

country which had never previously thought of itself as an object of systematic espionage by foreign powers, it was unsettling."

The larger society, Shils continued, was "facing an unprecedented threat to its continuance." In these circumstances, "The fantasies of apocalyptic visionaries * * * claimed the respectability of being a reasonable interpretation of the real situation." A culture of secrecy took hold within American government, while a hugely divisive debate raged in the Congress and the press.

The public now divided. There were those who perceived of treason on every hand, and so we witnessed the spectacle of Senator Joseph McCarthy making such accusations of George C. Marshall. Charges and counter-charges of Communist conspiracies proliferated.

A balanced history of this period is now beginning to appear, but at the time, the American government and the American public was confronted with possibilities and charges, at once baffling and terrifying. A fault line appeared in American society that contributed to more than one political crisis in the years that followed.

The first fact is that a significant Communist conspiracy was in place in Washington, New York, and Los Angeles, but in the main those involved systematically denied their involvement. This was the mode of Communist conspiracy the world over.

The second fact is that many of those who came to prominence denouncing Communist conspiracy, accusing suspected Communists and "comsymps," clearly knew little or nothing of such matters. And in many instances, just as clearly were not in the least concerned. And so while there were spies like Coplon who were caught, there were also innocent people who, having been accused, were unable to remove the stain. Dr. Braude is one such.

My involvement in Dr. Braude's case dates back to early 1979, when she came to me and my colleague at the time, Senator Javits, and asked us to introduce private relief legislation on her behalf. In 1974, after filing a Freedom of Information Act request and finally learning the true reason for her dismissal, she filed suit in the Court of Claims to clear her name and seek reinstatement and monetary damages for the time she was prevented from working for the Federal government. The Court, however, dismissed her case on the grounds that the statute of limitations had expired. On March 5, 1979, Senator Javits and I together introduced a bill, S. 546, to waive the statute of limitations on Dr. Braude's case against the U.S. government and to allow the Court of Claims to render judgment on her claim. The bill passed the Senate on January 30, 1980. Unfortunately, the House failed to take action on the bill before the 96th Congress adjourned.

In 1988, and again in 1990, 1991, and 1993, Senator D'AMATO and I re-intro-

duced similar legislation on Dr. Braude's behalf. Our attempts met with repeated failure. Until at last, on September 21, 1993, we secured passage of Senate Resolution 102, which referred S. 840, the bill we introduced for the relief of the estate of Dr. Braude, to the Court of Claims for consideration as a congressional reference action. The measure compelled the Court to determine the facts underlying Dr. Braude's claim and to report back to Congress on its findings.

The Court held a hearing in November 1995 and on March 7, 1996 Judge Roger B. Andewelt issued his verdict that the USIA had wrongfully dismissed Dr. Braude and intentionally concealed the reason for her termination. He concluded that such actions constituted an equitable claim for which compensation was due. Forty-three years after her dismissal from the USIA and 8 years after her death, the Court found in favor of the estate of Dr. Braude.

Justice Department attorneys reached a settlement with lawyers representing Dr. Braude's estate concerning the monetary damages. In due time, \$200,000 in damages were appropriated by Congress.

I am happy to report that Beatrice Braude's estate has just received a check from the Department of Justice. Fully forty-five years after her wrongful dismissal and ten years after her death, Beatrice Braude's reputation has been restored and the United States government has paid her estate for the damages it inflicted during a dark period of our history. The money will be donated to Hunter College, the institution from which Dr. Braude received her bachelor's degree. Happily, students at Hunter College are now learning a more balanced history of the Cold War. We are now not in the least concerned about the infiltration of the government by ideological enemies. With the end of the Cold War we are able to learn much more of the facts of the Communist threats we faced. Our response to that threat was certainly mixed and I am pleased that we have been able to set the matter of Beatrice Braude to right.

Senator D'AMATO and I wish to express our profound gratitude to Joan L. Kutcher and Christopher N. Sipes of Covington & Burling, two of the many lawyers who have handled Dr. Braude's case on a pro bono basis over the years. It is thanks to their tireless dedication that history has been made and Dr. Braude's name has been cleared.

I ask that an article appearing in the January 26, 1998 issue of the Washington Post, "45 Years Later, U.S. Pays Up," be printed in the RECORD.

The article follows:

[From the Washington Post, Jan. 26, 1998]

UPDATE ON THE NEWS

(By Cindy Loose)

45 YEARS LATER, U.S. PAYS UP

It has taken awhile for the \$200,000 U.S. government check for Beatrice "Bibi" Braude to show up—45 years, reckoned from

the time she was fired from the United States Information Agency, where she translated French newspapers.

It has been 23 years since the Freedom of Information Act opened government files and she was able to confirm her suspicions: that the Office of Security recommended that she be fired, citing a report from an FBI informant that Braude was in contact with a communist in November 1946 and that she had visited a leftist book store.

A decade has passed since Braude died at the age of 75. Most of the government officials involved in her firing are also dead.

Braude was among 1,500 federal employees dismissed for similar associations and accusations from 1953 to 1956, and 6,000 others resigned under pressure of security and loyalty inquiries, according to experts. No one, however, fought back as long and as hard as Braude.

A lawsuit she filed bounced around various courts for years until the U.S. Claims Court ruled that the statute of limitations had run out. She then persuaded New York Sens. Daniel Patrick Moynihan (D) and Alfonse D'Amato (R) to sponsor legislation that mandated review of the case by the U.S. Court of Federal Claims.

The Justice Department fought the case, saying that the government should not be judged by today's standards and that perhaps Braude had failed to find employment for years because she was a woman, and over age 40.

However, Judge Roger B. Andewelt ruled about two years ago that Braude was a loyal American who had been unlawfully persecuted and that she had an "equitable claim" based on tort law, which recognizes moral wrongdoing. He ordered the Justice Department to negotiate an award with attorneys from Covington and Burling, a D.C. law firm that continued to fight Braude's case pro bono after her death.

The lawyers settled on \$200,000, and in November, Congress approved the funds as part of a spending bill for the Justice Department. Braude's brother, 79-year-old Theodore Braude, said he was told last week that the check to be paid to Braude's estate is in the mail.

"Immediately on receipt it will be copied and framed," Braude said. "The most important thing is that her name was cleared, that the government admitted an injustice. That makes a whole lot of us feel better."●

TRIBUTE TO THE BOY SCOUTS OF AMERICA ON THE OCCASION OF THE 88TH ANNIVERSARY OF ITS FOUNDING

● Mr. GRAMS. Mr. President, I rise today to pay tribute to the Boy Scouts of America (BSA) on the occasion of the 88th Anniversary of its founding on February 8, 1998.

At the turn of the century in England, Robert Baden-Powell, an outdoor enthusiast and a veteran of the British Army's campaigns in Africa, published a nature skills book intended for young people to expose them to the rewards offered by a working knowledge of nature. The book was titled "Scouting for Boys" and was based on survival manuals Baden-Powell authored during his military career. Shortly after the book's publication, Baden-Powell led a group of 22 boys on a scouting exhibition on Brownsea Island, off the coast of England, for the purpose of applying the principles contained in the book.

From that original group of 22 sprang forth a movement which now boasts over 5 million members in this country alone, and continues to grow each year. In my home state of Minnesota, the Viking Council of the Boy Scouts of America serves over 57,000 youths between the ages of 5 and 20, making it the 21st largest of the 335 Boy Scout Councils in this country.

Participation in the Boy Scouts of America gives young people a sense of self-worth and satisfaction that is the product of setting and accomplishing goals, and being a part of a winning team. Such experiences cultivate discipline and a sense of responsibility that are assets for life.

By cooperating with peers to achieve a common end, Scouts learn valuable lessons in leadership. Countless civic, professional, and community leaders throughout our Nation were involved in the Boy Scouts of America as youths, including 302 members of the 104th Congress.

Through programs like the "Urban Scouting Emphasis," which has over 4,300 participants in urban Minneapolis, the Boy Scouts of America is bringing its valuable life lessons to inner city youth who are particularly at risk of falling victim to the entrapments of the streets. The Boy Scouts of America offers a place where young people can gain a sense of belonging and loyalty that they may otherwise seek to find in street gangs. Furthermore, the importance of programs like "Urban Emphasis" is amplified when considering the annual cost per youth served by Viking Council is \$58.31, whereas the cost of housing a juvenile offender is \$100.00 per day.

Of course all the forementioned would hardly be possible without the adult volunteers who are the foundation of the Boy Scouts of America. Currently there are over 1.3 million men and women nationwide who, in the spirit of Robert Baden-Powell, graciously give their time and talents to ensure that the youth of society grow into well-adjusted adults. Adult volunteers touch the lives of young people by serving as excellent role models and teachers, as well as caring friends.

The Boy Scouts' objectives are defined in the "Aim of Scouting" as being character development, citizenship training, and personal fitness. On the surface, these aims may seem simplistic, yet many have forgotten the importance of these principles. Thankfully, these principles continue to prosper in the Boy Scouts of America.

Mr. President, for 88 years the Boy Scouts of America has been teaching the value of community, Nation, and Creator to our Nation's youth. This is truly grounds for celebration.●

AMENDING THE CONSTITUTION TO PROHIBIT FLAG DESECRATION

● Mr. HAGEL. Mr. President, I rise today to speak in support of Senate Joint Resolution 40, introduced yester-

day by my distinguished colleague from Utah, Senator ORRIN HATCH, proposing an amendment to the Constitution authorizing Congress to prohibit the physical desecration of the American Flag.

From the birth of our nation, the Flag has represented all that is good and decent about our country. Whether it be the battlefields of Bunker Hill and Gettysburg, the trenches of Flanders Field, the shores of Normandy, the rugged terrain of Korea, the jungles of the Mekong, or the desert of Kuwait—the Stars and Stripes led young Americans into battle. Proud young soldiers would carry it high, and if they should fall another would be right there to pick up Old Glory and carry it forward. It may have been tattered by the battle and singed by fire of war, but the American flag burned as a guiding beacon of hope and freedom for our young men and women. For those who paid the ultimate price for our nation, the Flag blanketed their journey and graced their final rest place.

You see, Mr. President, the Flag is not just a piece of cloth. The "broad stripes and bright stars" shining through the "rockets' red glare" inspired Francis Scott Key to write the Star Spangled Banner. It is a symbol so sacred to our nation that we teach our children not to let it touch the ground. It flies over our schools, our churches and synagogues, our courts, our seats of government and homes across America. The Pledge of Allegiance unites all Americans regardless of race, creed or color. The flag is not just a symbol of America, it is America.

Those who oppose this legislation say that it impinges on freedom of speech and violates our Constitution. In my view this is a hollow argument. There are many limits placed on "free speech," including limiting yelling "fire" in a crowded theater. Other freedoms of speech and expression are limited by our slander and libel laws.

In 1989 and 1990 the Supreme Court of this great nation struck down flag protection laws by narrow votes. The Court has an obligation to protect and preserve our fundamental rights as citizens. However the American people understand the difference between freedom of speech and "anything goes."

When our citizens disagree with our national policy, there are a number of options available to them other than destroying the American Flag to make their point. Let them protest, let them write to their newspaper, let them organize, let them march, let them shout to the rooftops—but we should not let them burn the Flag. Too many have died defending the Flag for us to allow it to be used in any way that does not honor their sacrifice.

Mr. President, in a day where too often we lament what has gone wrong with America, it's time to make a stand for decency, for honor and for pride in our nation. Just as the Flag has wrapped itself around the hearts and souls of our nation, let us now

wrap the protection of our Constitution around the Flag.●

ORDERS FOR MONDAY, FEBRUARY 9, 1998

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. on Monday, February 9, and immediately following the prayer the routine requests through the morning hour be granted, and that there then be a period for morning business until 12 noon, with Senators permitted to speak therein for up to 5 minutes each, with the following exceptions: Senator KYL for 10 minutes, Senator BYRD for 20 minutes, and Senator HAGEL for 20 minutes.

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

Mr. LOTT. Mr. President, I ask unanimous consent that, at noon, the Senate resume consideration of the Satcher nomination for up to 6 hours of debate, as under the previous order.

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

PROGRAM

Mr. LOTT. Mr. President, the Senate will not be in session tomorrow, but will convene on Monday, as I have just indicated, February 9—although no rollcall votes will occur on Monday—so that the debate can go forward on the Satcher nomination for the position of Assistant Secretary of HHS and Surgeon General.

As a reminder to all Members, the next rollcall vote will occur then on invoking cloture on the Satcher nomination, if necessary, and I presume it will be at 11 a.m. on Tuesday, February 10. If cloture is invoked on that nomination, a second vote would occur immediately on the confirmation of the nomination. Also, a cloture motion was filed on the motion to proceed to the cloning legislation; therefore, that vote will occur on Tuesday as well.

RECORD TO REMAIN OPEN UNTIL 4 P.M. TODAY

Mr. LOTT. Mr. President, I ask unanimous consent that the Record remain open until 4 p.m. today for Members to introduce legislation and to submit statements for the RECORD.

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

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT RE-AUTHORIZATION

Mr. LOTT. Mr. President, in conclusion, before I take the Senate out following the statement of Senator KENNEDY, I want to briefly comment on some statements that have been made today and yesterday here and in other arenas and forums. There are those saying we should immediately bring up the ISTEA highway bill.