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

going to see little, if any, monetary benefit. That is an absence of leadership. Of course, the main benefit does not kick in until 2006, conveniently past the next election. He does not want the American public to really see what is in that Medicare bill.

On homeland security, the President talks tough, but is he really there? The President's budget would reduce funding for grants to local police, fire, and emergency medical personnel from $4.2 billion in 2004 to $3.5 billion in 2005, more than a 15-percent decrease. Would anyone suggest we have less to worry about from terrorists when we just heard the dismal review by the Secretary of Homeland Security? The President's proposal will also cut first responder training by 43 percent.

The lack of leadership is not just at the White House. Unfortunately, my Republican colleagues in the Congress almost always march in lockstep with the White House, even at the peril of their constituents. This blind allegiance to the White House is having devastating effects. We have seen our budget surplus turn into deficits as far as the eye can see.

In Iraq, we bought the White House line and ignored military leaders. Look at the case of GEN Eric Shinseki, who said we need 300,000 troops in Iraq to do the job. He was right, but he was fired for telling the truth. We have recently heard from one of the leading Army generals who said our forces are too thin, and as a result of that, it is fair to say we have seen terrible casualties—879 Americans killed in Iraq, over 5,000 injured. If we had listened to General Shinseki and other military experts rather than the White House, perhaps those numbers would be less.

When the President said to the Congress, do not let Medicare negotiate for drug prices, we should have said: Too bad. Prices are out of control. We see that in the newspapers regularly now. We need to do this. Instead, the Republican majority said, ''yes, sir,'' and followed the White House's orders, and drug prices keep soaring.

I say enough is enough. We are a coequal branch of the Government. Let us act like it. My Republican colleagues should stand up to the President when they think he is wrong.

Senator KERRY is on a noble mission to change the direction of this country for the better. In doing so, he is leading us down a path toward a stronger America, and I can think of no better reason to pursue that goal with every minute of time, with every ounce of effort, with every bit of intellect he can muster. We wish him good health and success, to lift our country out of the misery of worry about their children, their jobs, their parents, and their Nation. We wish Senator KERRY Godspeed and hardly think of him as being AWOL. His record disproves any notion of that.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ACTIVIST COURTS IN AMERICA

Mr. SESSIONS. Mr. President, as we finish up today, I want to share a few thoughts on the problem we have with the activist courts redefining marriage.

Marriage has been defined by every legislature that has ever sat in the United States from every State, now 50 States, the same way, but now we have unelected judges altering and changing that fundamental institution.

It is not a little matter. It is a very big matter. It is a matter the American people have a right to be asked about. It is a matter the American people have a right to be engaged in. It is an institution that no one can dispute is central to American culture. Regarding the culture of any country in the world, the status of family and marriage is critical to that culture.

I had the privilege of chairing a committee that had a hearing on marriage. It was a remarkable thing. Barbara Dafoe Whitehead was one of the witnesses. She had written an article that was voted one of the most significant articles in a news magazine in the second half of the 20th century. The Presiding Officer, the Senator from Mississippi, served with Dan Quayle, the former Vice President and Senator of this body. The name of the article was, ''Dan Quayle Was Right.''

She has since continued to study the science of families. She told us when she originally did her report she was criticized by academics around the country, but in the 10 years since she wrote that article there is no dispute that children do so much better—every objective scientific test shows that—if they are in a traditional two-parent family. Indeed, the husband and wife do better. It is a healthy relationship that the State, the Government—without any doubt, it seems to me—has every right to want to affirm and nurture and encourage through legislation.

To me, there is no discrimination whatsoever in a State deciding they are going to give a special protection to the marriage relationship that produces children, who will eventually run our country when we are gone. Any nation, any country, and any State has an interest in producing children who will take over and lead their country in the future.

They also have an interest in how those children are raised. It is a big deal here. Some people in this body continually push for more State and Federal Government involvement in the raising of children. I will ask you this: If there are not families to raise those children, who will raise them? Who will do that responsibility? It will fall on the State. There will be a much less effective job done, at greater cost to the taxpayers. Who could dispute that? I think the State has a remarkable and deep interest in it.

Likewise, when you have a universal, unequivocal, unbroken, consistent decision by every State and virtually every nation, until the last few years, that a marriage should be between a man and a woman, I think anybody ought to be reluctant to up and change it; to come along and say, well, you know, everybody has been doing this for 2000 years, but we think we ought to try something different.

We should not do that. I mean, if you want to bring it up in the legislature of the State of Alabama or the State of Massachusetts and you want to debate it and have hearings on it and take evidence and then you decide you want to vote on it, maybe that is one thing. But what we have had in this circumstance is a situation in which the Supreme Judicial Court of Massachusetts, citing language from the U.S. Supreme Court, up and declared it violates the equal protection clause of their Constitution to treat same-sex unions differently from heterosexual unions.

Maybe that is an equal protection violation. Maybe we could say that is what the Constitution says. But nobody, since the founding of this country, has ever interpreted it that way. What happens if a court makes a mistake? What happens if a group of judges says: I don't like the way the legislature has been handling this marriage thing. I don't think they have been affirming same-sex couples' unions and they ought to do it. Why don't we rule that way? Why don't we do that?

Somebody says, How are you going to do it? They say, We will study the Constitution. Here, it says everyone should be given equal protection of the laws. So we can overrule the State legislatures and we will say treating those two unions differently violates the equal protection of the laws. We will declare it unconstitutional.

Where did that leave the people of Massachusetts? We are on the verge of it, if the U.S. Supreme Court does it, for the entire United States. Where does that leave the people?

I remember in the early 1980s, Hodding Carter, who used to work for President Jimmy Carter, was on ''Meet the Press'' or one of those shows he was on regularly and they were talking about judicial activism. He said the sad truth is we liberals have gotten to the point where we ask the court to do for us that which we can no longer win at the ballot box.

This cannot be won at the ballot box. It can only be imposed on the people of America through a judicial ruling under the guise of interpreting the Constitution. That is what activism is. It is judges allowing personal political views to infect their decision-making