

regard to the rights of property and the moral innocence of the party incurring the liability.]

Mr. President, we can be sure—as sure as anything—that the tobacco industry will challenge the constitutionality of this bill on these, and perhaps even other issues.

I am confident that every argument that I have made is legitimate. The tobacco companies need only prevail on one of these theories and this opportunity we have had will have been squandered.

Mr. President, in 1878, William E. Gladstone, the famous future Prime Minister of Great Britain, remarked that the “American Constitution is . . . the most wonderful work ever struck off at a given time by the brain and purpose of man.”

Indeed, the Constitution by limiting the scope of government has fostered individual autonomy, which in turn has unleashed the creative energies of the American people.

The Constitution, for over two centuries now, has been the source of our prosperity, as well as our liberty. Let us abide by its strictures. Let us pass legislation that both helps our kids and is also constitutional.

EXPLANATION OF VOTE

Mrs. BOXER. Mr. President, I wish to inform the Senate of the reason I voted “present” on the Faircloth-Sessions amendment relating to a cap on attorneys’ fees in tobacco cases.

I abstained on this vote because my husband’s law firm is co-counsel in several lawsuits against tobacco companies filed in California state court by health and welfare trust funds.

This Ethics Committee has advised me that voting on an amendment such as this “would not pose an actual conflict of interest” under the Senate Code of Conduct.

However, I decided that voting on this amendment could create the appearance of a conflict of interest and therefore I abstained by voting “present.”

The PRESIDING OFFICER (Mr. GORTON). The Senator from Mississippi.

TRIBUTE TO THE LATE CONGRESSMAN THOMAS G. ABERNETHY

Mr. COCHRAN. Mr. President, it is with a feeling of profound sadness that I advise the Senate that former Mississippi Congressman Thomas G. Abernethy died last night in Jackson, MS. He was 95 years of age. He served with great distinction in the U.S. House of Representatives for 30 years, and he was deeply respected as an influential and prominent political leader.

Tom Abernethy was born in Eupora, MS, on May 16, 1903. He attended the University of Alabama, and the University of Mississippi, and graduated from the Law Department of Cumberland University in Lebanon, TN, in 1924.

He was elected mayor of Eupora, MS, in 1927, and in 1929 he moved to

Okolona. He continued to practice law there and was elected district attorney in 1936. He was elected to Congress in 1942.

Tom Abernethy became a close friend and an adviser to me. I sought his advice on matters involving agriculture, the Natchez Trace Parkway, and many other issues of importance to me and to our State. I always found his advice and counsel very valuable and helpful.

I extend to his children, grandchildren, and great grandchildren my sincerest condolences.

The PRESIDING OFFICER. The Senator from Hawaii.

COMMEMORATING 100 YEARS OF RELATIONS BETWEEN THE PEOPLE OF THE UNITED STATES AND THE PEOPLE OF THE PHILIPPINES

Mr. AKAKA. Mr. President, I ask unanimous consent the Foreign Relations Committee be discharged from further consideration of S. Res. 235 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows: A resolution (S. Res. 235) commemorating 100 years of relations between the people of the United States and the people of the Philippines.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

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

Mr. AKAKA. Mr. President, today marks the centennial of the Philippines’ independence from Spain and also the 100th anniversary of Philippine-American relations. I urge my colleagues to reflect upon our friendly relationship with the Filipino people and their Republic.

The Sun and Stars, the flag of the Republic of the Philippines, has once again been unfurled on the same balcony where General Emilio Aguinaldo declared the country’s independence, overthrowing 300 years of Spanish colonization on June 12, 1898.

With that act by General Aguinaldo, Filipinos earned the distinct honor of being the first indigenous people in Asia to wrest their freedom and independence by force of arms from their European colonial masters.

The Philippine Centennial is a toast to the Filipino spirit, to the rebirth of a courageous nation, to Asia’s first republic and constitutional democracy, and to a glorious and progressive future for the Filipino Nation.

There is no better time than now to recognize the enduring friendship between our two countries. It is a friendship which flourished despite tragic beginnings in a conflict first with the Spanish in 1898, and subsequently with Filipino independence fighters. But we moved beyond that struggle and worked diligently to grant full Philippine independence in 1946.

During World War II, Filipino troops fought bravely side-by-side with American forces and Filipino guerrilla fighters were indispensable in the liberation of the Philippines from Japanese occupation.

The Philippines continued, even after independence, to be America’s most important ally in Asia, again contributing troops to the Korean conflict and to the Vietnam war.

We owe a debt of gratitude, if not more, to our Filipino friends. We rejoiced when the peaceful “people power” revolution restored democracy to the Philippines twelve years ago. Presidents Corazon Aquino and Fidel Ramos established a democratic government and instituted market-based reforms which placed the Philippines—politically and economically—on a strong foundation for the 21st century.

I am confident that newly elected President, Joseph Estrada, will continue to nurture these reforms. The Multilateral Aid Initiative for the Philippines that Congress launched following the “people power” revolution was an effort not only to demonstrate support for Filipino democracy but also to show our lasting commitment to an enduring relationship with the Philippines. This continues to be the basis for our policy, and it is instructive that during the current Asian financial crisis the Philippines has escaped the worst effects of the crisis.

The United States continues to be the largest trading partner and foreign investor in the Philippines. One-third of Philippines’ exports come to America. Two-way trade between our two countries exceeds \$12 billion.

Today, all Americans should honor our good friendship with the Philippines on this important commemoration of their independence, support their continued political and economic progress, and work to maintain the special and close relationship between our sister democracies. The Philippines has clearly become a positive role model for its Asian neighbors.

Mr. President, because of the deep and enduring ties that have traditionally bound the people of the Philippines and the United States together, I strongly urge our colleagues to adopt S. Res. 235, a resolution commemorating 100 years of friendly relations between the people of the United States and the Philippines.

Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to, en bloc, and that the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 235) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 235

Whereas 1998 marks 100 years of special ties between the people of the United States and the people of the Philippines and is also