

that the only way to ensure that future generations of those kids would not be buried on foreign land was to continue to provide for a strong defense and American leadership whenever and wherever it was needed.

And any success I achieved in this regard was achieved because so many others stood with me. And although this old soldier has retired from elective office, I don't intend to fade away. Rather, I will continue to stand up and speak out on matters of importance to the United States, and I will always regard this day and this award not as recognition for any achievements of the past, but as a reminder of our responsibilities to future generations of Americans.

And so, Mr. Secretary, Lieutenant Robert J. Dole is reporting for duty today, ready for a mission that must be shared by all Americans; a mission perhaps best defined by the author Herman Wouk, who said:

"(Our duty is to) reassure (our men and women in uniform) that their hard, long training is needed, that love of country is noble, that self-sacrifice is rewarding and that to be ready to fight for freedom fills one with a sense of worth like nothing else * * * for if America is still the great beacon in dense gloom, the promise to hundreds of millions of the oppressed that liberty exists, that it is the shining future, that they can throw off their tyrants, and learn freedom and cease learning war, then we still need heroes to stand guard in the night."

Thank you, Mr. Secretary for this day, and thanks to all those heroes here today and the countless thousands who serve with you who make the world a safer place by standing guard in the night.●

TRIBUTE TO BARRY GOLDWATER

Mr. LOTT. Mr. President, I know I speak for the entire Senate in expressing to the family of Senator Barry Goldwater our sympathy for their loss and for our country's loss as well. On Wednesday, many of us in the Senate will attend his funeral in his beloved Arizona. The Senate Sergeant at Arms is making arrangements for those who wish to join in this last tribute to our former colleague. All Senate offices will be informed about those details soon. In fact, I believe that information has gone out and we do expect a large number of Senators to join in going to the funeral services in Arizona.

The Senate will not be in session on Wednesday in honor of this great Senator and leader from Arizona.

If Barry were here with us today, I think he would tell us in his characteristically blunt manner not to be too solemn about this occasion. After all, he was an extremely fortunate man and he felt that way and said so himself many times. He was blessed with length of days and devotion of family and friends. In fact, as I looked over the details of the services, I noted that he will be carried by his grandsons as poll bearers. I know that would have been really special to him. He loved his work. He loved the people he represented. He spoke his mind. In many ways, he owed nobody, but he loved everybody. He was a winner, not just in the sense of winning elections—with one rather major exception—but in the most important sense of having his

ideas vindicated by the course of history.

In his one losing election, the Presidential race of 1964, he was subject to more falsehoods, in my opinion, than any candidate should ever have to bear.

In losing with honor, he did more than encourage others to stand up for their beliefs. I was one of those young people that was fresh out of college and working for my alma mater, the University of Mississippi, and casting my first vote ever in a Presidential election for Barry Goldwater in my hometown of Pascagoula, MS, and watching the election returns that night from Pensacola, FL. I remember how I had been inspired by what he had to say. I think that was the moment I decided I would spend a good portion of my life involved in trying to be a representative of the people in Government.

Along with then-Governor Ronald Reagan, Barry Goldwater energized the grassroots of American politics, fostered the growth of modern conservatism, and thereby transformed the Republican Party and the Nation.

His statement of political faith—a slight book called "The Conscience of a Conservative"—continues to challenge and inspire readers. I have my little paperback version of "The Conscience of a Conservative" that I keep in a small library in my hometown. There are many Members of Congress today who treasure their well-worn copies of that volume, as well they might, for it remains an eloquent manifesto of the cause of liberty.

The conservative movement has had many heroes, but Barry Goldwater remains preeminent, even though he came to disagree with conservatives on some issue. That disagreement has belatedly won him some new admirers, even some liberals who fail to see the difference between his reasoning and theirs.

The difference is that they tend to downplay personal responsibility. Senator Barry Goldwater, on the other hand, demanded it. He expected individuals to live with the consequences of their decisions. It was his sense of responsibility that brought Barry Goldwater into Government and empowered his fight against big Government.

It was personal responsibility that he preached to his fellow Americans. In 1964 many were unwilling to listen. Today, three decades later, his message is heard and echoed from think tanks to pulpits, from classrooms to the Congress.

He gave so much to the country he loved so much. So many years of service in government, so strong a voice for national security against the threat of communism, and so passionate a confidence in the ability of average men and women to do extraordinary things.

But surely his greatest gift was preparing the way for a rebirth of the conservative ideas and values which make freedom possible.

That long ago won him an honored place in the hearts of his fellow believ-

ers, and it now ensures for him an honored place in the history of America.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the Executive Calendar: Number 600.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER (Mr. AL-LARD). Without objection, it is so ordered.

The nomination was considered and confirmed as follows:

THE JUDICIARY

Chester J. Straub, of New York, to be United States Circuit Judge for the Second Circuit.

Mr. LOTT. For the information of all Senators, that was the confirmation of Mr. Chester J. Straub, of New York, to be U.S. Circuit Judge for the Second Circuit.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR NO. 622

Mr. LOTT. Mr. President, I further ask unanimous consent that following the cloture vote scheduled for Tuesday at 6 p.m., regardless of the outcome, the Senate then proceed to executive session for the consideration of Calendar No. 622. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, and the Senate then return to legislative session.

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

Mr. LOTT. Calendar No. 622 will be considered tomorrow, which would be Rosemary Pooler to be U.S. Circuit Judge for the Second Circuit in New York.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

AUTHORITY FOR DOCUMENT PRODUCTION AND REPRESENTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 239, submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 239) to authorize testimony and document production and representation of Senate employees in Pointe

Properties, Inc., et al. v. Michael J. Bevenour, et al.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, the case of *Pointe Properties, Inc., et al. versus Michael J. Bevenour, et al.*, is a civil case pending in the Superior Court for the District of Columbia.

This defamation action by a land development company and two of its officers and directors arises out of two 1996 letters prepared and distributed by the defendants, members of a citizens group opposed to the development of certain land in Maryland's Anne Arundel County. A few months prior to mailing these letters, some of the defendants met with Mike Morrill of Senator MIKULSKI's staff to discuss plaintiffs' land-development proposal. Counsel for these defendants have asked Mr. Morrill to testify about that meeting, and Senator MIKULSKI would like Mr. Morrill to be authorized to do so.

This resolution would authorize Senator MIKULSKI's staff to testify and produce relevant documents, with representation from the Senate Legal Counsel.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 239) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 239), with its preamble, reads as follows:

S. RES. 239

A Resolution (S. Res. 239) to authorize testimony and document production and representation of Senate employees in *Pointe Properties, Inc., et al. v. Michael J. Bevenour, et al.*:

Whereas, in the case of *Pointe Properties, Inc., et al. v. Michael J. Bevenour, et al.*, No. 96-CA-009720, pending in the Superior Court for the District of Columbia, testimony has been requested from Mike Morrill, an employee on the staff of Senator Barbara A. Mikulski;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony or the production of documents relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Mike Morrill, and any other employee from whom testimony or document production may be required, are authorized to testify and produce documents in the case of *Pointe Properties, Inc., et al. v. Michael J. Bevenour, et al.*, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Mike Morrill, and any other employee from whom testimony or document production may be required, in connection with *Pointe Properties, Inc., et al. v. Michael J. Bevenour, et al.*

UNANIMOUS-CONSENT AGREE- MENT—NUCLEAR WASTE POLICY ACT

Mr. LOTT. Mr. President, I ask unanimous consent that at 4 p.m. on Tuesday, June 2nd, there be 2 hours of debate equally divided between the opponents and proponents of the nuclear waste legislation. I further ask unanimous consent that the vote occur on the motion to invoke cloture on the motion to proceed to that bill at 6 p.m. on Tuesday.

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

ORDERS FOR TUESDAY, JUNE 2, 1998

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Tuesday, June 2d. I further ask that on Tuesday immediately following the prayer, the routine requests through the morning hour be granted and the Senate then begin a period of morning business until 10 a.m. with Senators permitted to speak for up to 5 minutes each with the following exceptions:

Senator HAGEL for 10 minutes; Senator DORGAN for 10 minutes; and Senator AKAKA for 5 minutes.

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

Mr. LOTT. I further ask that following morning business the Senate resume consideration of the Durbin amendment, No. 2438, pending to the tobacco legislation.

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

Mr. LOTT. I further ask that the Senate stand in recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly party caucuses to meet.

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

PROGRAM

Mr. LOTT. For the information of all Senators, the Senate will reconvene at 9:30. There will be 30 minutes of morning business. Following that business, we will return to the consideration of the tobacco legislation with several amendments pending. It is hoped that those amendments can be disposed of in a timely fashion so that the remaining amendments to this important bill may be offered and debated. I do expect at this time that there could be a vote or two on amendments on this bill tomorrow afternoon, although that has not been locked in at this point.

At 4 p.m. we will return to 2 hours of debate equally divided on the nuclear waste bill. Following that, there would be a vote to invoke cloture.

Also, any votes ordered in respect to the tobacco bill will occur in a stacked sequence at that time. That could involve anywhere from one, two, or three votes at the 6 o'clock hour.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under previous order.

There being no objection, the Senate, at 6:23 p.m., adjourned until Tuesday, June 2, 1998, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 1, 1998:

THE JUDICIARY

CHESTER J. STRAUB, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT.