

that the amendment then be agreed to. Prior to that, if it is agreeable with Senator FITZGERALD, Senator ASHCROFT wants to have 5 minutes to make a statement. I ask unanimous consent that prior to that, Senator ASHCROFT have 5 minutes.

The PRESIDING OFFICER (Mr. GORTON). Is there objection? Without objection, it is so ordered. The Senator from Missouri is recognized.

NOMINATION OF RONNIE WHITE

Mr. ASHCROFT. Mr. President, I thank the Senator from Arizona for affording me this opportunity to make some remarks regarding the vote on the nomination of Ronnie White.

Yesterday, in accordance with the unanimous consent agreement entered into last week, we set aside substantially over an hour to debate not only the White nomination but a number of other nominations which came before the Senate today. I was here for that debate, I engaged in that debate, and I outlined my opposition to Judge White, not my opposition based on anything personal or based on my distaste in any way for the judge, but based on my real reservations about his record as it relates to law enforcement.

After the conclusion of the vote today, there were a number of individuals who secured integrals of time to speak about that nomination and about that vote and raised questions that more properly should have been raised in the debate, and, secondly, deserve a response. So I come to respond in that respect.

I want to explain why I believe Judge White should not have been confirmed, and I believe the Senate acted favorably and appropriately in protecting the strong concerns raised by law enforcement officials.

The National Sheriffs Association expressed their very serious opposition to the nomination of Judge White. The Missouri Federation of Chiefs of Police expressed their opposition. The Missouri Sheriffs Association raised strong concerns and asked for a very serious consideration. In my conferences with law enforcement officials, prosecutors and judges, they raised serious concerns; so that when those who come to the floor today talk about this nomination in a context that is personal rather than professional and is political rather than substantive, I think they miss the point.

There are very serious matters addressed in his record that deserve the attention of the Senate and which, once having been reviewed by Members of the Senate, would lead Senators to the conclusion that, indeed, the Senate did the right thing.

Judge White's sole dissent in the Missouri v. Johnson, a brutal cop killer, an individual who killed three law enforcement officials over several hours,

holding a small town in Missouri in a terrified condition, that opinion which sought to create new ground for allowing convicted killers who had the death penalty ordered in their respect, allowing them new ground for new trials, and the like, is something that ought to trouble us. We do not need judges with a tremendous bent toward criminal activity or with a bent toward excusing or providing second chances or opportunities for those who have been accused in those situations.

Missouri v. Kinder is another case where he was the sole dissenter, a case of murder and assault, murder with a lead pipe, the defendant was seen leaving the scene of the crime with the lead pipe and DNA evidence confirming the presence of the defendant with the person murdered.

The judge in that case wrote a dissent saying that the case was contaminated by a racial bias of the trial judge because the trial judge had indicated that he opposed affirmative action and had switched parties based on that.

Another case, Missouri v. Damask, a drug checkpoint case. The sole dissent in the case was from Judge White who would have expanded substantially the rights of defendants to object to searches and seizures.

I believe that law enforcement officials had an appropriate, valid, reasonable concern. That concern was appropriately recognized and reflected in the vote of the Senate. Not only Missouri needs judges, but the entire country needs judges whose law enforcement experience is such that it sends a signal that they are reliable and will support appropriate law enforcement.

I am grateful to have had this opportunity. No time was expected for debate on this issue today, and as an individual who was involved in this matter, I am pleased to have had this opportunity. I thank the Senate. I thank the Senator from Arizona for helping make this time available to me.

I yield the floor.

AIR TRANSPORTATION IMPROVEMENT ACT—Continued

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized.

AMENDMENT NO. 2264 TO AMENDMENT NO. 1892
(Purpose: To replace the slot provisions relating to Chicago O'Hare International Airport)

Mr. FITZGERALD. Mr. President, I rise on behalf of myself and my colleague from Illinois, Senator DURBIN, to propose an amendment to the amendment proposed by the Presiding Officer himself, Senator GORTON, and Senator ROCKEFELLER. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. FITZGERALD], for himself and Mr. DURBIN, pro-

poses an amendment numbered 2264 to amendment No. 1892.

The amendment is as follows:

On page 5, beginning with "apply—" in line 15, strike through line 19 and insert "apply after December 31, 2006, at LaGuardia Airport or John F. Kennedy International Airport."

On page 8, beginning with line 7, strike through line 17 on page 12 and insert the following:

(1) IN GENERAL.—Subchapter I of chapter 417, as amended by subsection (d), is amended by inserting after section 41717 the following:

"§41718. Special Rules for Chicago O'Hare International Airport

"(a) IN GENERAL.—The Secretary of Transportation shall grant 30 slot exemptions over a 3-year period beginning on the date of enactment of the Transportation Improvement Act at Chicago O'Hare International Airport.

"(b) EQUIPMENT AND SERVICE REQUIREMENTS.—

"(1) STATE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

"(2) SERVICE PROVIDED.—Of the exemptions granted under subsection (a)—

"(A) 18 shall be used only for service to underserved markets, of which no fewer than 6 shall be designated as commuter slot exemptions; and

"(B) 12 shall be air carrier slot exemptions.

"(c) PROCEDURAL REQUIREMENTS.—Before granting exemptions under subsection (a), the Secretary shall—

"(1) conduct an environmental review, taking noise into account, and determine that the granting of the exemptions will not cause a significant increase in noise;

"(2) determine whether capacity is available and can be used safely and, if the Secretary so determines then so certify;

"(3) give 30 days notice to the public through publication in the Federal Register of the Secretary's intent to grant the exemptions; and

"(4) consult with appropriate officers of the State and local government on any related noise and environmental issues.

"(d) UNDERSERVED MARKET DEFINED.—In this section, the term "service to underserved markets" means passenger air transportation service to an airport that is a nonhub airport or a small hub airport (as defined in paragraphs (4) and (5), respectively, of section 41731(a))."

(2) 3-year report.—The Secretary shall study and submit a report 3 years after the first exemption granted under section 41718(a) of title 49, United States Code, is first used on the impact of the additional slots on the safety, environment, noise, access to underserved markets, and competition at Chicago O'Hare International Airport.

On page 19, strike lines 10 and 11.

On page 19, line 12, strike "(B)" and insert "(A)".

On page 19, line 13, strike "(C)" and insert "(B)".

On page 19, line 15, strike "(D)" and insert "(C)".

Mr. BYRD. Mr. President, will the distinguished Senator yield without losing his right to the floor?

Mr. FITZGERALD. Yes, I will yield.

Mr. BYRD. I ask unanimous consent that following the Senator's statement, I be recognized to speak for not

to exceed 15 minutes on another matter.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. I thank the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. FITZGERALD. Mr. President, this amendment would exempt O'Hare International Airport from any lifting of the high density rule. I understand this amendment has been accepted on both sides. I ask unanimous consent the amendment be agreed to.

I thank the Presiding Officer himself for his efforts to work with me, and also the distinguished Commerce Committee Chairman, Senator MCCAIN from Arizona, and the ranking Democratic member, Senator ROCKEFELLER. Of course, I thank the good auspices of our majority leader who helped work out this agreement. I appreciate the time and consideration of all on a very difficult matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment (No. 2264) was agreed to.

Mr. FITZGERALD. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized for not to exceed 15 minutes.

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

IN DEFENSE OF CHURCHES

Mr. BYRD. Mr. President, recent comments by a political figure have unfairly and, I think, unjustly castigated American churches and millions of American church-goers as "... a sham and a crutch for weak-minded people who need strength in numbers. [meaning organized religion] tells people to go out and stick their noses in other people's business." Now these comments are being defended as the kind of outspoken honesty that people really seek in a politician. While I am totally in favor of greater candor from politicians, particularly in these days of poll-driven and consultant-drafted mealy-mouthed pap masquerading as "vision," I am emphatically not in favor of rudeness. There is far too much rude and divisive talk in this Nation these days, and it only exacerbates the kind of climate that encourages acts of violence against anyone who is different or any organization that is not mainstream—or maybe even if it is mainstream, as churches are still mainstream, at least in my part of the world. We cannot and should not let this kind of meanness be excused in the name of honesty and candor.

I do not question anyone's right to voice his opinion, whether I agree with it or not, but I also do not believe it is necessary to demean or belittle or

denigrate anyone in the process of voicing an opinion. I am pleased to see that I am not alone in my outrage, but that many people have expressed similar feelings. I hope that we can all learn a lesson from this episode.

All of us ask for guidance from those we trust whenever we are faced with difficult problems. We ask our parents, or our wives, we ask our husbands, or our friends. So what is wrong with seeking the advice of someone who has seen more troubles and received more training in counseling than ourselves—someone who has a calling, a passion, for this role? Someone such as our pastor or priest or minister? Or what is wrong with asking the One who knows and shares all of our troubles—in asking the Creator for guidance and support? What is wrong with asking ourselves, "What would Jesus do?" There is nothing wrong with using the spiritual guidance provided to us from God and His Son, and tested over nearly 2,000 years of human experience. It is not weak-minded. It is not sheep-like to grow up within a framework of faith and to celebrate the rituals of the church. It does not mean that one has a weakness and needs organized religion to "strengthen oneself."

Churches across this Nation provide millions of strong people with spiritual, emotional, and physical support. People who are active in their church may literally count their blessings when disaster strikes them. Be it the sudden loss of a loved one, a fire, a flood, that person will find himself surrounded with caring friends and helping hands. Insurance may provide a sense of financial security, but no matter whose good hands your insurance may be in, an insurance company cannot hold your hand and offer a shoulder to lean on while your home is reduced to smoky ruins or washed downstream in a flood. A pastor, a priest, a minister, or friend from your church can do so, and will do so. And people in your church will offer you the clothes off of their backs, or a place to stay, or food to eat when you are hungry, or help in many other small ways that are a balm on a hurting soul. Instead of facing your loss alone, help arrives in battalions.

Churches have become, in many ways, the new centers of community in America. We live in ever-expanding suburbs. We spend long hours each day commuting to jobs miles from our homes. Our children ride buses to distant schools that may combine many neighborhoods or even many communities.

We may rarely see our neighbor, or may know the neighbor only to nod at as we back our cars out of our driveways. Air conditioning, television, and other amenities have taken the place of sitting on the front porch with a glass of lemonade. Now, if we are outside, we are likely on a deck in the

back yard, hidden by a fence or a hedge from the prying eyes of our unseen neighbors. But in church on Sunday, one is encouraged to shake a neighbor's hand. One is asked to pray for neighbors who are sick or in distress. And one hears the word of God—a Name that is above all other names—and participates in the observance of the liturgy that binds all of us in a seamless lineage to the heritage of man.

Churches are not for the weak-minded, Mr. President. They are for the strong. They are for people who are not afraid to seek guidance, not afraid to show charity, not afraid to practice kindness. Tolerance for the beliefs of others is one of the cornerstones on which this Nation is founded, and we in public life would be well-advised to remember that.

Let me close these remarks, Mr. President, with a passage from George Washington's Farewell Address. Mr. President, George Washington, commander of the American forces at Valley Forge, was not a weak-minded man. George Washington, the first President of the United States—and the greatest President of all—was not a weak-minded man. Let's share what he had to say about religion. We might even class George Washington as a politician.

Here is what George Washington said. I suggest that all take note.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens.

Let me digress briefly to suggest that all politicians, whether at the State or local or national level, take note of what George Washington said.

The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I had no intention to speak on this matter. It is purely coincidence—one might even suggest the hand of the Almighty—that caused me just a few minutes ago to read a column that appeared in the Boston Globe in this particular case, a column that picks up on the very theme the distinguished senior Senator from West Virginia has addressed this afternoon.

I will read the column into the CONGRESSIONAL RECORD. I have rarely ever