

Not only was he a fixture in the restaurant, but he retired once. The reason his retirement was curtailed is that he, as the gracious, good man he was, cosigned a note for someone, and that person didn't pay that note. Rather than his defaulting on the note, he came back to work, out of his retirement, so he could do the honorable thing and pay that debt of someone else. He was a good man. I am sorry. I did not know of his passing until just now, and I certainly will miss him in the Senate restaurant.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. 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 detail a terrible crime that occurred June 13, 2001 in Santa Maria, CA. Michael "Mike" Barry stabbed a gay man, Chris Allen Madden, 32, to death. Mike Barry, 21, was charged with murder and committing a hate crime. Barry allegedly bragged to friends that he "killed a faggot."

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.

EXECUTION OF TIMOTHY McVEIGH

Mr. FEINGOLD. Mr. President, on this day, my thoughts are with the victims of Timothy McVeigh, and with their families. I hope that the spectacle of these last few weeks, leading to this execution, has not caused them further pain. McVeigh was cowardly and cruel, and I shall not dwell upon his memory or indulge his desire to be seen as a martyr. I rise today to speak on his execution not because I wish to add to the burdens of this day, but because I do not want it said that those of us who oppose the death penalty stood silently by.

Today, the question we need to ask is not: Was McVeigh a despicable killer, of course he was.

Rather, the questions we should ask are these: Does the death penalty serve us and our best American ideals, does it always serve justice, is it administered fairly, is it sometimes imposed upon people who are innocent.

The records will note that the cause of McVeigh's death was homicide, the intentional killing of one human being by another. The execution of even this most notorious murderer should

prompt us anew to reconsider the idea of our government killing people in our name, and perhaps to begin to acknowledge the growing American belief that the time has come to stop and learn the answers to the questions that plague the death penalty, before we proceed with any further executions.

We have an opportunity to turn another way on the death penalty. The next scheduled federal execution is that of Juan Raul Garza. His execution has been stayed until June 19 in light of the questions raised about regional and racial disparities in the federal death penalty system.

But the Justice Department now has declared that it will not wait until those questions are answered by an ongoing National Institute of Justice study before proceeding with his execution. They have gone so far as to declare that there is no bias in the system, even though the study has not come close to completion. Until we are certain of the fairness of the process and these questions are resolved, Garza should not be executed in our name. That's the real and difficult test that President Bush and Attorney General Ashcroft must face in the next few days. On this day, I hope that they will turn to it in earnest.

THE 65TH INFANTRY DIVISION

Mr. SPECTER. Mr. President, I have sought recognition today to commend the dedication and courage of the members of the 65th Infantry Division of the United States Army who fought in World War II.

The 65th Infantry Division was activated on August 16, 1943 at Camp Shelby, Mississippi under Major General Stanley E. Reinhart. Like many newly formed divisions in 1943, the men of the 65th Division traveled to different bases training in preparation for their participation in the battles across Europe during World War II.

On January 10, 1945, the 65th Infantry Division departed New York, and they arrived in Le Havre, France on January 21, 1945. On March 9, 1945, the division assembled near Ennery to relieve the 26th Infantry Division, defending Saarlautern Bridgehead from Orscholz to Wadgassen.

On March 13, 1945, the 261st Infantry Regiment crossed the Saar River near Menningen to clear the German defenders near the town of Merzig. On March 17, 1945, the 261st Infantry Regiment cleared the heights south of Merzig, and took the town of Killingen the following day. The rest of the division fought its way out of the bridgehead as the 259th Infantry Regiment captured the town of Fraulautern and the 260th Infantry Regiment seized Saarlautern on March 19, 1945. Then, the division fought its way through the West Wall and captured the town of Neunkirchen on March 21, 1945. It then assembled

near Ottweiler for rest and rehabilitation.

After 10 days of rest, the 65th Infantry Division connected with the 6th Armored Division. Closing into the Schwabenheim area, the division crossed the Rhine River with both the 260th and 261st Infantry Regiments during the night of March 29, 1945. It attacked across the Fulda River on April 2 and reached the Reichensachen-Langenhain line on April 3, 1945. There the two divisions split. The same day the 259th Infantry Regiment crossed the Werra River, and continued to the Greuzberg area on April 4, 1945. The division assaulted the town of Langensalza, which fell on April 6, 1945, but a German counterattack overran a battalion of the 261st Infantry Regiment at Struth on April 7, 1945. The division restored the situation with air support and went into reserve on April 8, 1945, moving to the town of Berka on April 10, 1945.

The division moved to the town of Waltershausen on April 11, 1945 and then onto Arnstadt. On April 17, 1945 it assembled in the town of Bamberg and attacked toward Altdorf with the 259th and 260th Infantry Regiments the next day. The town of Neumarkt was taken on April 23, 1945 and the division drove to the Rhine River against crumbling German resistance. The division established a bridgehead across the Danube River southwest of Regensburg despite strong opposition, especially against the 261st Infantry Regiment on April 26, 1945. The bridgehead was expanded allowing the 13th Armored Division to pass through. The 260th Infantry Regiment took Regensburg on April 27, 1945. The division followed the Armored Division and crossed the Isar River at Plattling on May 1, 1945.

The 261st Infantry Regiment reached the Inn River at Passau on May 2, 1945 and assaulted across it at the town of Neuhaus. The town of Passau fell the next day and the 261st Infantry Regiment reached the Enns River and overran the town of Enns. The division crossed the Enns River on May 6, 1945, and made contact with the advancing Soviet Army in the vicinity of Strengberg.

The 65th Infantry Division reached Austria on May 4, 1945 and remained in Austria, under Brigadier General John E. Copeland until disbanded on August 31, 1945. Two hundred and thirty three men of the 65th Infantry Division were killed in action. Nine hundred and twenty-seven men were wounded in action.

In August of this year, the members of the 65th Infantry Division will gather for their 48th annual reunion in Pennsylvania. During their reunion, the men will be honored for their service with the dedication of a monument stone by the Freedoms Foundation at Valley Forge. The members of the 65th Infantry Division deserve this special