

TABLE 1.—REVISED ALLOCATION FOR APPROPRIATIONS  
COMMITTEE, 2002—Continued  
(In millions of dollars)

	Budget au- thority	Outlays
Mass Transit .....	0	5,275
Conservation .....	1,760	1,473
Mandatory .....	358,567	350,837
Total .....	1,089,314	1,085,612

Pursuant to section 311 of the Congressional Budget Act, I hereby revise the 2002 budget aggregates included in the concurrent budget resolution in the following amounts.

TABLE 2.—REVISED BUDGET AGGREGATES, 2002  
(In millions of dollars)

	Budget authority	Outlays
Current allocation: Budget Resolution .....	1,710,450	1,653,782
Adjustments: Emergency Spending .....	-5,139	962
Revised allocation: Budget Resolution .....	1,705,311	1,652,820

Prepared by SBC Majority Staff on 9-10-02.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred August 22, 2002 in San Francisco, CA. Two people beat a lesbian outside a nightclub. The assailants, Jack Broughton, 35, and Jean Earl, 32, punched and kicked the victim, who was later treated at San Francisco General Hospital. Police say that the attackers shouted anti-gay slurs, and are investigating the incident as a possible hate crime.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### COMMUNITY HERO

Mr. SMITH of Oregon. Mr. President, I rise to salute a World War II veteran from my home State of Oregon. Today, I want to recognize the efforts of August F. "Gus" Smoorenburg, a member of the European resistance fighters who lived and struggled in Nazi occupied territories throughout the last century's largest and most destructive war.

Born in Amsterdam in the 1920s, Gus was 19 years old when Germany invaded Holland, Luxembourg, and France. To stop the Germans, the Dutch tried using their own landscape, opening the country's famous dams and sluices to stop tanks and trucks filled

with soldiers. After the brutal killing of thousands of civilians, including schoolchildren, the Dutch surrendered on May 15, 1940.

The European resistance fighters, as they have come to be known, began as independent groups of youths clandestinely sabotaging the occupying German forces by whatever means at their disposal. Resistance groups sprang up in every Nazi-occupied country. Gradually, like-minded people banded together and worked in secret to overthrow the invaders. Dutch, French and Polish youths risked their lives day and night to slow the advance of the Nazi forces. They accomplished small victories by such simple methods as rearranging traffic signs and filling the gas tanks of their enemy's vehicles with sugar. These groups became a part of an organized European resistance movement when they finally established short-wave radio contact with London and received coded messages.

The risks of joining the resistance were great. A resistance worker caught by the Nazis faced certain death. The Germans sometimes rounded up and executed hundreds of civilians in revenge for an act of sabotage. Gus' life was no exception to this backlash to the resistance fighters. By 1944 his family was living on meager rations of tulip bulbs and two of his fellow resistance fighters and a cousin had been executed by firing squad.

The ferociousness of the fighting and danger that these unsung heroes faced are conveyed by his description of the bombing of Dortmund: "This sight I cannot ever forget: burning roofs collapsing, burning window sills and brick walls crashing down on sidewalks, bricks and debris lying everywhere from roads as well as from houses, blown to pieces. It is unforgettable . . . to see and feel a city, an entire city, on fire."

Gus moved to Portland, OR in 1977 to be closer to his oldest daughter. He has been a valuable member of the community and a welcome piece of living history. I believe it is time that he, along with other resistance fighters, be recognized for the sacrifices they selflessly made fighting the oppressive forces of fascism during those dark years.

Each allied nation is indebted to patriots such as Gus; without their invaluable efforts the greatest war of the last century might have lasted much longer and cost many more thousands of lives. It is with humble respect and praise that I offer my recognition today to Gus and the European resistance fighters.

#### THE NOMINATION OF PRISCILLA OWEN

Mr. LEAHY. Mr. President, in light of the continuing criticism of Republicans about the Senate Judiciary Committee's vote on the nomination of Priscilla Owen to be a judge on the United States Court of Appeals for the

Fifth Circuit, I am making my statement from September 5, 2002, on that vote a part of the RECORD.

I would also like to respond to the misleading suggestion that the Senate Judiciary Committee has never defeated a nominee who received a "well qualified" rating from the American Bar Association. In fact, in the prior six and one-half years of Republican control of the Senate the nominations of more than a dozen judicial candidates with unanimous well qualified ratings were defeated in the Committee through the decision of Republicans to block them from receiving hearings and votes on their nominations. More than three dozen others received partial ratings of "well qualified" and "qualified." More than 50 of President Clinton's judicial nominees never received Committee votes, despite their ratings. The truth is that Republicans defeated dozens of judicial nominees with well-qualified ratings, not in the light of day with a democratic vote, but in the dark of night through secret, anonymous holds or other tactics.

Here are some of the Clinton nominees with unanimous well qualified or partial well qualified ratings who never received a Senate Judiciary Committee vote and whose nominations ended in Committee: Alston Johnson, Fifth Circuit, James Duffy, Ninth Circuit, Kathleen McCree-Lewis, Sixth Circuit, Enrique Moreno, Fifth Circuit, Judge James Lyons, Tenth Circuit, Allen Snyder, D.C. Circuit, Judge Robert Cindrich, Third Circuit, Judge Stephen Orlofsky, Third Circuit, James Beatty, Fourth Circuit, Frederic Woocher, Central District of California, Richard Anderson, District of Montana, Jeffrey Coleman, Northern District of Illinois, John Bingler, Western District of Pennsylvania, Elena Kagan, D.C. Circuit, Elizabeth Gibson, Fourth Circuit, Lynette Norton, Western District of Pennsylvania, Judge Legrome Davis, Eastern District of Pennsylvania, Judge Richard Leonard, Eastern District of North Carolina, Judge Linda Reigle, District of Nevada, Gary Sebelius, District of Kansas, Judge David Cercone, Western District of Pennsylvania, Patricia Coan, District of Colorado, Stephen Achelpohl, District of Nebraska, Judge Jorge Rangel, Fifth Circuit, Ronald Gould, Ninth Circuit, and Robert Freedburg, Eastern District of Pennsylvania. This is just a partial list.

Of course some of President Clinton's judicial nominees who received hearings and Committee votes had also received well-qualified ratings, but that did not stop Republicans from voting against them and trying to defeat their nominations. For example, some of the same Republicans who now claim it is unprecedented to defeat a nominee with a well-qualified rating voted against several Clinton nominees with that same rating, either in Committee, on the floor or both. The following nominees with well qualified ratings