

in January might be crucial to Republican hopes to retain the speakership in what is expected to be a close race.

Senators Schumer and Kennedy, both of whom serve on the Judiciary committee, said in their letter that Mr. Clark's legislative campaign "appears to be in clear violation of the Code of Conduct for United States Judges." The canons mandate that "a judge refrain from political activity."

Steven Gillers, the vice dean of the New York University Law School and an authority on ethics, said that provisions in both the federal and state codes of conduct mandated that Mr. Clark resign his political office. The Texas code, he said, makes it clear that a candidate for a judicial office has to behave as a judge in avoiding politics. The federal rules require a judge to resign from office when he or she becomes a candidate for political office.

"While a person seeking a judgeship may have an argument that he not give up a political office, this man is, for all intents and purposes, a judge," Mr. Gillers said.

Erwin Chemerinsky, a visiting law professor at Duke University, said Mr. Clark seemed to be using the formality of Mr. Bush's signature to avoid his obligations.

"But judicial ethics is all about removing judges from politics," Mr. Chemerinsky said, and given that Mr. Bush is the president who appointed him, Mr. Clark should not run for office.

Senate Republicans and President Bush have said that there is an urgent need to fill federal judgeships and that action is being blocked by the Democrats who have opposed several of the president's nominees.

In fact, today, at a White House celebration of Hispanic Heritage Month, Mr. Bush criticized the Senate's handling of his nomination of Miguel Estrada to a seat on the United States Court of Appeals for the District of Columbia.

"There are senators who are playing politics with this good man's nomination," the president said. "There are senators who would rather not give him the benefit of the doubt, senators looking for a reason to defeat him as opposed to looking for a reason to herald his intelligence, his capabilities, his talent. I strongly object to the way this man is going to be treated in the United States Senate."

The Judiciary Committee recently held a hearing on Mr. Estrada's nomination but has not scheduled a vote.

#### PALESTINIAN SUICIDE BOMBER

Mr. McCONNELL. Mr. President, as the Senate debates the resolution authorizing the use of force against Iraq, yet another Palestinian suicide bomber killed himself and an innocent bystander in Israel. Twenty-nine others were reportedly injured in that attack.

Those who believe that Saddam Hussein's murderous regime poses no immediate threat to America or our allies would be wise to consider the evidence seized by Israeli forces in their own war against terrorism. According to recent press reports, Iraqi Vice President Taha Yassin Ramadan personally directed the transfer of funds to the families of suicide bombers in amounts ranging from \$10,000 to \$25,000. The delusional butchers in Baghdad may view this money as a sort of "martyr fund", in reality it is no more than a "murder fund."

Palestinian and Iraqi extremists are cut from the same cloth as the al-Qaida

terrorists who attacked our shores. As a threat to human life and decency, there is only one way to deal with these fanatics and that is to destroy them.

The innocent victims of this latest suicide bombing are in my thoughts and prayers. I ask all my colleagues to join me in honoring all those killed by terrorists in the United States and abroad, particularly in Israel.

#### SENATOR BYRD: ELOQUENTLY RESISTING THE RUSH TO WAR

Mr. KENNEDY. Mr. President, I welcome this opportunity to commend our outstanding colleague, Senator ROBERT BYRD, for his thoughtful and eloquent op-ed article in *The New York Times* this morning. In his article, Senator BYRD rightfully condemns the failure of Congress to take adequate time to exercise our all-important constitutional responsibility in deciding whether or not America should go to war with Iraq.

Instead of fairly assessing the full consequences of the administration's proposal, Congress is allowing itself to be rushed into a premature decision to go to war. Many of us agree with Senator BYRD, and so do large numbers of Americans across the country.

We owe the Senate and the Nation a more thoughtful deliberation about war. Senator BYRD's article is a powerful statement urging Congress not delegate our constitutional power to the President, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the *New York Times*, Oct. 10, 2002]

CONGRESS MUST RESIST THE RUSH TO WAR

(By Robert C. Byrd)

WASHINGTON.—A sudden appetite for war with Iraq seems to have consumed the Bush administration and Congress. The debate that began in the Senate last week is centered not on the fundamental and monumental questions of whether and why the United States should go to war with Iraq, but rather on the mechanics of how best to wordsmith the president's use-of-force resolution in order give him virtually unchecked authority to commit the nation's military to an unprovoked attack on a sovereign nation.

How have we gotten to this low point in the history of Congress? Are we too feeble to resist the demands of a president who is determined to bend the collective will of Congress to his will—a president who is changing the conventional understanding of the term "self-defense"? And why are we allowing the executive to rush our decision-making right before an election? Congress, under pressure from the executive branch, should not hand away its Constitutional powers. We should not hamstring future Congresses by casting such a shortsighted vote. We owe our country a due deliberation.

I have listened closely to the president, I have questioned the members of his war cabinet. I have searched for that single piece of evidence that would convince me that the president must have in his hands, before the month is out, open-ended Congressional authorization to deliver an unprovoked attack on Iraq. I remain unconvinced. The presi-

dent's case for an unprovoked attack is circumstantial at best. Saddam Hussein is a threat, but the threat is not so great that we must be stampeded to provide such authority to this president just weeks before an election.

Why are we being hounded into action on a resolution that turns over to President Bush the Congress's Constitutional power to declare war? This resolution would authorize the president to use the military forces of this nation wherever, whenever and however he determines, and for as long as he determines, if he can somehow make a connection to Iraq. It is a blank check for the president to take whatever action he feels "is necessary and appropriate in order to defend the national security of the United States against the continuing threat posed by Iraq." This broad resolution underwrites, promotes and endorses the unprecedented Bush doctrine of preventive war and preemptive strikes—detailed in a recent publication, "National Security Strategy of the United States"—against any nation that the president, and the president alone, determines to be a threat.

We are at the gravest of moments. Members of Congress must not simply walk away from their Constitutional responsibilities. We are the directly elected representatives of the American people, and the American people expect us to carry out our duty, not simply hand it off to this or any other president. To do so would be to fail the people we represent and to fall woefully short of our sworn oath to support and defend the Constitution.

We may not always be able to avoid war, particularly if it is thrust upon us, but Congress must not attempt to give away the authority to determine when war is to be declared. We must not allow any president to unleash the dogs of war at his own discretion and for an unlimited period of time.

Yet that is what we are being asked to do. The judgment of history will not be kind to us if we take this step.

Members of Congress should take time out and go home to listen to their constituents. We must not yield to this absurd pressure to act now, 27 days before an election that will determine the entire membership of the House of Representatives and that of a third of the Senate. Congress should take the time to hear from the American people, to answer their remaining questions and to put the frenzy of ballot-box politics behind us before we vote. We should hear them well, because while it is Congress that casts the vote, it is the American people who will pay for a war with the lives of their sons and daughters.

#### 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 in March of last year. 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 describe a terrible crime that occurred June 20, 2000 in New York NY. Amanda Milan, a 27-year-old transgendered woman, died after her throat was slashed with a knife outside the Port Authority. Witnesses say that a group of taxi drivers cheered and applauded as the crime was committed and shouted anti-

transgender remarks. One of the perpetrators shouted phrases like "You're a man!" and made crude reference to the victim's gender. Three men were arrested in connection with the incident.

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 and changing current law, we can change hearts and minds as well.

#### ISRAELI-PALESTINIAN CONFLICT

Mr. HOLLINGS. Mr. President, during the summer I cautioned that we had problems: the terrorism war, the Middle East, Iraq, and we needed to put first things first. Success in the terrorism war depends in large measure on the cooperation and support of the Arab world. Obviously, this support would sharply diminish with an invasion of Iraq. The Israeli-Palestinian conflict had gotten out of hand with daily suicide bombings and we needed to stabilize the peace process before invading. More importantly, I was convinced that any imminent threat from Saddam would be handled by Israel without debate. I ask unanimous consent a copy of these thoughts published in the Charleston, SC Post and Courier back in August be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Post and Courier, Aug. 30, 2002]

#### ISRAEL-PALESTINE CRISIS, NOT SADDAM, SHOULD BE BUSH'S PRIORITY

(By Senator Ernest F. Hollings)

We have problems:

- (1) The Muslim extremists' attack on 9/11 starting the Terrorism War.
- (2) The Israeli-Palestinian conflict.
- (3) The Saudi Arabian and other Muslim support of terrorists.
- (4) At the same time, the need for Muslim support in the Terrorism War.
- (5) Iraq.

For the moment, the Iraq problem is easily solved. Our friend Israel, with its Mossad Intelligence, knows the Iraqi threat—nuclear, chemical, or biological. In 1981, they didn't wait for the nuclear plant to be completed in Baghdad. They knocked it out and today stand ready to knock out such a threat again. We can depend on Israel for this. But Israel must depend on America to get it out of its present fix. Prime Minister Sharon's approach to peace—bulldozing homes, sending in gun ships, and reoccupying Palestinian territories—is creating more terrorists than are being eliminated. We must put first things first. Secure Israel and deal later with Saddam. Mention the Middle East and the extremes take over. There are those who want to eliminate Israel; and those who want to prevent a Palestinian state. It's important to remember a few historical "non-extremes":

- (1) We supported the settlement of Holocaust survivors into the Middle East, and the United States and the United Nations recognized the State of Israel.
- (2) Egypt, Syria, Jordan and the Palestinians went to war with Israel over this and Israel won.

(3) As a result, the Palestinian losers have been holed up in Gaza and the West Bank for 35 years. The Israelis use the Palestinians in Israel as a workforce, but Palestinian living conditions in Gaza and the West Bank have been semi-prisoner and now prisoner.

(4) Israel and the world leadership recognized that the condition of the Palestinians could not be sustained and all have announced for a Palestinian state.

Trying to define a Palestinian state and guaranteeing the security of Israel at the same time has always been tenuous. Anwar Sadat tried and was assassinated. Yitzhak Rabin tried and was assassinated. In forming the state of Israel, Palestinians were scattered to Lebanon, Syria, Jordan, Egypt, Kuwait and the world around. Many still consider themselves refugees and live for the day that they can return to Israel. They feel the U.S. support for Israel prevents that return. This enmity toward the U.S. in exacerbated by our support of the corrupt government of Saudi Arabia.

The Saudis are two-faced. They maintain the kingdom by financing the clerics and Madrassa schools against the "Great Satan" United States while securing their national defense from the United States with cheap oil. Not surprisingly 15 of the terrorists on September 11th were from Saudi Arabia. A feeling of hopelessness has developed in Gaza and the West Bank. Youngsters with nothing to lose willingly give their lives to terrorize Israel.

Frustration with the United States' support of Israel is exemplified by attacks on the World Trade Towers in 1993, on our barracks in Lebanon and Saudi Arabia, our embassies in Kenya and Tanzania, the consulate now in Pakistan and martyrs willingly giving their lives to blow up the USS Cole, the Pentagon and again the World Trade Center. A cause against Israel and the United States has developed in the Muslim world. A recent Gallup poll in Pakistan shows that 80 percent of the people in Pakistan consider Osama bin Laden a war hero.

When President Bush took office, he was determined not to pursue President Clinton's full-court press for peace in the Middle East. He applied "benign neglect" for 16 months. Now that it has his attention, he dismisses the problem by calling for the removal of the elected leader of the Palestinians and the forming of a democratic government in three years. In the Middle East forming a democracy would be more like 30 years. And the best way to guarantee the continuation of Yasser Arafat is for the U.S. president to call for his removal.

Whining, "they hate us," we refuse to discuss or recognize the Palestinian cause. The cause must be confronted. "You can't kill an idea with a sword." The Terrorism War won't be won militarily. Our foreign policy must not be left to the extremes, Sharon and Arafat. Five years from now, 10 years from now, 50 years from now there will be an Israel and there will be a Palestine. The only course is for the Israelis and the Palestinians to learn to live together. For this to occur, President Bush must personally meet with the Middle East leaders and work out a realistic step-by-step institution for the security of Israel and the State of Palestine. Only after that can America get the support we need around the globe for the Terrorism War and the overthrow of Saddam.

Mr. HOLLINGS. The President's policy is correct, but his implementation miserable. One would hope that, with an imminent threat, the Congressional leadership is corralled quietly, briefed, and allies consulted for whatever action is taken. On the contrary, this President started off by threatening

friends and foes alike blabbing, "You are either with us or against us," "We are the world superpower," "I don't need the U.N.," "I don't need the Congress." He seemed totally oblivious to the fact that he is going in two different directions at the same time. Success in the war on terrorism is largely dependent on support of the Arab world, but with the President's abruptness and braggadocio, that support could disappear with the invasion of an Arab country. The President thinks leadership is announcing without any massaging. His policy of preventive war was made to appear that war was our first choice. At one time the President managed to have the international community united against us.

Now, it seems that President Bush has been housebroken on foreign policy. He has asked for the approval of Congress; he has presented his case to the United Nations; and, amazingly, last week said that for the United States, "War is the last option." In turn, some of our European allies have come on board so that we now have a coalition, the United Nations is strengthening its inspection resolution and finally—itself. The resolution of approval by the Congress for the President to take action has now been changed to make sense. While the threat is not imminent, the goal is desirable and the failure of Congress and the President to move together at this point would seriously damage our credibility and cause us irreparable harm in foreign affairs.

#### LIGHTS ON AFTER SCHOOL! DAY

Mr. DODD. Mr. President, I rise to recognize today as Lights On After School! Day. Lights On After School! is a project of the Afterschool Alliance to open the doors of after-school programs around the country to neighbors, community leaders, and the media so that everyone understands the importance of after-school programs to providing children of working parents with a safe place to be until their parents are home and providing all children with cultural and academic opportunities. Last year, more than 400,000 people participated in Lights On After School! events and I hope that even more will participate this year.

I have been a longtime supporter of the 21st Century Community Learning Centers program, which provides federal support for local after-school centers. For years, I have worked hard, as have many others, including Senator JEFFORDS and Senator BOXER, to increase support for these centers. And, with the appropriation having grown from \$750,000 in fiscal year 1995 to \$1 billion in fiscal year 2002, I think we've been phenomenally successful. I'm very disappointed that the President wants to freeze support for these programs, but I'm pleased that the Senate Appropriations Committee's education appropriations bill increases funding for