association more than he gained. From this very specific political philosophy stemmed the idea of political rights, of claims that the individual could justly make against the state; it was because the individual was seen as so separate from the State that he could make legitimate demands upon it.

That was the philosophy from which the idea of domestic and international rights sprang. But most of the world does not hold with that philosophy now. Most of the world believes in newer modes of political thought, in philosophies that do not accept the individual as distinct from and prior to the State, in philosophies that therefore do not provide any justification for the idea of human rights and philosophies that have no words by which to explain their value. If we destroy the words that were given to us by past centuries, we will not have words to replace them, for philosophy today has no such words.

But there are those of us who have not forsaken these older words, still so new to much of the world. Not forsaken them now, not here, not anywhere, not ever.

The United States of America declares that it does not acknowledge, it will not abide by, it will never acquiesce in this infamous act.

HONORING BENJAMIN VINCI

Mr. SCHUMER. Madam President, Senator CLINTON and I rise today to recognize and honor the service of Benjamin Vinci of Port Chester, New York—a true American hero.

In 1941, at the age of 21, Benjamin Vinci left home to serve in the U.S. Army, and by December of that year, was stationed in Hawaii with the 97th Army Coast Artillery Guard. Like so many there on the morning of December 7, 1941, Benjamin Vinci was going about his daily business. He had just completed all night guard duty and was eating breakfast when the whole base erupted in smoke and fire as Japanese war plans attacked Pearl Harbor and the surrounding area.

As bombers strafed the mess tent, a 50-caliber bullet hit Private Vinci in the back. But ignoring his wound, Benjamin Vinci reached an anti-aircraft emplacement and began to fight back. He stepped down only when he was ordered to find an ambulance and tend to his wound.

Along the way, instead of seeking cover, Benjamin Vinci ran down to the beach and rescued a man who had been shot through the legs. Helping the other soldier into a motorboat, he navigated through a hail of bombs and ammunition to the other side of the bay where he finally boarded an ambulance. But on the way to the hospital at Hickham field, planes targeted the ambulance and Benjamin Vinci was wounded again—this time a 50-caliber bullet coming to rest near his heart.

Mrs. CLINTON. In the aftermath of the attack, doctors believed Private Vinci's wounds were fatal, but he persevered. He received the Purple Heart and eventually was transferred to a hospital in Colorado, where doctors were able to remove one of the two bullets that had almost taken his life, but not both. He continues to carry with him the second bullet, which has never been able to be removed.

Disabled from his wounds, Benjamin Vinci returned to Port Chester after being discharged from the Army and resumed life as a civilian. For many years, Mr. Vinci worked as a vacuum cleaner salesman in Westchester County. He married Rose Civitella in 1945, and together they raised four children: Peter, Burnadette, JoAnn, and Joseph.

We honor and thank Benjamin Vinci for his tremendous sacrifice, vital contribution, and gallant service to our Nation. His acts of bravery are an exceptional example of the fortitude, determination, and strength of the American spirit. As Mr. Vinci carries the burden of his wounds and the bullet he received on that December morning of infamy, so too must we carry the memory of his heroic deeds, remembering and honoring all the men and women of that great generation—those veterans of World War II who saved our Nation, and the world.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business yesterday, Thursday, July 26, 2001, the Federal debt stood at $5,736,556,518,776.52, five trillion, seven hundred thirty-six billion, five hundred fifty-six million, five hundred eighteen thousand, seven hundred seventy-six dollars and fifty-two cents.

One year ago, July 26, 2000, the Federal debt stood at $5,669,530,000,000, five