"SEC. 1210. COLLECTION OF COMMODITY ASSESSMENTS.

''(a) DEFINITION OF ASSESSMENT.—In this section, the term 'assessment' means funds that are—

''(1) collected with respect to a specific commodity in accordance with this Act;

''(2) paid by the first purchaser of the commodity in accordance with a State law or this title; and

''(3) not collected through a tax or other revenue collection activity of a State.

''(b) AUTHORITY TO COLLECT COMMODITY ASSESSMENTS FROM MARKETING ASSISTANCE LOANS.—The Secretary may collect commodity assessments from the proceeds of a marketing assistance loan made under this subtitle in accordance with an agreement between the Secretary and the State.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 441—EXPRESSING THE SENSE OF THE SENATE THAT OCTOBER 17, 1984, THE DATE OF THE RESTORATION BY THE FEDERAL GOVERNMENT OF FEDERAL RECOGNITION TO THE CONFEDERATED TRIBES OF COOS, LOWER UMPQUA, AND SIUSLAW INDIANS, SHOULD BE MEMORIALIZED

Mr. SMITH (for himself and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Indian Affairs:

S. RES. 441

Whereas the Coos, Lower Umpqua, and Siuslaw Restoration Act (25 U.S.C. 714 et seq.), which was signed by the President on October 17, 1984, restored Federal recognition to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians;

Whereas the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians historically inhabited land now in the State of Oregon, from Fivemile Point in the south to Tenmile Creek in the north, west to the Pacific Ocean, then east to the crest of the Coast Range, encompassing the watersheds of the Coos River, the Umpqua River to Weatherly Creek, the Siuslaw River, the coastal tributaries between Tenmile Creek and Fivemile Point, and portions of the Coquille watershed;

Whereas in addition to restoring Federal recognition, that Act and other Federal Indian statutes have provided the means for the Confederated Tribes to achieve the goals of cultural restoration, economic self-sufficiency, and the attainment of a standard of living equivalent to that enjoyed by other citizens of the United States;

Whereas by enacting the Coos, Lower Umpqua, and Siuslaw Restoration Act (25 U.S.C. 714 et seq.), the Federal Government—

(1) declared that the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians were eligible for all Federal services and benefits provided to federally recognized tribes;

(2) provided the means to establish a tribal reservation; and

(3) granted the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians self-government for the betterment of tribal members, including the ability to set tribal rolls;

Whereas the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians have embraced Federal recognition and self-sufficiency statutes and are actively working to better the lives of tribal members; and

Whereas economic self-sufficiency, which was the goal of restoring Federal recognition for the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, is being realized through many projects: Now, therefore, be it

Resolved, That it is the sense of the Senate that October 17, 1984, should be memorialized as the date on which the Federal Government restored Federal recognition to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians.

SENATE RESOLUTION 442—APOLOGIZING TO THE VICTIMS OF LYNCHING AND THEIR DESCENDANTS FOR THE SENATE'S FAILURE TO ENACT ANTI-LYNCHING LEGISLATION

Ms. LANDRIEU (for herself and Mr. ALLEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 442

Whereas the crime of lynching succeeded slavery as the ultimate expression of racism in the United States following Reconstruction;

Whereas lynching was a common practice in the United States until the middle of the 20th century;

Whereas lynching was a crime that occurred throughout the Nation, with documented incidents in all but 4 States;

Whereas at least 4,749 people, predominantly African-Americans, were reported lynched in the United States between 1881 and 1964;

Whereas 99 percent of all lynch mob perpetrators escaped any form of punishment from State or local officials;

Whereas lynching prompted African-Americans to form the National Association for the Advancement of Colored People (NAACP) and prompted members of B'nai B'rith to found the Anti-Defamation League;

Whereas nearly 200 anti-lynching bills were introduced in Congress during the first half of the 20th century;

Whereas between 1890 and 1952, 7 Presidents petitioned Congress to end lynching;

Whereas between 1920 and 1940, the House of Representatives passed 3 strong anti-lynching measures;

Whereas protection against lynching was the minimum and most basic of Federal responsibilities, yet the Senate failed to enact anti-lynching legislation despite repeated requests by civil rights groups, Presidents, and the House of Representatives;

Whereas until the recent publication of ''Without Sanctuary: Lynching Photography in America'', the victims of lynching have never been properly acknowledged;

Whereas only by coming to terms with its history can the United States effectively champion human rights abroad; and

Whereas an apology offered in the spirit of true repentance moves the Nation toward reconciliation and may become central to a new understanding upon which improved racial relations can be forged: Now, therefore, be it

Resolved, That the Senate—

(1) apologizes to the victims and survivors of lynching for its failure to enact anti-lynching legislation;

(2) expresses its deepest sympathies and most solemn regrets to the descendants of victims of lynching whose ancestors were deprived of life, human dignity, and the constitutional protections accorded all other citizens of the United States; and

(3) remembers the history of lynching, to ensure that these personal tragedies will be neither forgotten nor repeated.

Ms. LANDRIEU. Mr. President, it has been said that ''ignorance, allied with power, is the most ferocious enemy justice can have.'' Sadly, this great body, in which I am so proud to serve, once allied its power with ignorance. In so doing, it condoned unspeakable injustice that diminished the role of the Senate, and heaped untold suffering on Americans sorely in need of our protection. I am referring to the Senate's role in the decades long campaign to end lynching in this country. On three separate occasions, our colleagues in the House of Representatives passed anti-lynching legislation with overwhelming majorities. On all three of those occasions members of this Chamber blocked, or filibustered the consideration of that legislation.

Between 1882, when records first began to be collected, and 1968 four thousand, seven hundred and forty-two Americans lost their lives to lynch mobs. The experts believe that undocumented cases might double that figure. The vast majority of those killed—three thousand, four hundred and forty-five Americans—were African American. Sadly, a disproportionate number of those deaths occurred within my home region of the South, but 46 of the 50 States experienced these atrocities. Lynching was truly a national problem deserving the attention of the national legislative bodies.

Frederick Douglas seems to have captured the real reason for this dark period of our national history. These acts of terrorism were not so much an admission of African Americans' weakness, but of their perseverance—and indomitable spirit. Douglas wrote: It is proof that the Negro is not standing still. He is not dead, but alive and active. He is not drifting with the current, but manfully resisting it . . . A ship rotting at anchor meets with no resistance, but when she sails on the sea, she has to buffet opposing billows. The enemies of the Negro see that he is making progress and they naturally wish to stop him and keep him in just what they consider his proper place.

It was, in short, the ability of African Americans to overcome Jim Crow laws, to overcome share-cropping, to overcome second-class citizenship that provoked such savagery. Its an old story that repeats itself throughout human history. Whether it was the Israelites in Egypt, the colonial empires in Africa or America's own history of Apartheid, rulers that assume superiority inevitably prove themselves models of mankind's basest instincts.

It should also be noted that this was not only an outrage committed against African Americans. The effort to dehumanize people on the basis of race or ethnicity did not limit itself to black Americans. In fact, the single largest incident of lynching occurred in my home state, in my home town of New Orleans. Yet, the victims were not black. They were Italians. On March 14, 1891, 11 Italian immigrants were lynched in the City of New Orleans. These immigrants too were thought to

be less than human, and were simply rounded up as a group of the ''usual suspects'' following the murder of Police Superintendent David Hennessy. Already edgy from a media prompted mafia scare, a mob surrounded the prison and eventually battered down the doors. An armed group of twenty five men overtook the guards and summarily riddled the bodies of the 11 Italian prisoners with bullets. Their bodies were hung on lampposts outside the prison. Eyewitnesses described the cheering of the crowd as deafening.

Of course, the attacks on that day are an example of mob justice and its irrational prejudices. However, in nearly 25 percent of all lynchings the motivations of the attackers came down to a bald attempt to maintain a caste system in this country. The NAACP cataloged the reported motivations for these forms of attack. They included: using disrespectful, insulting, slanderous, boastful, threatening or incendiary language; insubordination, impertinence, or improper demeanor, a sarcastic grin, laughing at the wrong place, a prolonged silence; refusing to take off one's hat to a white person or to give the right-of-way when encountering a white on the sidewalk; resisting assault by whites; being troublesome generally; disorderly conduct, petty theft or drunkenness; writing an improper letter to a white person; paying undue or improper attention to a white female; accusing a white man of writing love letters to a black woman; or living or keeping company with a white woman; turning or refusing to turn state's evidence; testifying or bringing suit against a white person; being related to a person accused of a crime and already lynched; political activities; union organizing; conjuring; discussing a lynching; gambling; operating a house of ill fame; a personal debt; refusing to accept an employment offer; vagrancy; refusing to give up one's farm; conspicuously displaying one's wealth or property; and trying to act like a white man.

In many instances, lynchings were little more than a way to remove an economic competitor and confiscate his property. This was true in a number of cases in Mississippi involving successful African American landowners, and in one notorious Hawaiian case involving a Japanese immigrant competing with established white businessmen.

Many of my colleagues might wonder why now? After all, some of these incidents are over a century old. There are two reasons. First, this aspect of American history is not well known or understood. As reconstruction concluded in the South, a very ugly struggle to reassert the social structure that preceded the Civil War took place. A great deal of it occurred with the tacit consent of the Federal Government, and the most part, the media either shared in the common prejudice, or simply ignored what was occurring.

Fortunately, we have the publication of the book ''Without Sanctuary'' by James Allen, Hilton Als, Congressman John Lewis, and Leon F. Litwak to serve as a focal point for our attention to this neglected history. This is a difficult book to examine. It serves as a catalog of inhuman crime perpetrated by very ordinary citizens. Looking at anything so tragic as the victims of these crimes would be disturbing, but that is not what will leave a lasting impression. It is the festive attitude, the smiles and smirks on the crowd gathered around the victim. They clearly take a perverse pride in this act. Hannah Arendt, the famous political philosopher, subtitled her book on Adolph Eichman's war crimes trials ''A Report on the Banality of Evil.'' When you look at the expressions on the faces of the murderers in these photos, that is all you can think about. These are not crazed killers, these are rational people going about their everyday lives, and committing unspeakable acts in the process.

Photos like these serve to remind us that a healthy society is not something that is built up over time, and then like a great monument, exists for centuries. Rather, a healthy society is a thin levee that must be constantly improved and maintained to hold back the worst instincts of mankind. I think the horrible pictures that came from Abu Gharib prison served as a reminder of this lesson. This book is even greater testimony that atrocities are not events that only occur in far off places. They can and have occurred here in the United States.

The only way to maintain a healthy society is to acknowledge and discuss our mistakes. No one would defend the Senate's filibuster of anti-lynching legislation today. I would like to think that any Senator who did so would quickly be looking for another line of work. However, despite the change of attitude we have taken no action to remedy our wrong. That is the purpose of this resolution today. I would like to extend my deep thanks to my courageous colleague, the Junior Senator from Virginia. He seemed to instantly understand the significance of this effort, and I believed it was vitally important to proceed with this resolution in a bipartisan manner. His input and drive have made this effort much more successful than it otherwise would have been.

It is our intention to submit this legislation today, and use the recess period to confer with our colleagues about it. When we reconvene next year, we will resubmit this resolution, and at that time, we hope to have the co-sponsorship of every member of this body. Then, we will endeavor to enact the resolution to commemorate Black History month.

I said ignorance allied with power is justice's most ferocious enemy. Yet imagine what truth allied with power can bring. For over 50 years, African American achievement was seen as a threat to the majority of people in this nation. It is time to close the book on that tragic period and begin to celebrate the achievements of black Americans as accomplishments that have bettered us all. I believe that this resolution of apology will be an important symbolic step in this process of healing and growth.

Mr. ALLEN. Mr. President, I rise today to speak in support of an anti-lynching resolution that Ms. LANDRIEU and I are submitting. Like all of my colleagues, I am proud to be a member of this Chamber, not for its grandeur, but because of the grand ideas it represents. It is here, on these same small desks where big ideas have been debated and argued through the course of our history for the greater good of our Nation. It is here in this Chamber, on this floor, where our Democracy reaches consensus from what our Founding Fathers called, the ''Will of the People.''

In the history of this Chamber, there have been many great minds and defenders of Freedom. One of those whose words still reverberate here today is Daniel Webster. Standing in the old Senate Chamber, Webster told his colleagues in 1834 that a ''representative of the people is a sentinel on the watch tower of liberty.''

I know that Webster was right. I believe throughout our history, the United States Senate has been a watchtower on Liberty. It has been venerated as the World's greatest deliberative body. The formidable British Member of Parliament, William Gladstone called the American Senate, ''that remarkable body, the most remarkable of all the inventions of modern politics.''

But unfortunately, this august body has a dark stain on its history. A stain that was borne of hatred, racism, and the blood of mostly African Americans who died from a noose, from flogging, from a torch, from the evil heart of men.

I rise today to offer a formal and heartfelt apology to all the victims of lynchings in our history—black, white, Jewish, Indian, Hispanic and Asian and the failure of the U.S. Senate to take action when action was most deserved.

The term ''lynching'' has its roots in my own beloved Commonwealth. Charles Lynch, a Virginia planter during the Revolutionary War meted out his own form of justice without a court. In Bedford County, Lynch persecuted Tories and Tory sympathizers without trial.

Soon, others who desired to thwart the rule of law and to trample on the rights of the accused used ''lynchings'' against the innocent or lightly accused.

This body stood by as these vile killings captivated front-page headlines, drew crowds with morbid curiosity and left thousands of mostly African Americans hanging from trees or bleeding to death from the lashings of whips. This body failed to act and in not acting, failed to protect the Liberty of which Webster spoke.

According to the archives of Tuskegee Institute, 4,749 Americans died by lynching starting in 1882. Two-thirds of these lynchings were perpetrated against black men, women, and children. Many were not lone acts by a few white men, but angry mobs whipped into frenzies by skewed mentalities of right and wrong.

One of those who suffered this awful fate was an African American named Zachariah Walker of Coatesville, VA. In 1911, Walker was dragged from a hospital bed where he was recovering from a gunshot wound. Accused of killing a white man—which he claimed was in self-defense—Walker was burned alive at the stake without a trial.

Such horrendous acts were not a regional phenomenon. Yes, it is true that most lynchings took place in Southern States. But, Illinois, Ohio, Michigan and even this city of Washington, D.C. experienced mob violence, making lynching not just a regional problem, but a national crime.

Yet, despite the national scope of these acts, the U.S. Senate failed to pass one of the estimated 200 anti-lynching bills introduced in Congress in the first half of the Twentieth Century. Three strong pieces of legislation were passed by the other body, but faced filibusters and failures to reach cloture on this Senate floor.

In the winter of 1937–38, one grisly lynching captivated this body's attention. The crime had happened in Mississippi the previous April. Two African Americans were taken from a jail. They were whipped and torched. Senator Champ Clark of Missouri posted photographs of the brutality back here in the cloakroom. For six weeks, this body debated. For six weeks! In the end, those in favor of an anti-lynching bill failed to enact cloture over the filibustering of others.

Historians will no doubt disagree as to a single reason that U.S. Senators blocked legislation to make lynching a federal crime. My desire here is not to get into motivations.

Regardless of their reasoning, our reason tells us that it was wrong and it is time to right it.

Thankfully, justice in our Nation has moved forward and left such despicable acts to history. But, this story can never be complete without an acknowledgement from this body that it failed to protect individual freedoms and rights.

It ignored the protection our Founding Fathers extended to those accused of crimes and the bedrock foundation of our system of justice that everyone is innocent until proven guilty. And, it turned its back on the most helpless in our society at a time when the weak needed protection.

I stand here today as a proud Senator from a Southern State. I look around this chamber and know of its abundance of honor and integrity throughout its history. Yet, we have not been perfect, especially on this issue. We failed our American ideals and we failed our citizens.

As Ephesians teaches us, ''all things that are reproved are made manifest by the light.''

My fellow Senators, this apology is too long in coming. I respectfully urge all of us to reprove this omission of history as a strong step never to be repeated in our future.

SENATE RESOLUTION 443—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION IN UNITED STATES V. ROBERTO MARTIN

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 443

Whereas, in the case of *United States* v. *Roberto Martin*, Crim. No. 04–CR–20075, pending in Federal District Court in the Southern District of Florida, testimony and documents have been requested from an employee in the office of Senator Bob Graham;

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

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

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

Resolved that employees of Senator Graham's office from whom testimony or the production of documents may be required are authorized to testify and produce documents in the case of *United States* v. *Roberto Martin*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Senator Graham's staff in the action referenced in section one of this resolution.

SENATE RESOLUTION 444—CONGRATULATING AND COMMENDING THE VETERANS OF FOREIGN WARS OF THE UNITED STATES AND ITS NATIONAL COMMANDER-IN-CHIEF, JOHN FURGESS OF TENNESSEE

Mr. FRIST (for himself, Mr. DASCHLE, Mr. SPECTER, Mr. ALEXANDER, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 444

Whereas the organization now known as the Veterans of Foreign Wars of the United States (''VFW'') was founded in Columbus, Ohio, on September 29, 1899;

Whereas the VFW represents approximately 2,000,000 veterans of the Armed Forces who served overseas in World War I, World War II, Korea, Vietnam, the Persian Gulf War, Bosnia, Iraq, and Afghanistan; and

Whereas the VFW has, for the past 105 years, provided voluntary and unselfish service to the Armed Forces and to veterans, communities, States, and the United States, and has worked toward the betterment of veterans in general and society as a whole: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historic significance of the 105th anniversary of the founding of the Veterans of Foreign Wars of the United States (''VFW'');

(2) congratulates the VFW on achieving that milestone;

(3) commends the approximately 2,000,000 veterans who belong to the VFW and thanks them for their service to their fellow veterans and the United States; and

(4) recognizes the VFW's national Commander-in-Chief, John Furgess, for his service and dedication to the veterans of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3755. Mr. GRAHAM, of Florida submitted an amendment intended to be proposed by him to the bill S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes; which was ordered to lie on the table.

SA 3756. Mr. GRAHAM, of Florida submitted an amendment intended to be proposed by him to the bill S. 2845, supra; which was ordered to lie on the table.

SA 3757. Mr. GRAHAM, of Florida submitted an amendment intended to be proposed by him to the bill S. 2845, supra; which was ordered to lie on the table.

SA 3758. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2845, supra; which was ordered to lie on the table.

SA 3759. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2845, supra; which was ordered to lie on the table.

SA 3760. Mr. SARBANES (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2845, supra; which was ordered to lie on the table.

SA 3761. Mr. SPECTER (for himself and Mrs. FEINSTEIN) proposed an amendment to the bill S. 2845, supra.

SA 3762. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2845, supra; which was ordered to lie on the table.

SA 3763. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2845, supra.

SA 3764. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2806, making appropriations for the Departments of Transportation and Treasury, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table.

SA 3765. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes; which was ordered to lie on the table.

SA 3766. Mr. MCCAIN proposed an amendment to the bill S. 2845, supra.

SA 3767. Mr. LAUTENBERG proposed an amendment to the bill S. 2845, supra.

SA 3768. Mr. BAUCUS (for himself, Mr. ROBERTS, Mr. CRAIG, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2845, supra; which was ordered to lie on the table.