

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on May 20, 2010, at 2:30 p.m., to conduct a hearing entitled "Balancing Act: Efforts to Right-Size the Federal Employee-to-Contractor Mix."

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

#### PRIVILEGES OF THE FLOOR

Mr. DODD. Mr. President, I ask unanimous consent that a committee intern, Robert Courtney, be granted the privilege of the floor for the duration of today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### UNANIMOUS-CONSENT AGREEMENT—H.R. 4173

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the order with respect to H.R. 4173 and the motions to instruct be modified to provide that the Senate consider the motions beginning at 4:45 p.m., Monday, May 24, and that the Senate proceed to vote on the motions after the use or yielding back of all time available for debate with respect to both motions, and that the other provisions of the previous order remain in effect.

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

#### INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT EXTENSIONS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5139, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5139) to provide for the International Organizations Immunities Act to be extended to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo.

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

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements re-

lated to the bill be printed in the RECORD.

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

The bill (H.R. 5139) was ordered to a third reading, was read the third time, and passed.

#### DECLARATION OF CONSCIENCE DAY

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 536, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 536) designating June 1, 2010, as "Declaration of Conscience Day" in commemoration of the 60th anniversary of the landmark "Declaration of Conscience" speech delivered by Senator Margaret Chase Smith on the floor of the United States Senate.

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

Ms. SNOWE. Mr. President, unwavering in principle and hewing always to her Maine roots and hallmark independence, Margaret Chase Smith exemplified the finest qualities of our great state of Maine which she represented with the highest distinction in the U.S. House of Representatives and the U.S. Senate. A true American political icon and esteemed stateswoman, she was and remains the embodiment of Maine's motto, *Dirigo* or "I Lead." And lead she did.

As I said 10 years ago, on the 50th anniversary of her groundbreaking remarks, in order to lead, one must first be able to follow—follow one's conscience, follow one's own ideals, and follow what you know in your heart to be right. In taking the path less travelled, Senator Smith became a truly distinguished leader, not just of her time, but for all time, and delivered what we remember as her signature contribution to America and the very freedoms we cherish.

Indeed, on this momentous occasion, we pay tribute to a political giant and legend, who rose from the most humble of beginnings to the highest corridors of power—the heights of which she never sought for personal gain, but rather in order to serve the state she loved and the Nation she revered. And we honor her uncommon courage in confronting a scourge no other Senator sought to challenge, which she demonstrated without equivocation on June 1, 1950.

During a time enveloped by a crucible of hatred and fear, it was Senator Margaret Chase Smith who became the first U.S. Senator to speak the words that much of America had been thinking to itself back in the dark spring of 1950—as Senator Joseph McCarthy made sensational and unsubstantiated charges that, through blatant opportunism, had turned him into a national celebrity.

But while her colleagues hid behind their silence, with her famous "Declaration of Conscience" speech, Margaret Chase Smith articulated the truth and, in so doing, courageously challenged a giant of demagoguery. Senator Smith stood and bravely defended what she termed "some of the basic principles of Americanism." She managed to accomplish in 15 minutes what 94 of her colleagues had not dared to do, prompting American financier and presidential adviser, Bernard Baruch, to say that, "had a man made that speech, he would have become the next President of the United States."

Margaret Chase Smith was a teacher, a telephone operator, a newspaper woman, an office manager, a secretary, a wife, a Congresswoman, and a U.S. Senator. She was a visionary of endless "firsts" . . . the first woman to be elected to both Houses of Congress . . . the first woman to be nominated for President by a major party . . . even the first woman to break the sound barrier in an F-100F Super Sabre Air Force jet.

But because of her bravery—both in politics and in life itself—she inspired millions of young girls, and became a role model for countless more women across America who never before thought they could aspire to any kind of public office. She certainly paved the way for Senator COLLINS and me—after all, who could have predicted that, one day, Maine would make history by electing two Republican women to serve concurrently in the U.S. Senate. That is why, as direct beneficiaries of Senator Smith's groundbreaking public service in the U.S. Congress, it is a tremendous privilege to introduce this resolution.

In the end, the measure of Senator Smith's life is in the standard of leadership established by her resonating words and powerful actions. We cannot begin to overstate the legacy she has bequeathed to us, the hallmark of which was her Declaration of Conscience speech. In the words of the ancient Greek, Aeschylus, she "was not to seem, but to be, the best." Simply put, she was and she will always be! Her example will forever illuminate this chamber and light our way.

Mr. President, I ask unanimous consent that Margaret Chase Smith's "Declaration of Conscience" speech be printed in the RECORD.

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

MARGARET CHASE SMITH  
DECLARATION OF CONSCIENCE  
June 1, 1950  
(In the Senate)

Mr. President, I would like to speak briefly and simply about a serious national condition. It is a national feeling of fear and frustration that could result in national suicide and the end of everything that we Americans hold dear. It is a condition that comes from the lack of effective leadership either in the legislative branch or the executive branch of our government.

That leadership is so lacking that serious and responsible proposals are being made that national advisory commissions be appointed to provide such critically needed leadership.

I speak as briefly as possible because too much harm has already been done with irresponsible words of bitterness and selfish political opportunism. I speak as simply as possible because the issue is too great to be obscured by eloquence. I speak simply and briefly in the hope that my words will be taken to heart.

Mr. President, I speak as a Republican. I speak as a woman. I speak as a United States senator. I speak as an American.

#### A FORUM OF HATE AND CHARACTER ASSASSINATION

The United States Senate has long enjoyed worldwide respect as the greatest deliberative body in the world. But recently that deliberative character has too often been debased to the level of a forum of hate and character assassination sheltered by the shield of congressional immunity.

It is ironic that we senators can in debate in the Senate, directly or indirectly, by any form of words, impute to any American who is not a senator any conduct or motive unworthy or unbecoming an American—and without that non-senator American having any legal redress against us—yet if we say the same thing in the Senate about our colleagues we can be stopped on the grounds of being out of order.

It is strange that we can verbally attack anyone else without restraint and with full protection, and yet we hold ourselves above the same type of criticism here on the Senate floor. Surely the United States Senate is big enough to take self-criticism and self-appraisal. Surely we should be able to take the same kind of character attacks that we “dish out” to outsiders.

I think that it is high time for the United States Senate and its members to do some real soul searching and to weigh our consciences as to the manner in which we are performing our duty to the people of America and the manner in which we are using or abusing our individual powers and privileges.

I think that it is high time that we remembered that we have sworn to uphold and defend the Constitution. I think that it is high time that we remembered that the Constitution, as amended, speaks not only of the freedom of speech but also of trial by jury instead of trial by accusation.

Whether it be a criminal prosecution in court or a character prosecution in the Senate, there is little practical distinction when the life of a person has been ruined.

#### THE BASIC PRINCIPLES OF AMERICANISM

Those of us who shout the loudest about Americanism in making character assassinations are all too frequently those who, by our own words and acts, ignore some of the basic principles of Americanism—

The right to criticize.

The right to hold unpopular beliefs.

The right to protest.

The right of independent thought.

The exercise of these rights should not cost one single American citizen his reputation or his right to a livelihood nor should he be in danger of losing his reputation or livelihood merely because he happens to know someone who holds unpopular beliefs. Who of us does not? Otherwise none of us could call our souls our own. Otherwise thought control would have set in.

The American people are sick and tired of being afraid to speak their minds lest they be politically smeared as “Communists” or “Fascists” by their opponents. Freedom of speech is not what it used to be in America. It has been so abused by some that it is not exercised by others.

The American people are sick and tired of seeing innocent people smeared and guilty people whitewashed. But there have been enough proved cases, such as the Amerasia case, the Hiss case, the Coplon case, the Gold case, to cause nationwide distrust and strong suspicion that there may be something to the unproved, sensational accusations.

#### A CHALLENGE TO THE REPUBLICAN PARTY

As a Republican, I say to my colleagues on this side of the aisle that the Republican party faces a challenge today that is not unlike the challenge which it faced back in Lincoln's day. The Republican party so successfully met that challenge that it emerged from the Civil War as the champion of a united nation—in addition to being a party which unrelentingly fought loose spending and loose programs.

Today our country is being psychologically divided by the confusion and the suspicions that are bred in the United States Senate to spread like cancerous tentacles of “know nothing, suspect everything” attitudes. Today we have a Democratic administration which has developed a mania for loose spending and loose programs. History is repeating itself—and the Republican party again has the opportunity to emerge as the champion of unity and prudence. The record of the present Democratic administration has provided us with sufficient campaign issues without the necessity of resorting to political smears. America is rapidly losing its position as leader of the world simply because the Democratic administration has pitifully failed to provide effective leadership.

The Democratic administration has completely confused the American people by its daily contradictory grave warnings and optimistic assurances, which show the people that our Democratic administration has no idea of where it is going.

The Democratic administration has greatly lost the confidence of the American people by its complacency to the threat of communism here at home and the leak of vital secrets to Russia through key officials of the Democratic administration. There are enough proved cases to make this point without diluting our criticism with unproved charges.

Surely these are sufficient reasons to make it clear to the American people that it is time for a change and that a Republican victory is necessary to the security of the country. Surely it is clear that this nation will continue to suffer so long as it is governed by the present ineffective Democratic administration.

#### “THE FOUR HORSEMEN OF CALUMNY”

Yet to displace it with a Republican regime embracing a philosophy that lacks political integrity or intellectual honesty would prove equally disastrous to the nation. The nation sorely needs a Republican victory. But I do not want to see the Republican party ride to political victory on the Four Horsemen of Calumny—Fear, Ignorance, Bigotry, and Smear.

I doubt if the Republican party could do so, simply because I do not believe the American people will uphold any political party that puts political exploitation above national interest. Surely we Republicans are not that desperate for victory.

I do not want to see the Republican party win that way. While it might be a fleeting victory for the Republican party, it would be a more lasting defeat for the American people. Surely it would ultimately be suicide for the Republican party and the two-party system that has protected our American liberties from the dictatorship of a one-party system.

As members of the minority party, we do not have the primary authority to formulate

the policy of our government. But we do have the responsibility of rendering constructive criticism, of clarifying issues, of allaying fears by acting as responsible citizens.

As a woman, I wonder how the mothers, wives, sisters, and daughters feel about the way in which members of their families have been politically mangled in Senate debate—and I use the word “debate” advisedly.

#### “IRRESPONSIBLE SENSATIONALISM”

As a United States senator, I am not proud of the way in which the Senate has been made a publicity platform for irresponsible sensationalism. I am not proud of the reckless abandon in which unproved charges have been hurled from this side of the aisle. I am not proud of the obviously staged, undignified countercharges which have been attempted in retaliation from the other side of the aisle.

I do not like the way the Senate has been made a rendezvous for vilification, for selfish political gain at the sacrifice of individual reputations and national unity. I am not proud of the way we smear outsiders from the floor of the Senate and hide behind the cloak of congressional immunity and still place ourselves beyond criticism on the floor of the Senate.

As an American, I am shocked at the way Republicans and Democrats alike are playing directly into the Communist design of “confuse, divide, and conquer.” As an American, I do not want a Democratic administration “whitewash” or “coverup” any more than I want a Republican smear or witch hunt.

As an American, I condemn a Republican Fascist just as much as I condemn a Democrat Communist. I condemn a Democrat Fascist just as much as I condemn a Republican Communist. They are equally dangerous to you and me and to our country. As an American, I want to see our nation recapture the strength and unity it once had when we fought the enemy instead of ourselves.

It is with these thoughts that I have drafted what I call a Declaration of Conscience. I am gratified that the senator from New Hampshire [Mr. TOBEY], the senator from Vermont [Mr. AIKEN], the senator from Oregon [Mr. MORSE], the senator from New York [Mr. IVES], the senator from Minnesota [Mr. THYE], and the senator from New Jersey [Mr. HENDRICKSON] have concurred in that declaration and have authorized me to announce their concurrence.

The declaration reads as follows:

#### Statement of Seven Republican Senators

1. We are Republicans. But we are Americans first. It is as Americans that we express our concern with the growing confusion that threatens the security and stability of our country. Democrats and Republicans alike have contributed to that confusion.

2. The Democratic administration has initially created the confusion by its lack of effective leadership, by its contradictory grave warnings and optimistic assurances, by its complacency to the threat of communism here at home, by its oversensitiveness to rightful criticism, by its petty bitterness against its critics.

3. Certain elements of the Republican party have materially added to this confusion in the hopes of riding the Republican party to victory through the selfish political exploitation of fear, bigotry, ignorance, and intolerance. There are enough mistakes of the Democrats for Republicans to criticize constructively without resorting to political smears.

4. To this extent, Democrats and Republicans alike have unwittingly, but undeniably, played directly into the Communist design of “confuse, divide, and conquer.”

5. It is high time that we stopped thinking politically as Republicans and Democrats about elections and started thinking patriotically as Americans about national security based on individual freedom. It is high time that we all stopped being tools and victims of totalitarian techniques—techniques that, if continued here unchecked, will surely end what we have come to cherish as the American way of life.

MARGARET CHASE SMITH,  
*Maine.*

CHARLES W. TOBEY,  
*New Hampshire.*

GEORGE D. AIKEN,  
*Vermont.*

WAYNE L. MORSE,  
*Oregon.*

IRVING M. IVES,  
*New York.*

EDWARD J. THYE,  
*Minnesota.*

ROBERT C. HENDRICKSON,  
*New Jersey.*

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

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

The resolution (S. Res. 536) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 536

Whereas on June 1, 1950, Senator Margaret Chase Smith of the State of Maine, in her first major speech on the floor of the Senate, delivered a courageous and heroic speech responding to the contemptible actions and words of Senator Joseph McCarthy from the State of Wisconsin;

Whereas in 15 minutes, Senator Smith accomplished a task that 94 of her male colleagues did not dare to attempt;

Whereas Senator Smith had the will and integrity to speak out vigorously when silence was a safer course;

Whereas through the power of her iconic words, Senator Smith challenged a giant of demagoguery, prompting financier and presidential advisor, Bernard Baruch, to say that “had a man made that speech, he would have become the next President of the United States”;

Whereas Senator Smith, because of her bravery both in politics and in life, inspired millions of young girls, and became a role model for countless more women across the United States, who had never before thought that women could aspire to any kind of public office;

Whereas Senator Smith was a legendary and undeniable force of civic good and political courage, whose bravery, civility, com-

passion, and integrity are woven indelibly into the fabric of the greatness of the United States;

Whereas Senator Smith was a much-beloved and universally admired daughter of the State of Maine and forever the pride of Skowhegan, Maine, her birthplace and home;

Whereas Senator Smith was a teacher, telephone operator, newspaper woman, office manager, secretary, wife, Congresswoman, and Senator;

Whereas Senator Smith was the first woman to be elected to both Houses of Congress; and

Whereas Senator Smith was—

(1) a timeless leader for the State of Maine and the United States;

(2) a friend to freedom and the public trust;

(3) a fearless defender of democracy and the bedrock principles of democracy; and

(4) above all else, a Stateswoman and public servant who belongs not just to the State of Maine and the United States, but to the ages: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates June 1, 2010, as “Declaration of Conscience Day”;

(2) recognizes the 60th anniversary of the landmark “Declaration of Conscience” speech delivered by Senator Margaret Chase Smith;

(3) honors the heroism of the immortal words and actions of Senator Smith; and

(4) pays tribute to the integrity and courage of Senator Smith, which reverberates to this day.

#### ACTION ON H.R. 3951 VITIATED

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that action with respect to the reporting of H.R. 3951 be vitiated.

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

#### APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to provisions of Public Law 110-343, appoints the following individual as a member of the Congressional Oversight Panel: Mr. Kenneth R. Troske of Kentucky, vice Mr. Paul Atkins of Virginia.

#### ORDERS FOR MONDAY, MAY 24, 2010

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, May 24; that following the prayer

and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each; that at 3 p.m., the Senate proceed to the consideration of H.R. 4899, the emergency supplemental appropriations bill.

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

#### PROGRAM

Mr. UDALL of Colorado. Mr. President, Senators should expect two roll-call votes beginning at approximately 5:30 p.m. Those votes will be in relation to the Brownback and Hutchison motions to instruct conferees with respect to H.R. 4173, the Wall Street reform legislation.

#### ADJOURNMENT UNTIL MONDAY, MAY 24, 2010, AT 2 P.M.

Mr. UDALL of Colorado. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 9:12 p.m., adjourned until Monday, May 24, 2010, at 2 p.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### THE JUDICIARY

SUSAN L. CARNEY, OF CONNECTICUT, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE BARRINGTON D. PARKER, RETIRED.

ANTHONY J. BATTAGLIA, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE M. JAMES LORENZ, RETIRED.

EDWARD J. DAVILA, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE MARILYN HALL PATEL, RETIRED.

ROBERT LEON WILKINS, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE JAMES ROBERTSON, RETIRED.

##### DEPARTMENT OF JUSTICE

DAVID J. HICKTON, OF PENNSYLVANIA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS, VICE MARY BETH BUCHANAN, TERM EXPIRED.

WILLIAM C. KILLIAN, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS, VICE JAMES RUSSELL DEDRICK.