

know him. I know his wife Landra. I know the family he is so proud of. I told him I was going to come to the Senate to speak for a few minutes about this issue. I said: HARRY, do you mind if I talk about your religious belief, since you are the Democratic leader? He said: I never talk about religion. To me, it is a personal and private matter; have you ever heard me bring up the issue of religion? And I said: Never, in any of the time I have known you. But, he said, you can say this: You can say that HARRY REID said, I am a person of religious conviction. It guides my life.

So those on the side of the filibuster against 10 nominees out of 215—many come to this debate on a personal basis with religious conviction and religious beliefs. We are not in the business of discriminating against anyone for their religious belief. I will fight for a person to have their protection under our Bill of Rights to believe what they want to believe, that our Government will not impose religious beliefs on anyone. That freedom, that right, is sacred and needs to be protected. What we find, unfortunately, is that those who are staging this rally have decided to make the issue of the filibuster a religious issue. It is not and never should be.

Americans value religious tolerance and respect. Those who would use religion to stir up partisanship or political anger do a great disservice to this country and to this Constitution. We need to be mindful of our responsibilities now more than ever.

Witness what has occurred in America in the last several weeks. The contentious national debate over the tragic story of Terri Schiavo, a woman who survived for 15 years, and after numerous court appeals involving statements by her husband as to her intentions, statements by her parents as to their beliefs and values, the courts ruled in Florida that ultimately her decision to not have extraordinary means to prolong her life would be respected. There were those in the House of Representatives, Congressman TOM DELAY of Texas and others, who would not accept the decision of the Florida courts. They wanted special legislation to give others, including those who were not members of her family, the right to go to court and to fight the family's wishes, to fight her husband's wishes, to fight the Florida court decisions.

That matter came to the Senate. What we did here was the more responsible course of action. We said, yes, in this particular case they may appeal the Florida court decisions on the Schiavo matter to the Federal courts so long as the person who initiates the appeal is a person in interest, a member of her family, someone who has her best interests in mind, and ultimately the Federal court will decide whether it should be reviewed. That ultimately was enacted, and in a matter of 7 days the Federal courts, from the lowest court to the highest court, said it has been decided; we are not going to intervene.

What happened after that with the Schiavo case? Congressman DELAY and many others from organizations said: That's it, you cannot trust the Federal Judiciary. We have to impeach the judges who reach these decisions. They have decided that the independence of the judiciary needs to be attacked by our branch of government.

Is that new? Of course it is not. Many are unhappy with decisions involving Federal courts from time to time. But to call for the impeachment of Federal judges—and some have suggested even worse—crosses that line.

Those who are holding some of these rallies have suggested—and I am reading directly from the Family Research Council release of April 15. Let me read the entire first paragraph, in fairness.

This is from the Family Research Council:

A day of decision is upon us. Whether it was the legalization of abortion, the banning of school prayer, the expulsion of the 10 Commandments from public spaces, or the starvation of Terri Schiavo, decisions by the courts have not only changed our nation's course, but even led to the taking of human lives. As the liberal, anti-Christian dogma of the left has been repudiated in almost every recent election, the courts have become the last great bastion for liberalism.

They go on to say:

We must stop this unprecedented filibuster of people of faith.

They call on people to join them on Sunday, April 24, for their so-called Justice Sunday. It is reported in newspapers today that the majority leader of the Senate will be among those at their gathering. I do not dispute Senator FRISVOLD's right to speak his mind. I will fight for his right for free speech and for those who have written this publication. But I ask Americans to step back for a moment and ask, Is this what you want? Do you want to have a Federal judiciary and a Congress that intervenes in the most private aspects of your life and the life of your family? Do you believe, as most do in America, that we want to be left alone when it comes to our Government, that we want to face these critical life-and-death decisions as a family, understanding the wishes of the person involved, praying for the right way to go, but making the ultimate choice in that hospital room, not in a courtroom?

Make no mistake, these decisions are made time and time again every day, hundreds of times, maybe thousands of times. Doctors, family members, ministers, and others, gather in the quiet of a hospital corridor and have to answer the most basic questions.

It has happened in my family. It has happened in most.

The first thing we ask is, What would my brother want? What would my mother want? It is a private, personal, and family decision. But some believe it should not be. They believe anyone should be able to go to court to overturn that family decision and to inject themselves into the most intimate decisions of our personal lives. Sadly, that is what part of this debate has disintegrated to.

Let me close by saying this. I see my colleague and friend Senator BYRD has come to the floor. I do not need to ask him, I can guarantee you, without fear of contradiction, that in his suit pocket he carries the U.S. Constitution. There is no Member of the Congress, certainly no Member of the Senate, who honors this document more every day that he serves. And it has been my privilege and high honor to serve with him.

I think he understands, as we do, that this nuclear option is a full-scale assault on our Constitution. It is an assault on the checks and balances which make America different, the checks and balances in our Government which have led to the survival of this Nation for over two centuries.

This nuclear option, sadly, is an attempt to break the rules of the Senate in order to change the rules of the Senate so this President and his majority party can have any judicial nominee they want. And, sadly, if they prevail, it will make it easier for them to appoint judges to the bench who are not in touch with the ordinary lives of the American people, who are not moderate and balanced in their approach, but, sadly, go too far.

This is not an issue of religion. I cannot tell you the religious beliefs of any of the 10 nominees we have filibustered. By the Constitution, and by law, we cannot even ask that question, nor would I. But it is fair to ask those men and women, as we have, whether they will follow this Constitution, whether they will set out to make law or respect law, whether they will honor the rights and freedoms of the American people. In 10 cases out of 215, it has been the decision of at least 41 Members of the Senate or more that the nominees did not meet that test.

We need to work together to respect the rights of the American people and to respect the Constitution which we have sworn to uphold and defend.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, I thank the distinguished Senator from Illinois, Mr. DURBIN, for his kind and overly charitable comments concerning me.

#### AgJOBS AMNESTY

Mr. BYRD. Mr. President, today, I oppose the AgJOBS amnesty. I oppose it. I oppose it unequivocally. I oppose it absolutely.

The Senate has already heard a great number of euphemisms about the AgJOBS bill, but let's be clear from the start about what we are discussing. AgJOBS is an amnesty for 3 million illegal aliens. It is amnesty for aliens employed unlawfully in the agricultural sector, and it is amnesty for the businesses that hire and exploit them as cheap labor.

AgJOBS is legislation that embodies the darkest and most disturbing elements of our immigration system; namely, illegal aliens being smuggled across our borders; unscrupulous employers taking advantage of undocumented workers; uncontrolled migration, black markets, and fraudulent documents used by terrorists to circumvent our border security.

The AgJOBS bill tarnishes the unanimous promise of a better life enshrined on the base of the Statue of Liberty. It cheapens the struggle of those immigrants who arrived on Ellis Island 100 years ago, and all of those who have come to this country and followed the rules to earn citizenship in this great Republic.

Amnesties beget more illegal immigration—hurtful, destructive, illegal immigration. Look at the statistics. After President Ronald Reagan signed his amnesty into law in 1986, 2.5 million illegal immigrants flooded into this country. Since the 1986 amnesty, the Congress has passed 6 additional amnesties, resulting in an explosion in the illegal immigrant population, with an estimated 900,000 new illegal aliens settling in the United States each year, hoping to be similarly rewarded. The last thing we need is another amnesty masquerading as immigration reform. Amnesties cheat—amnesties cheat—immigrants and U.S. citizens alike.

Our immigration system is already plagued with funding and staffing problems. It is overwhelmed on the borders, in the interior, and in its processing of immigration applications.

Senators need only go to the emergency rooms of the hospitals in this city and in the environs of this city. Go, see for yourselves. The infrastructure is already greatly overburdened. The infrastructure cannot handle the problems that are coming upon us.

I go to the emergency rooms. I have been to them many times, taking my own wife of almost 68 years of marriage, taking her. I see the emergency rooms. I see how they are overcrowded. I see how there are people waiting. I see how there are people out in the corridors, in the halls, lying on cots awaiting attention. The schools are overburdened. Health services, health facilities, just take a look at what is happening. It is too much for the infrastructure.

Now we are going to increase the problem. If the AgJOBS amnesty is enacted into law, it is going to get worse. My forebears were immigrants, too. They came to this country a long time ago. It is going to get worse for employers, worse for immigrants, worse for the security of the American people.

Following the passage of the 1986 amnesty for 2.7 million illegal aliens, the INS had to open temporary offices, hire

new workers, divert resources from enforcement areas. The result was chaos that produced rampant fraud, with many aliens, almost 20 years later, still disputing their amnesty claims in the courts. Today's backlog of immigration applications is even larger, with the stack of pending applications at 4 million and rising. The AgJOBS amnesty would dump countless more applications on an already overtasked immigration system. With resources so scarce, the process would literally break down, background checks would be missed, document verification would be ignored, and backlogs would grow, encouraging more and more fraud.

It only took 19 temporary visa holders to slip through the system to unleash the horror of the September 11 attacks. The AgJOBS proposal would shove 3 million illegal aliens, many of whom have never gone through a background check, through our border security system, in effect flooding a bureaucracy that is already drowning. It is a recipe for disaster.

It is not mere speculation to suggest that a terrorist would exploit an amnesty. It has already happened. Mahmud Abouhalima, a leader of the 1993 World Trade Center bombing, was legalized—legalized, I say—under the 1986 amnesty. Only after he was legalized was he able to travel outside of the country to the Afghanistan-Pakistan border where he received the terrorist training he used in the bombing.

A closer look at the details of the AgJOBS amnesty raises even more concern. The only way to secure amnesty under the AgJOBS proposal is to seek U.S. employment. That puts U.S. citizens in direct competition with illegal aliens. Even if U.S. workers are not displaced, illegal immigration depresses wages. It depresses benefits for American jobs.

Under the AgJOBS amnesty, an illegal alien, once achieving temporary status, becomes eligible to apply for permanent residency or even citizenship, which puts that alien ahead of every immigrant waiting to immigrate legally to the United States. That is not fair. When amnesty advocates evoke the image of Ellis Island and the Statue of Liberty, imagine those law-abiding immigrants being told to get back on the ship because an illegal alien had taken their spot. Is that right? Is that fair?

I hope Senators will take a close look at this proposal. I want to aid hard-working immigrants, but this is amnesty for illegal aliens. It is amnesty for the unscrupulous employers who exploit them. It is amnesty for potential terrorists seeking to circumvent our border defenses.

The AgJOBS bill is a sweeping, extreme proposal that will undermine our immigration system. It has no place on

this wartime supplemental appropriations bill, and the Senate ought to reject it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator BYRD for his thoughtful remarks. As I have been doing some research on this AgJOBS bill myself, and have become increasingly concerned with it, I came upon a report in the early 1990s that reviewed the success of the 1986 amnesty, or lack of success. I wondered—the Senator was here during that time—whether the same arguments were made in favor of the bill in 1986 that are being made today; and further, whether he would agree with the official Commission's report that the 1986 amnesty was a failure?

Mr. BYRD. Well, I thank the distinguished Senator for his statement. I thank him for his attention to my remarks. I was here then. I am here now. I am concerned about the amnesty we are talking about, the AgJOBS amnesty. I have stated my feelings about it. I am going to leave it at that. I thank the distinguished Senator.

ADJOURNMENT UNTIL MONDAY,  
APRIL 18, 2005, at 1 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 1 p.m. on Monday, April 18, 2005.

Thereupon, the Senate, at 1:38 p.m., adjourned until Monday, April 18, 2005, at 1 p.m.

#### NOMINATIONS

Executive nomination received by the Senate April 15, 2005:

DEPARTMENT OF EDUCATION

RAYMOND SIMON, OF ARKANSAS, TO BE DEPUTY SECRETARY OF EDUCATION, VICE EUGENE HICKOK, RESIGNED.

#### CONFIRMATION

Executive nomination confirmed by the Senate Friday, April 15, 2005:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PAMELA HUGHES PATENAUDE, OF NEW HAMPSHIRE, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

#### DISCHARGED NOMINATION

The Senate Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of the following nomination and the nomination was confirmed:

PAMELA HUGHES PATENAUDE, OF NEW HAMPSHIRE, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.