

Landrieu	Murray	Snowe
Lautenberg	Reed	Specter
Leahy	Robb	Torricelli
Levin	Rockefeller	Voinovich
Lieberman	Roth	Wellstone
McCain	Sarbanes	Wyden
Mikulski	Schumer	

NOT VOTING—4

Biden	Lott
Kennedy	Moynihan

The motion was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1361, WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent that the Reid amendment No. 1361 be withdrawn.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

MORNING BUSINESS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. COLLINS pertaining to the submission of S. Res. 167 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent to proceed as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDGE FRANK M. JOHNSON, JR.

Mr. SESSIONS. Mr. President, I would like to make a few comments at this time upon the death of Judge Frank M. Johnson, Jr., a native Alabamian born in Haleyville, AL, who was appointed to the Federal bench in 1953 by President Eisenhower and who was buried today in his native Winston County, aged 80.

That Frank M. Johnson, Jr., was a great judge, there can be no doubt. It is appropriate and fitting that this body, which reviews and confirms all members of the judiciary, pause and consider his outstanding life. His death has attracted national attention. While I knew him and considered him a friend, I am certainly unable to effectively articulate in any adequate way what his long tenure has meant to America and to Alabama, but the impact of his life on law in America is so important, I am compelled to try. I just hope I shall be forgiven for my inadequacies.

Many will say that his greatness was to be found in his commitment to civil rights and his profound belief in the ideal of American freedom, which was deep and abiding. These were, indeed, powerful strengths. Others will say that his greatness is the result of his wise handling of a series of pivotal cases that changed the very nature of everyday life throughout America, cases which were at the forefront of the legal system's action to eliminate inequality before the law. Indeed, it is stunning to recall just how many important cases Judge Johnson was called upon to decide and how many of these are widely recognized today as pivotal cases in the history of American law.

How did it happen? How did so much of importance fall to him, and how did he, in such a crucial time, handle them with such firm confidence?

I tend to believe those cases and his achievements at the root arose out of his extraordinary commitment to law, to the sanctity of the courtroom, and to his passionate, ferocious commitment to truth. That was the key to his greatness. Judge Johnson always sought the truth. He demanded it even if it were not popular. He wanted it unvarnished.

Once the true facts in a case were ascertained, he applied those facts to the law. That was his definition of justice. Make no mistake, he was very hard working; very demanding of his outstanding clerks; and, very smart. He finished first in his class at the University of Alabama Law School in 1943. This combination of idealism, courage, industry, and intelligence when applied to his search for truth along with his brilliant legal mind was the source, I think, of his greatness. This explains how when he found himself in the middle of a revolution, he was ready, capable and possessed of the gifts and grades necessary for the challenge.

The historic cases he handled are almost too numerous to mention. There was the bus boycott case in which Rosa Parks, the mother of the civil rights movement, was arrested for failing to move to the back of the bus. There, he struck down Alabama's segregation law on public transportation. That was the beginning. Later, there was his order in allowing the Selma to Montgomery march in 1964, the order to integrate his alma mater, the University of Alabama, despite the famous and intense opposition by Governor George C. Wallace, the desegregation of the Alabama State Troopers, historic prison litigation cases and his mental health rulings which were quoted and followed throughout the nation. Each of these and many other cases were truly historic in effect and very significant legally. Did he go too far on occasion? Was he too much of an activist? On a few occasions, perhaps. Some would say, on occasion, the remedies that he

imposed maybe went further than they should have, even though most have agreed that his findings of constitutional violations were sound. But, most of the time and in most of the cases he simply followed the law as we had all-ways known it to be, but unfortunately, not as it was being applied.

When the State tried to stop the Selma to Montgomery march, Judge Johnson concluded, in words quoted, in a fine obituary by J. Y. Smith in the Washington Post Sunday, that the events at the Pettus Bridge in Selma.

Involved nothing more than a peaceful effort on the part of Negro citizens to exercise Constitutional right: that is, the right to assemble peaceably and to petition one's government for the redress of grievances * * *

It seems basic to our Constitutional principles that the extent of the right to assemble, demonstrate, and march peaceably along the highways and streets in an orderly manner should be commensurate with the enormity of the wrongs that are being protested and petitioned against. In this case, the wrongs are enormous. The extent of the right to demonstrate against these wrongs should be determined accordingly.

These simple, direct and powerful words are typical of the man and his way of thinking. The years in which he presided were tumultuous, the times very tense. I remember the times. Few who were alive in those days do not. Rosa Parks and Frank Johnson were there. They were present and participating in the commencement of a revolution and the creation of a new social order in America—a better society in which we undertook as a nation to extend equality to all people. True equality has not been fully achieved, but is indisputable that when the hammer of Rosa Parks hit the anvil of Frank Johnson, the sound of freedom rang out loud and clear and to this day that sound has not been silenced. His actions, the cases he decided have caused the anvil of freedom to ring again and again, and that sound changed, not just the South and America but the entire world.

Though I never tried a jury case before Judge Johnson, I did have appellate cases before him when he was a member of the U.S. Court of Appeals for the Eleventh Circuit, to which he was appointed by President Carter in the late 1970's. I was honored to meet him occasionally when I was a United States Attorney and when I was a private attorney. I considered him a friend. He had himself been a United States Attorney and he had great respect for the office. In several ways, and at various times he made comments that affirmed me and my service. It made me feel good. Of this I am certain. If the law, in a case before Judge Johnson, and facts were on my client's side my client would win, if not, my client would lose. This was his reputation throughout the Bar and it was one of his highest accomplishments. He was respected by all members of the bar.

The stories told by lawyers practicing before Judge Johnson were many and some are now legendary. None were better told than those by the long time federal prosecutor, Broward Segrest, who practiced in Judge Johnson's Courtroom throughout his career. No one knew more of the courtroom events and could tell them better than Broward.

There were almost as many Frank Johnson stories as Bear Bryant stories. The point is this: yes, he was famous. Yes, he played an historic role in making this land of equality. And, yes, he was brilliant and fearless. He stood for what he believed in no matter what the consequences at risk to his life. But, it was not just in these great trials that one could divine the nature of his greatness. It was also in the lesser cases that he demonstrated his fierce determination to make justice come alive in his court, for every party in every case.

Lawyers who failed to follow the rules of court or to do an effective job for their clients were in big trouble. Because they knew what he expected, what he demanded, they came to his court prepared and ready to do justice.

There is so much more than can be said. He once called himself a "conservative hillbilly" and that statement could be defended. To Judge Johnson, no one was above the law or above any person who appeared in his court. All were equal. Though a Republican, he was the perfect democrat—with a small "d". Neither power, nor wealth, nor status, nor skilled lawyering counted a whit in his court and everyone knew it. He loved democracy, fairness and justice. Judge Johnson was vigorously indignant at crime and corruption. He fully understood that those who stole or cheated were predators and were acting in violation of morality and law. This he would never tolerate. While he was always committed to providing a fair trial, he was known as a prosecutor's judge. He would not tolerate criminality.

Judge Johnson loved democracy and fairness and justice. He sought to make that real in his courtroom by finding the truth and skillfully, with intellectual honesty, applying the truth, the facts, to the law. As God gives us the ability to understand it, that is justice, and a judge who does not consistently, in great cases and small, at risk of his life, with skill and determination, and with courage and vision, over a long lifetime is worthy to be called great. Frank M. Johnson, Jr. is worthy.

NASA AUTHORIZATION

Mr. LOTT. Mr. President, I rise in support of H.R. 1654, the NASA Authorization Act for fiscal years 2000, 2001, and 2002. Many of my colleagues and their staffs have worked hard on this legislation. This is a good bill. It en-

dures NASA is authorized at the appropriate level to continue its role in Space Flight and Exploration, Earth and Space Science, assembly and operations on the International Space Station, and Aeronautical Research.

Over the last decade, the U.S. commercial space launch industry has lost its technological advantage and now holds only 30 percent of the worldwide space launch market. As a result, sensitive U.S. technology is often launched into space by either Chinese, Russian or French rockets, increasing the risk of unwarranted U.S. technology transfer to foreign nations. The delayed development of modern, less expensive launch systems in this country needs to be rectified. This high cost of space transportation has greatly curtailed U.S. efforts in space research, science and exploration. This bill includes important provisions to address this issue which I would like to highlight.

Mr. President, NASA is currently conducting research programs, such as the X-33, X-34 and X-37, that could result in important technological advancements applicable to future reusable launch vehicles and reductions in space transportation costs. In addition, there are existing hardware and engine systems, that if evaluated, could make an immediate contribution to reducing the cost of access to space by a factor of 10. The information gained from these evaluations can be incorporated into design plans for the Spaceliner 100 series of vehicles and ultimately reduce the cost of access to space by a factor of one hundred. In the Commerce Committee, I amended the Senate NASA bill to add \$150M for Fiscal Year 2000 to accelerate these future space launch programs by one year. Accelerating the efforts that gain us cheaper access to space will help the U.S. recapture the space launch business and save on future launch costs. American companies would not have to look overseas for cheaper launches, thereby minimizing our technology exposure to foreign governments.

Also, I am pleased to see the portion of the Earth Science budget supporting NASA's Commercial Remote Sensing effort is sustained. These programs, managed by the NASA Stennis Space Center's Commercial Remote Sensing Program Office in Mississippi, are contributing to the birth and growth of a new international industry. Wall Street has predicted this industry will grow to the \$10 billion level by 2010. NASA Stennis personnel working together with the private sector, university researchers and other Federal agencies are already producing viable commercial products. New efforts are underway to coordinate the potential impact of these commercial products with the Department of Transportation. I have been told by DOT officials that remote sensing technology

infused in the right way to DOT's planning efforts could result in significant savings in highway planning and construction. That is a very good potential payback for a small investment in the commercialization of remote sensing technology.

Mr. President, this is a good bill. I hope that the Senate's differences with the House can be resolved quickly so that the bill can be presented to the President for signature.

ON THE KENNEDY/BESSETTE TRAGEDY

Mr. DASCHLE. Mr. President, last week was one of unimaginable shock and sorrow for the families of John Kennedy, Jr., Carolyn Bessette Kennedy and Lauren Bessette. We prayed as we first heard the news that their plane had disappeared. We hoped against hope as the Coast Guard, the Navy and the National Transportation Safety Board conducted their "search and rescue" mission, and we anguished when they shifted to "search and recovery." Now, as John, Carolyn and Lauren are laid to rest in the ocean that claimed their lives, we grieve.

Much has been said these past weeks—in this Chamber, across the country, and around the world—about these three exceptional young people. We have heard again and again how John, Carolyn and Lauren loved life. We have heard so many stories of their compassion and grace, their generosity and their considerable talents. We've heard, most heartbreakingly, about their potential. They had, each of them, the capacity for greatness. That is part of what makes their loss so profound.

The great poet William Wordsworth wrote:

What though the radiance which was once so bright

Be now for ever taken from my sight

Though nothing can bring back the hour

Of splendor in the grass, of glory in the flower;

We will grieve not, rather find

Strength in what remains behind.

Nothing can bring back the splendor of their lives, or their potential. We are left now with only our memories of John Kennedy, Jr., his wife Carolyn, and her sister Lauren. With that in mind, Senator LOTT and I are introducing a resolution to authorize the printing of "Memorial Tributes to John Fitzgerald Kennedy, Jr." These are our own tributes and condolences offered on this floor, this week, by members of the United States Senate. I ask the Senate to pass a resolution so that we may share our tributes with the families of John Kennedy, Carolyn Bessette Kennedy and Lauren Bessette. I can only hope the Kennedy, Bessette and Freeman families are able to find some small strength in the memories of their loved ones, and in the words