THE RETIREMENT OF MARINE GEN. CARL MUNDY

Mr. LEAHY. Mr. President, I rise today in tribute to Gen. Carl Mundy, who retires this Friday after 38 years of service to our Nation.

Carl Mundy has made his career around a title that we as Americans have held sacred for over 200 years: leader of Marines. He was commissioned in 1957, at the height of the cold war, and served a tour in Vietnam, where he was wounded and decorated for bravery.

Carl Mundy has had the difficult job of leading the corps during the difficult transition out of the cold war and into the uncertainties of today's world. But under his leadership, as the Marines have reduced their forces, they have maintained the professionalism and esprit that have been demonstrated throughout our history.

On Carl Mundy's watch, Marines participated in dangerous operations around the world that were executed with such quiet excellence that many Americans barely notice. The mission in Somalia was fraught with danger, and from the initial intervention to the recent quiet withdrawal of U.N. forces, General Mundy's Marines were there.

The Haiti invasion was equally dangerous, and our Nation's Marines were up to the task of bringing democracy back to that poor nation.

Most recently, Marines showed their flexibility and bravery by rescuing downed Air Force pilot Scott O'Grady from hostile Bosnia, an extraordinary feat that demonstrated why I call the Marines our 911 force—they are the ones you call in the middle of the night and who are ready to go.

Throughout it all, Carl Mundy's determined leadership was there, extending from the halls of the Pentagon down to the fresh privates who march with that unique Marine swagger off the famous drill fields of Parris Island, SC. I know, because my son Mark was one of those young privates.

The life of a Marine is difficult, and when Marines are gone for months at a time doing dangerous work, no one bears that burden more than the families who are left back at home. They are the unsung heroes of our military, and I want to pay special tribute to Carl's wife Linda, and his children Elizabeth, Carl III, and Timothy. I know that Carl is proud that both his sons wear the Marine uniform, and that serves as further testimony to the sense of duty that pervades the Mundy family.

Carl may come across as the prototypical square jawed Marine, but I know him as a man with a sense of humor and the confidence to laugh at himself. I also have it on good authority that he has a secret life as Carl Mundy, the country and western songwriter who can work a mean cut bucket bass and can sing every verse of "Mountain Dew."

Mr. President, I have gotten to know General Mundy in the last 4 years through my work on the Defense Appropriations Subcommittee. I have found him to be a vigorous advocate for the Marine Corps and, I am proud to say, a friend. On behalf of many of us here in the Senate, I want to extend my sincere thanks to Carl Mundy for a career of service to our Nation, and offer our best wishes to the Mundy family for a fulfilling and well-deserved retirement.

LAWYERS, GARDEN SLUGS AND CONSTITUTIONAL LIBERTY

Mr. HEFLIN. Mr. President, I recently had the opportunity to read a commencement speech given on May 21, 1995 by my long time friend, the Hon. Loren Smith, chief judge of the United States Court of Federal Claims, to the graduating class of the John Marshall Law School, in Atlanta, GA.

The title of the speech is "Lawyers, Garden Slugs, and Constitutional Liberty," and its theme deals with the relationship of the lawyer in our society to the concept of constitutional liberty. Chief Judge Smith makes some significant points that I think are worthy of consideration by my colleagues, and I ask unanimous consent that it be printed in the RECORD at this time.

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

LAWYERS, GARDEN SLUGS AND CONSTITUTIONAL LIBERTY

(By Loren A. Smith)

A couple of years ago, I spoke at another law school's commencement on the topic of our Constitution. Now this may sound like a somewhat weighty topic, perhaps even an overly academic one. After all, this day marks the end of your law school career; not some guest lecture during the second year. However, I thought it was an appropriate speech because the Constitution is both the base and pinnacle of the legal system in which you will spend the rest of your legal careers. Every law you will ever deal with must be consistent with the Constitution's commands. How's that for some heavy thoughts on what will otherwise be a happy and well-earned day of celebration?

Well, I hope this speech will strike you as just right. And what do I mean by just right? I am thinking of the Colonel who gave his orderly a bottle of scotch for Christmas. After the holiday he asked the orderly how it was. The orderly replied: "Just right." "That's kind of a funny expression," the Colonel responded, "what do you mean?" The orderly noted: "Well, if it had been any better you wouldn't have given it to me, and if it had been any worse I wouldn't have been able to drink it!"

I hope my speech is not "just right" in that sense. However, you have to drink it and for that I hope I won't have to apologize to you.

I believe that as important as the Constitution is as the foundation of our legal system, it is far more important for the central significance it has to American life. That significance lies in the fact that the Constitution makes us Americans. It is the very basis of our nationality.

We the people of this land are not defined by race; we are black and white, brown and yellow. We are not defined by religion; we are Protestant, Catholic, Jewish and also Moslem, Hindu and Orthodox. We are not defined by national origin as all of our ancestors immigrated to this continent from somewhere else. Even the first Americans crossed the Bering land bridge from Asia. We are men, women and children, English speakers, Spanish speakers and speakers of a thousand other tongues. What makes us Americans, however, is a simple concept expressed in a few words: we uphold, support and defend Our Constitution. In no other Nation, past or present, has such a nationality existed. All one has to do to be considered an American is take an oath to support and defend the Constitution.

This idea is a fitting topic for a law commencement speech because each graduate joins a profession whose duty is to give life to the rights, responsibilities, and promises found in our Constitution and the laws enacted under it.

Thus, it would be easy for me to read the same speech I delivered in 1993, as I assume only a particularly weird masochist would put his- or herself through two law schools, and there isn't likely much faculty overlap with over 165 U.S. law schools. However, I won't give the same speech. On this your last day of law school, you are entitled to something new, after three years of reading used precedent that is based upon even more used precedent.

Thus, I have crafted two profound topics—Would you believe stimulating? Would you believe the subject of possible college term papers? Okay.

Topic One: Why does the general public seem in recent years to have the view that lawyers are somewhere on the evolutionary scale between pond scum and garden slugs?

Topic Two: What do we mean by liberty?

Of course, you also want to know what is the relationship between these two topics.

With respect to the first topic, there has been a profound change over the past 25 years in the way society views lawyers. In the 1950s and 60s and for many earlier decades lawyers were social heros. They were the trustees, who could be trusted. They were the advocates of just causes who sought and more often than not achieved justice. They were the guardians who faithfully guarded our liberties.

Lawyers were at the forefront of struggles for economic liberty, for civil rights, for fair government, and for protecting the rights of the unpopular as well as the popular. They made the criminal justice system achieve justice whether by convicting the guilty or acquitting the innocent. And perhaps overlying all of this they were the wise and practical counselors of our society. Prudence or practical wisdom was their province. Calling someone a good attorney meant they were a person of character.

On TV they were the heros whether as Mr. District Attorney or Perry Mason. President John F. Kennedy's book "Profiles in Courage" is replete with lawyers. Lawyers crafted the Constitution, achieved its ratification, and played a critical role in the survival of our republic. Abraham Lincoln was a very successful practicing lawyer, as were John Adams, Thomas Jefferson, and James Madison. Alexis de Tocqueville saw lawyers as America's aristocracy. And Americans on the whole agreed with this view for most of our history.

What has happened to change this in the last 25 or so years? And when thinking about that question remember the OJ trial has not been going on that long, but only seems like it has.

Here is perhaps where the second topic is related to the first. What is the nature of liberty? It seems to me that the proper definition of liberty must be contrasted with government. Simply put, liberty is the state of