role to play in revealing the misleading—if not flagrantly dishonest methods and motives—of senior administration officials who made the case for a unilateral, preemptive war. The approach outlined above seems to offer the best prospects for exposing the administration's dubious motives and methods.

I ask unanimous consent that be printed in the RECORD following my statement.

The PRESIDING OFFICER (Mr. HATCH). Without objection, it is so ordered.

(See exhibit 1.)

Mr. BOND. To sum it up, we are at war with terrorists. The terrorists were in Iraq. They had access to the weapons of mass destruction that Saddam Hussein had produced in the past and were willing to produce in the future. We have received increased briefings on recent threats in the United States. The greatest danger we fear is that Saddam Hussein, had we not taken him out, would be supplying those terrorists with chemical and biological weapons.

Our troops remain under fire, but some on this floor and some commentators I have heard seem to be more interested in politicizing the problems in the Intelligence Committee rather than getting at the root of the problem. I hope we can put these partisan charges aside because there is much work to do to improve the gathering, the analysis, and the dissemination of intelligence. For the good of this country, we need to put behind us this partisan effort to fingerpoint and make accusations that have been explicitly disabused and disavowed by this intelligence report.

I commend the staff of the Intelligence Committee. I thank the many thousands of dedicated people in the intelligence community who are doing their best, under difficult circumstances, to get information under systems that were not adequate for the needs at the time. We need to build a system where we get human intelligence, where we analyze it better, and where we share it among agencies that we have not done adequately in the past.

I thank my colleagues from Texas and Alabama for their courtesy.

EXHIBIT 1

RAW DATA: DEM MEMO ON IRAQ INTEL

[From FOX News, Nov. 6, 2003]

We have carefully reviewed our options under the rules and believe we have identified the best approach. Our plan is as follows:

(1) Pull the majority along as far as we can on issues that may lead to major new disclosures regarding improper or questionable conduct by administration officials. We are having some success in that regard. For example, in addition to the president's State of the Union speech, the chairman has agreed to look at the activities of the Office of the Secretary of Defense as well as Secretary Bolton's office at the State Department. The fact that the chairman supports our investigations into these offices and co-signs our requests for information is helpful and potentially crucial. We don't know what we will find but our prospects for getting the access we seek is far greater when we have the backing of the majority. (Note: we can verbally mention some of the intriguing leads we are pursuing.)

(2) Assiduously prepare Democratic ''additional views'' to attach to any interim or final reports the committee may release. Committee rules provide this opportunity and we intend to take full advantage of it. In that regard, we have already compiled all the public statements on Iraq made by senior administration officials. We will identify the most exaggerated claims and contrast them with the intelligence estimates that have since been declassified. Our additional views will also, among other things, castigate the majority for seeking to limit the scope of the inquiry. The Democrats will then be in a strong position to reopen the question of establishing an independent commission (i.e. the Corzine amendment).

(3) Prepare to launch an independent investigation when it becomes clear we have exhausted the opportunity to usefully collaborate with the majority. We can pull the trigger on an independent investigation at any time—but we can only do so once. The best time to do so will probably be next year either:

(A) After we have already released our additional views on an interim report—thereby providing as many as three opportunities to make our case to the public: (1) additional views on the interim report; (2) announcement of our independent investigation; and (3) additional views on the final investigation; or

(B) Once we identify solid leads the majority does not want to pursue. We could attract more coverage and have greater credibility in that context than one in which we simply launch an independent investigation based on principled but vague notions regarding the ''use'' of intelligence.

In the meantime, even without a specifically authorized independent investigation, we continue to act independently when we encounter foot-dragging on the part of the majority. For example, the FBI Niger investigation was done solely at the request of the vice chairman; we have independently submitted written questions to DoD; and we are preparing further independent requests for information.

SUMMARY

Intelligence issues are clearly secondary to the public's concern regarding the insurgency in Iraq. Yet, we have an important role to play in the revealing the misleading—if not flagrantly dishonest methods and motives—of the senior administration officials who made the case for a unilateral, preemptive war. The approach outline above seems to offer the best prospect for exposing the administration's dubious motives and methods.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. I ask unanimous consent to speak for up to 30 minutes.

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

PROPOSING AN AMENDMENT TO THE CONSTITUTION RELATING TO MARRIAGE

Mr. CORNYN. First, Madam President, my remarks pertain to the issue of marriage. Of course, I have been here this morning while the distinguished Senator, the current occupant of the chair, the chairman of the Senate Judiciary Committee, comprehensively laid out the reasons why this is an important debate.

I have also heard Senator ALLARD from Colorado and Senator SMITH from Oregon speak about this issue. I would like to associate myself with each of those comments. But I want to explain briefly my own reasons why I believe this is such an important issue.

First, I would like to respond to the comments made by the ranking member, the Senator from Vermont, the ranking member of the Judiciary Committee. This is something that the chairman of the Judiciary Committee has already touched on, but I think it is so important. We keep hearing the same argument over and over again, so we really need to hit this issue hard.

But I think it is so important.

It is amazing to me to hear the Senator from Vermont and others say we have no time to talk about the issue of marriage and the American family because there are more important issues we ought to be debating. The truth is, while there have been Members on this side of the aisle talking about this issue all morning long, there has been virtually dead silence on the other side of the aisle.

Then we hear comments that are made about, well, this really isn't that important, and there are more important issues for us to talk about: homeland security, the budget, appropriations, and the like.

But I concur with the comments made this morning by the present occupant of the chair, the chairman of the Senate Judiciary Committee, that there is no issue more important in this country today than the American family and preserving the traditional institution of marriage as the most basic building block in our society, one created for children in their best interests.

You know this common theme, that this issue is not important; it is not one that has been demonstrated by the lack of presence on the Senate floor by our colleagues on the other side of the aisle, or even the overt comments made about this not being an important issue. We have had numerous hearings in the Senate Judiciary Committee and the Subcommittee on the Constitution, which I am honored to chair, and other committees in the Senate. Essentially, we have been met with either overt hostility or, in many instances no-shows, where Senators have chosen to boycott a good-faith desire to have an honest discussion about this issue and the threat that has been posed to the traditional family.

I, for one, am shocked and amazed at the attitude. Unfortunately, it is the reality we confront today and which the American family confronts.

Of course, I have been concerned about this issue, as I think most Americans have been, for a long time. But I note that in January of 1999 when I served as Texas Attorney General, one of my responsibilities—it was one of the few attorney general offices that had this responsibility—was child support enforcement. It was my obligation, my duty, my privilege to enforce

child support orders for about 1.2 million Texas children.

It is no secret to any of us that due to the growth of out-of-wedlock childbirths now—about one out of every three children born in America are born outside of marriage; unfortunately, a fact that we all bemoan but a real and present reality—that half of the marriages end in divorce; that the American family is in fragile condition.

That is one reason I was so concerned when on May 17, 2004, we saw an assault launched on the American family and the institution of marriage. But the truth is, we should have seen this coming. There were a few people who did, but most did not.

I worry that the American family will not be able to sustain itself against this continued attempt to marginalize the importance of traditional families and the importance of every child having a loving and supportive mother and father, which we all know as a matter of common sense, a matter of observation, and as a matter of social science is the optimal situation for a child to be raised and grow up in.

I would be the first to say that there are heroic parents—single parents and children living in other arrangements—that adults do a heroic job of raising children in other-than-traditional family households. I congratulate them, and we ought to do everything we can to support them in every way we can because we know the optimal is not always possible.

But that shouldn't cause us to shy away from or refuse to defend the importance of the traditional family unit as the optimal situation in which children are born and raised into productive adults and have a chance to live up to their God-given potential.

We know that, as a sad fact of social science, children who are raised in a less than optimal situation through no fault of their own are at higher risk, that they are at higher risk of a host of social ills. We hope and pray that they may overcome these higher risks. But we know, tragically, that too many cannot. We see the evidence of that with dropout students who fail to pursue their education because they simply drop out of school, children who become involved in drugs and other self-destructive activity, children engaged in premature sexual experimentation and pregnancy, and other problems that affect their ability to grow up as fully productive and contributing citizens.

So we should not shy away from this debate when it comes to talking about what is optimal, what is in the best interests of American children and American families.

I believe that fundamentally is what this debate is about.

Some people have asked me, Why is it that some seem to shy away from this debate? I will tell you this: I think part of the reason is that some people just prefer not to be called names or to have their motives cast in doubt. But I will tell you this: I believe with all my heart that the people of this country believe in two fundamental propositions in addition to others.

No. 1, the American people believe in the essential dignity and worth of every human being.

At the same time, I think the American people overwhelmingly believe in the importance of traditional marriage and the traditional family as the bedrock institution of our society and in the best interests of children. I don't think there is any conflict there. I think you can believe in both at the same time.

This is not about phobias. This is not about a desire to hurt anyone. This is a discussion—an important discussion that we ought to have and we are going to have about the institution of the American family and traditional marriage as the optimal situation.

I fail to see how any one of us can remain neutral or on the sidelines when this debate is going forward. Indeed, we did not choose to engage in this debate at this time on this amendment. There is a difference between launching an attack and acting in self-defense. The American people know the difference. But I believe we must answer the call to action now on behalf of the American family.

It was on May 17, 2004, when the Massachusetts Supreme Court declared traditional marriage—remember these words because these are important—''a stain that must be eradicated.''

The Supreme Court, four members, the majority of that court, called it invidious discrimination to limit marriage to persons of the opposite sex, what we call traditional marriage.

They said ''limiting traditional marriage between members of the opposite sex lacks any rational basis.''

As has already been noted and as we observed on cable television and the nightly news, this attack on the family and on traditional marriage that occurred in Massachusetts was joined by lawless officials in San Francisco and elsewhere around the country.

Soon the American people saw same-sex unions occurring on our television screens, in our newspapers, and reported on the radio.

Tragically, it is not the adults who pay the price for the marginalization of marriage as our most basic societal institution, it is our children who pay and pay and pay some more. Social science confirms what common sense and simple observation dictate: When the institution of marriage is marginalized, children are at higher risk, as I mentioned before. In short, they are at higher risk for the sort of consequences that will follow them for the rest of their lives.

When the Massachusetts Supreme Court, following the decision of the U.S. Supreme Court, which I will discuss briefly in a minute, launched into this radical social experiment in redefining the institution of marriage, we have some glimpse of what that experiment may yield by what social scientists have been able to evaluate in Europe and elsewhere. We have seen what happens when government pretends this problem does not exist until it is too late. We cannot afford to look back years from now and say we stood idly by while the American family was marginalized into irrelevance.

How did we get here? How in the world did the Massachusetts Supreme Court, on May 17, 2004, decide that traditional marriage was a stain that must be eradicated, represented invidious discrimination, and had no rational basis? They did not dream it up on their own. The origins of this language and this rationale for that decision came from the case of Lawrence v. Texas. I have excerpted a segment of Justice Kennedy's opinion for the majority of the Court because this is the germ, this is the seed out of which this concept has grown and which now, as I have stated, threatens to jeopardize the American family, further marginalizing the American family and, indeed, the traditional institution of marriage.

Relying on an earlier decision in Planned Parenthood of Southeastern Pennsylvania v. Casey, the Court reaffirmed the substantive force of the liberty protected by the due process clause. For nonlawyers, they were relying on this earlier decision and said that they were reaffirming the basis of that decision here. The Court went on to say:

> The Casey decision again confirmed that our laws and traditions afford constitutional protection to personal decisions relating to marriage, procreation, contraception, family relationships, child rearing, and education.

In this following sentence, stated in the same place where they talked about the liberty interests that protect marriage, they conclude by saying:

> Persons in a homosexual relationship may seek autonomy for these purposes, just as heterosexual persons do.

As Justice Scalia noted in his dissent, it was this juxtaposition of marriage and this right of individual autonomy in one's relationships that extends not just to heterosexuals in marriage but also to homosexuals in their relationships that is the basis for the Court's decision here. Not surprisingly, that was the very case cited by the Massachusetts Supreme Court in the Goodridge case when they held that traditional marriage was a stain that must be eradicated, that it represents invidious discriminations to allow heterosexuals to enter into that relationship but not homosexuals, and said that limiting marriage to traditional marriage between persons of the opposite sex had no rational basis.

Of course, the American people have not had a chance to express their views on this issue. As was pointed out eloquently earlier, neither did the people of Massachusetts. As it turned out, when the people of Massachusetts had

the chance to have their voice heard on this issue, they chose to overrule the decision of the Massachusetts Supreme Court. The problem is in Massachusetts a constitutional amendment takes two consecutive sessions of the legislature, and they cannot amend the constitution until 2006 in that State. In the meantime, as we all know, since May 17, clerks have been ordered to issue licenses for same-sex marriages, and this pending constitutional amendment of 2006 is too late to effectively let the people's voice be heard and control this debate.

We have seen what some have called ''government by the judiciary.'' We believe in our fundamental constitutional documents. Our Constitution provides for government of the people, by the people, and for the people, not government of the judiciary, by the judiciary, and for the judiciary but government of the people, by the people, and for the people. When we see an overturning, in essence, of the Massachusetts Constitution, 224 years after it was written, by a radical redefinition of marriage by a majority on the Massachusetts Supreme Court, it amazes me some of our colleagues would expect us to stand on the sidelines, mute, and expect us to be mere spectators in what is perhaps one of the most important debates we could possibly be having in this body or anywhere else around this country, and that is the preservation of the American family and the preservation of traditional marriage as the most important stabilizing factor in our society in a relationship that is most important for the raising and nurturing of children.

Some have suggested that this is not a Federal issue, this is not something the U.S. Congress should have anything to do with. Some have said in good faith—I think naively so but in good faith—well, let Massachusetts deal with that; that does not affect us. As already has been pointed out, people have married in Massachusetts under Massachusetts law and moved to 46 different States. Indeed, there are a number of lawsuits—I think at last count roughly nine lawsuits, maybe more—where those persons, same-sex couples who married in Massachusetts, have moved to other States and filed lawsuits seeking to require those States to recognize the validity of those marriages even though the laws of those other States do not recognize same-sex marriage.

As was pointed out a little earlier, we should have seen this coming. It has been coming for quite some time. It really did not start with Lawrence v. Texas. Some of the most well-known legal scholars in the United States, such as Laurence Tribe, have been advocating this position all along. He concludes after Lawrence, as he did beforehand, that this was the death knell for traditional marriage in America. But he said, ''You'd have to be tone deaf not to get the message from Lawrence that anything that invites people to give same-sex couples less than full respect is constitutionally suspect.'' That is what left-leaning liberal legal scholars have been saying for some time and what the Supreme Court embraced in Lawrence and now we have seen carried to the next step, the logical conclusion, by the Goodridge court in Massachusetts.

But I guess what causes me such disappointment at the absence of our colleagues on the other side of the aisle and of their statements—those who have come to the floor and those who have shown up in committee—is saying this is not an important issue, that there are more important issues.

This is not a partisan issue. The reason I say that is because in 1996 the Congress passed—indeed, the Senate passed, by 85 votes—the Defense of Marriage Act which, as a matter of Federal law, defines marriage as the union of one man and one woman.

Now what I fear is our colleagues who oppose this amendment, who voted for the Defense of Marriage Act—they understand the Defense of Marriage Act is under threat and that a constitutional challenge will be made to the Defense of Marriage Act based on this Lawrence rationale. Indeed, that has already occurred in the States of Utah, Florida, and Nebraska, a Federal constitutional challenge that says: Your laws that limit marriage to traditional marriage, a marriage between one man and one woman, now violate the Constitution, using the very rationale I described earlier in Lawrence, agreeing, perhaps, with Professor Tribe. We are told this is not important, this is not worthy of debate, and there are other things that are more important. I disagree. I think the American people, when this finally begins to sink in, will disagree as well.

Some people have asked me: Why is it there is not a greater popular uprising and outcry about this issue? Well, I remember when we saw people getting married in San Francisco, same-sex couples there, and in Massachusetts, there was sort of a blip on the radar screen. Polls showed that the American people, once they realized what was going on, disapproved of what they saw. But, of course, we are all busy raising families and going to work, and this perhaps has not been something that has been sustained in their consciousness and their awareness. But, indeed, this is an important issue and one that is under attack.

Some have said, though: Why can't we let Massachusetts do its own thing? And why can't each State decide for itself what its policy will be? Well, we have seen, because of same-sex couples getting married in Massachusetts and moving to other States, that is not possible. Realistically that is not possible.

If you think about another aspect of what we call family law—let's say the law of adoption—if one State says you can adopt a child under certain circumstances, when that family moves to another State—when they move to Texas, Utah, or somewhere else—we recognize the validity of that adoption, of that family law decision.

What I believe is some of our colleagues, indeed some of the American people, are, No. 1, in shock at this radical transformation in our society's most basic institution. Secondly, after shock, people sometimes are in denial. They do not want to believe it. They do not want to think they are going to have to deal with it. And then, after a while, the reality begins to sink in that this is indeed something that needs to be addressed.

There are some who said: Well, if this is such a threat, why can't we wait until after the U.S. Supreme Court joins the Massachusetts Supreme Court in saying you cannot limit marriage to opposite-sex couples, based on this rationale and the logical conclusion of the language I have already described?

As you know, the U.S. Constitution has been amended 27 times. We have some history, some track record of how long it takes the process to go forward. It requires, of course, as you know, a two-thirds vote in the Congress. It requires ratification by three-quarters of the States. In other words, it takes a little time. Some amendments have been adopted and ratified in as short as 8 months, but typically they take a little bit longer.

So what people are saying—if they want us to wait until after the Federal courts declare traditional marriage unconstitutional, if they want us to wait until that time to raise this constitutional amendment—they are, I suggest to you, inviting the same sort of chaos we are seeing happening in Massachusetts. Because once same-sex marriages occur, if months and maybe years later the Constitution is amended to reinstate the status quo of traditional marriage, it may very well be too late.

So I will conclude, because I see the distinguished Senator from Alabama in the Chamber, who I know has been waiting to address this issue. This is an important issue. This is an issue that deserves serious debate by serious people. This is an issue that cannot be limited to one State. And this is an issue the American people deserve a right to be heard on through the amendment process.

I would say, in conclusion, there are some who say the U.S. Constitution is a sacred document and should not be amended. If the American people do not exercise their rights under Article V of the Constitution to amend the Constitution as they see fit—given that high bar, and given the deliberation that is required in order to meet that high standard—the only people who are going to amend the Constitution are judges—Federal, life-tenured judges who are accountable to no one.

I submit that is antidemocratic, it is contrary to the concept of self-government that is ensconced in our Constitution and was embraced by our Founding Fathers, and simply will not

stand up under any close scrutiny. The whole concept that Federal judges ought to be the only ones to speak on what the laws are that govern us is antithetical to a constitution that guarantees government of the people, by the people, and for the people.

Finally, I would say we have on this last chart a statement of intent by those who intend to pursue legal action across the country until they reach their ultimate goal:

> We will not stop until we have [same-sex] marriage nationwide.

This was stated by a spokesperson for Lambda Legal, which is an organization that supports much of this concerted legal action across the country in State and Federal courts, the logical conclusion of which is the judicial mandate of same-sex marriage.

I look forward to the additional debate and the words offered by my colleagues on this subject. I hope those who have a different view will have the courage to come here and tell the American people why it is they think the preservation of the American family and the preservation of traditional marriage is unimportant. I think we can have a pretty good debate. I hope they do not choose, instead, to stay in their offices or at home and hide from this issue. This is simply too important to the kind of country America is and the kind of country we will become.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, today the Senate has begun the formal debate on the constitutional amendment that does something very simple; that is, protect marriage. The question before us is fundamental: Should marriage remain the union between a husband and a wife? Marriage is the union between a man and a woman for the purpose of procreation, and has been, until this point, one of the great settled questions of human history and culture.

Yet our current legal system seems alarmingly out of step with this historical understanding of marriage. Over and against 5,000 years of recorded human experience and social development, the Massachusetts Supreme Court has thrown out the definition of marriage. Marriage is no longer to be understood as a covenant between a husband and wife in the interest of their future children but, rather, the consummation of romantic attraction between any two adults. And they, these judges, appointed lawyers to these positions, imposed this radical change over the strong objections of the people of Massachusetts, the Legislature of Massachusetts, and the Governor of Massachusetts.

Indeed, a number of local governments in California and Oregon and New York followed the lead of the Massachusetts court, offering marriage licenses in violation of State laws, in violation of State constitutions. Same-sex couples from 46 States applied for marriage licenses in these jurisdictions. There are pending lawsuits to overturn marriage laws in 11 other States. It has become clear that the issue is a national issue, and it requires a national solution, and thus this debate on the floor of the Senate.

Last year's Supreme Court decision in Lawrence v. Texas, combined with the Court's views of the constitutional clauses on full faith and credit, equal protection, and due process, have convinced legal scholars of all political persuasions that the existing Defense of Marriage Act will be struck down. Harvard law school professor Laurence Tribe said:

> You'd have to be tone deaf not to get the message from Lawrence that anything that invites people to give same-sex couples less than full respect is constitutionally suspect.

Yale law professor William Eskridge agreed that the Lawrence decision will add to the momentum for recognition of same-sex marriage.

The Harvard Law Review, last month, weighed in with its opinion: ''The time is ripe for a constitutional challenge to DOMA'' because the 1996 act ''violates equal protection principles.''

The truth is, the Constitution is about to be amended. The only question is whether it will be amended by the U.S. Congress, as the representative of the people, or by judicial fiat. Will activist judges amend the Constitution? Will they undo marriage as the union of a man and a woman? Or will the people amend the Constitution to preserve marriage?

I say the people should have a voice. On such a fundamental question, the only sure option is a constitutional amendment.

Some have argued marriage is already a weakened institution in America and expanding marriage to same-sex couples will strengthen it. It is true that marriage in this Nation today is not as strong as it should be. But I question whether changing the definition of marriage will help us strengthen the institution. We can look at what has happened in other countries.

Scholar Stanley Kurtz has found that 10 years of de facto same-sex marriage in Scandinavia has further weakened marriage. A majority of children in Sweden and Norway are today born to unmarried parents.

In the Netherlands, which adopted de facto same-sex marriage in 1997, the proportion of children born outside of marriage has tripled. This isn't surprising. When the laws of a nation teach the next generation that marriage no longer has anything important to do with bringing mothers and fathers together for their children's sake, how can we expect otherwise? Rather than making marriage stronger, it has made marriage optional for childbearing. And we know from social science and from common sense that children do best in stable two-parent households.

Conversely, children in broken and unstable homes suffer. They are more prone to delinquency, more prone to poorer grades, high-risk behaviors, a whole raft of negative social outcomes. Children need moms and dads. Marriage recognizes and addresses that need.

Yes, marriage is about love. But it is also crucially about pointing men and women to the kind of loving union that binds them together and to their children. Far from strengthening the family, separating marriage from childbearing and child rearing undermines the family and distorts what we teach our children about the meaning of adult commitment, responsibility, mutual loyalty.

As Governor Mitt Romney recently testified, the pressures to change have already begun. The Massachusetts Department of Health has begun to insist that even birth certificates must change. The lines for mother and father are being replaced by parent A and parent B. One wonders if parent A and parent B are even expected to be more than casually acquainted. So we can see that the implications of radically redefining marriage are far reaching. They are dramatic. They are not private. They are not measured.

As we proceed to debate this serious and intense issue, I urge all sides to accord one another respect. Let us agree at least on this one point, that the Harvard Law Review is wrong and irresponsible when it says that Americans who want to protect marriage are motivated by animus or bigotry. And Cheryl Jacques of the Human Rights Campaign is wrong when she described marriage amendment proponents as ''hate-filled people who will stop at nothing to achieve their discriminatory, offensive goals.''

Such allegations are neither fair nor true about the vast majority of decent, law-abiding Americans. Nor do they help us understand the issues before us. Americans of all races, creeds, and parties are coming together to protect marriage as the union of husband and wife. We do so with respect for those Americans who disagree. The debate over something as basic and fundamental as marriage may be passionate and intense, but it need not be ugly and divisive. Amending the Constitution is a serious matter. We do not consider this action lightly. It is a serious matter that has to be addressed with the utmost respect, time for debate, consideration, and deliberation. That is what we will see play out on the floor of the Senate over the course of today and Monday and Tuesday.

Too many important decisions have been made by unelected judges. Far from settling issues, such sweeping decisions have only fueled the controversy. The American people have a right to settle this question of what marriage will be in the United States. That can only be done through the mechanism our Founding Fathers gave us for settling questions of great national import. And that is the constitutional process. It is not autocratic but

supremely democratic, consistent with the great principles of federalism. The Constitution can only be amended if two-thirds of both Houses of Congress agree and three-quarters of the States, and it will only happen if the great majority of the American people across this land agree. That is the democratic process.

Marriage is an issue that rightly belongs in the hands of the American people. If the people do not speak, then the courts become our masters by default.

Marriage and family are the bedrock of society. Before we embark on a vast untested social experiment for which children will bear the ultimate consequences, we need a thorough public debate. It is my hope that our debate in this body will add to the larger marriage debate already underway.

Marriage is worth the time, energy, and attention of this Senate and of all the American people. The model of the family bound by marriage to fulfill its attendant responsibilities, indeed, is a worthy ideal.

The matter before us is critical. The debate before us is essential. Let's hold it with civility and respect. Let the debate be spirited, let it be substantive, and let it be held now in this body, the Senate, for this and future generations of Americans.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

PRIORITIES AND ABSENCES

Mr. LAUTENBERG. Mr. President, I wish to talk for a few minutes about a subject different than the one we have been hearing about most of this morning.

I rise as a proud member of the Senate. I treasure every moment that I serve here. I look at my voting record of over 20 years and I am proud of that record. It is important; whatever we do here is important. So I rise today to raise a question about a disturbing television ad that President Bush is running against our colleague, Senator KERRY. The ad opens up with the President saying, ''I approve of this message.''

The President's commercial is called ''priorities.'' It criticizes Senator KERRY for missing votes here. The President's advertisement says that ''leadership means choosing priorities.'' I could not agree more because Senator KERRY has chosen the correct priorities, while President Bush has been absent from leadership—sometimes referred to as AWOL.

If you look at the priorities of these two men throughout their lives, you learn a lot about who was absent and who was a leader. Senator KERRY has never been absent, AWOL, from his responsibilities. The President, on the other hand, has been absent at times when it required leadership. During the Vietnam war, an era in which 58,000 American soldiers lost their lives, and many more than that were wounded, President Bush was AWOL from leadership, AWOL from serving our country. He was assigned to the Texas Air National Guard, but he was absent from mandatory physicals, so he was grounded from flying. He was absent from his duties. We will never know all of the facts about the President's National Guard service because, today, the New York Times revealed that his records have been destroyed ''by mistake.''

If you look at Senator KERRY's history, you see a totally different picture. You see a man who signed up not just to join the Navy, but to go to Vietnam to serve his country. Even though he disagreed with that policy, he served bravely and courageously in a leadership role. He commanded a swift boat and he led it bravely.

Last week, I had the opportunity to visit with Del Sandusky, one of Senator KERRY's crewmen in the Navy. He tells many moving stories about the bravery and leadership of Senator KERRY in Vietnam.

By the time he returned from Vietnam, Senator KERRY earned a Silver Star and a Bronze Star, which are high-standing awards for bravery and courage in serving his country; and three awards of the Purple Heart for his service in combat. In fact, a question has been raised about whether he deserved the third Purple Heart. I don't know what that means. Does it mean we want to measure the depth of the wound to see whether you pass a certain line, and the Purple Heart is one color or another? The military has a process, and they said he is entitled to three Purple Hearts. In my view, he is also entitled to the gratitude of this country for speaking up after he finished his service to talk about what might have gone wrong with the decisions in Vietnam. But he didn't ever relinquish or shirk his duties.

What about the President's service at this time? They won't reveal the specifics. The records were destroyed, as we now know, and we will never find out. In this current war, as our brave soldiers are battling insurgents in Iraq, the President has not been honest about the true cost of this war. I am talking about the human cost as well as in monetary terms.

The President has ordered that no cameras be allowed to film the flag-draped coffins of heroes returning from battle. In my view, that is disrespectful to these men and women who gave their lives for this country.

I went to a funeral at Arlington Cemetery, and I also went to the funeral service of President Reagan. Each funeral had a similarity. They had an honor guard of proud service people escorting the coffin, doing their duty to say this Nation is grateful to these people they considered heroes. One act that the honor guard is required to perform is the folding of the flag and to finally put it into a triangle that can be handed over to the family. I watched at Arlington Cemetery when, crease by crease, each pair of service people—soldiers, marines, sailors—turned their part of the flag over. Finally, they folded it into a triangle, and the head of the honor guard walked over to the mother of this man who died and handed it to her. You could see the pride and the tears in her eyes with her family as she received this tribute from her country for her son's life.

The President has ordered that no cameras be allowed to film the flag-draped coffins of heroes returning from battle. In my view, it is disrespectful. Other Presidents weren't afraid to show the American people images of the honor guard receiving their coffins. In fact, President Reagan stood on the tarmac and publicly and openly received the coffins of 241 marines killed by Iranian-backed terrorists in Beirut in 1983. President Clinton did the same for flag-draped coffins returning from Kosovo. But President Bush hasn't been there. He is AWOL from this solemn duty.

When it comes to domestic issues, the President is AWOL from leadership. He was absent from funding the No Child Left Behind program. He signed it into law with great fanfare. But when the cameras were shut off, his leadership stopped. The latest budget underfunds No Child Left Behind by $9.4 billion. The budget also proposes the elimination of 38 educational programs. That is absence from leadership.

When it comes to protecting the environment, the President is absent. He refuses to make polluters pay for Superfund cleanups. He has proposed an outrageous rule to allow powerplants to spew mercury into the air and water, which brings potential harm to our children and those who are on the way to being born.

In the fight to cure disease, the President is absent. We have great tools to cure diseases such as Alzheimer's and juvenile diabetes at our disposal, and that tool is the use of embryonic stem cells, but the President is refusing to allow such research to proceed for political reasons. That is an absence of leadership.

When it comes to our Nation's transportation needs, the President has been AWOL. He has threatened to veto the highway bill even though it enjoys overwhelming bipartisan support. That puts 1.7 million jobs at risk at a time when we need to create jobs.

Thirty-eight percent of our roads are in fair or poor condition and 28 percent of our bridges are structurally deficient. Traffic congestion costs Americans more than $69 billion annually in lost time and productivity and 5.7 billion gallons of fuel annually is wasted while motorists sit in traffic. This absence of leadership on transportation is harming American families across the country.

The President signed a Medicare drug bill into law and the law has turned into a confusing nightmare for our Nation's senior citizens, who are barely