

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TRIBUTE TO TWO GREAT AMERICANS: FRED KOREMATSU AND ERNEST CHILDERS

Mr. DURBIN. Mr. President, It is said that Pope John Paul II was probably the most widely recognized person in the entire world. We have heard many inspiring tributes to this great man, and rightly so.

I would like to take a few minutes to pay tribute to two other great men who died recently. Unlike the Pope, their names and their faces were not instantly recognizable. But they shared some of his finest qualities. They were remarkably brave men who risked much to protect transcendent truths, and who continued to defend those truths even in the twilight of their lives. In their cases, the truths were the principles that are the essence of America.

Both of these men first made their marks on American history during World War II.

Ernest Childers was a Native American, a member of the Creek Nation from Oklahoma, and a recipient of the Medal of Honor.

He was a lieutenant in the Army National Guard when he arrived on the beaches of Salerno, Italy, in September 1943. Hearing that many in his division were pinned down by enemy fire in nearby hills, he organized a group of eight soldiers to help clear a path to rescue the endangered soldiers.

An exploding enemy shell threw Lt. Childers to the ground, breaking his ankle, but he continued to advance. Ordering his soldiers to lay down a base of fire to protect him, he crawled—with his shattered ankle—toward an enemy sniper's nest.

Almost out of ammunition, he reached down and threw a rock at the snipers guessing correctly that they would mistake it for a hand grenade. He was right. When the snipers stood to run, Lt. Childers shot and killed one of them; one of his soldiers killed the other. Later that day, he single-handedly captured an enemy soldier.

After recovering from his wounds, he was sent back into combat and fought at the Battle of Anzio, where he was wounded again. He was recovering in a military hospital when he learned that he was to receive the Medal of Honor.

He retired from the Army as a lieutenant colonel in 1965, worked briefly in Washington, then returned home to Oklahoma.

After September 11, he wrote a widely circulated column criticizing the at-

tacks on some Arab-Americans. He wrote:

Even though I have darker skin than some Americans, that doesn't mean I'm any less patriotic than any other American. I am appalled that people who call themselves "Americans" are attacking and killing other Americans simply because of their skin color.

Now let me speak of another recently lost. Fred Korematsu also suffered a great injury in World War II. In his case, however, the injury wasn't physical, and it wasn't inflicted by enemy soldiers. It was inflicted by the United States government in one of the most shameful chapters in our Nation's history.

In 1942, Mr. Korematsu was 22 years old, living in California, when the U.S. government declared 120,000 Japanese-American citizens and immigrants "enemy aliens" and ordered that they be forced from their homes into internment camps—prison camps.

Mr. Korematsu—who was born in California to immigrant parents—had tried twice to enlist in the military after Pearl Harbor, but was rejected for health reasons. He did everything he could think of to be accepted as American. He changed his name, and even had an operation to try to make his eyes appear rounder. Still, he was still ordered to be imprisoned at Tule Lake, an infamous internment camp in California.

His family and friends complied with the order. But Fred Korematsu resisted because, he said, he was an American, and he believed that the internments were unconstitutional.

He challenged the order all the way to the United States Supreme Court. In a decision that remains one of the most infamous decisions in its history, the Court ruled in 1944 that the internment of American citizens of Japanese descent was justified by the need to combat sabotage and espionage.

It took nearly 40 years for Fred Korematsu's conviction for opposing internment to be overturned by a U.S. District Court.

In 1988, Mr. Korematsu helped win an apology and reparations from the United States Government for internment camp survivors. A decade later, he was awarded the Presidential Medal of Freedom.

In November 2003, Mr. Korematsu did something he never expected he would have to do again in his life. He filed another brief before the Supreme Court protesting what he believed to be unconstitutional internments by our Government only this time, the detainees were being held at Guantanamo Bay, Cuba.

Mr. Korematsu's brief contained a simple plea.

... to avoid repeating the mistakes of the past, this court should make clear that the United States respects constitutional and human rights, even in times of war.

Fred Korematsu died on March 30 at his home in Larkspur, CA after a long respiratory illness. He leaves his wife, Katherine, and their son and daughter.

Ernest Childers, a courageous warrior to the end, died March 17 at a hospice in Tulsa after suffering a number of strokes. He leaves his wife of 59 years, Yolanda, and their three children.

These men were recipients of the Presidential Medal of Freedom, the highest civilian honor our Nation can bestow on an individual; and the Medal of Honor, the highest military honor our Government grants.

They risked everything as young men to defend the great principles on which our Nation is based, and they continued to speak out for those principles until they died. They were truly American heroes.

Our thoughts and prayers go out to their family and friends.

THE NUCLEAR OPTION

Mr. LEAHY. Mr. President, we heard a distinguished leader of a country pushing into democracy this morning, addressing a joint meeting of the Congress over in the other body. I think every time a country moves into democracy, and its leaders and citizens come to this country, one of the things they are thrilled about is the independence of our Federal judiciary and our judiciary overall. They say in their country, if they ever want to have democracy, they have to have the independence of the judiciary.

I mention this because in recent weeks there seems to have been this escalating verbal attack by political leaders—and I must say, with all due respect, Republican political leaders—against Federal judges, including those who have been appointed by Republican Presidents, and against the Supreme Court, where most of the justices have been appointed by Republican Presidents.

The Republican leader of the House has spoken seeking vengeance against judges involved in the Terri Schiavo matter. A Senate Republican has referenced the brutal murders in the State court in Georgia and of Judge Lefkow's family in Illinois as if they were somehow connected to judicial decisions that some people do not like and which lead to pressures that explode in violence.

Now, I know all Senators, Republicans and Democrats, including the Senator who made those remarks, strongly agree there can be no justification for violence against judges or their families. In Iraq, judges are being attacked by insurgents. In Columbia, honest judges were murdered by drug-dealing thugs. That is not a circumstance we want to see anywhere in the world, especially here. We cannot tolerate or excuse or justify it here in the United States.

When I chaired the Judiciary Committee in 2001, one of the first things I did was push for passage of the Judicial Protection Act, which toughened criminal penalties for assaults against judges and their families. I sponsored it