

entered the military 30 years ago, and to commend the superb service he provided the Air Force, the Congress, and our Nation.

Dan Locker was commissioned in the Air Force Reserve in 1970 through the Health Professions Scholarship Program. A proud Texan, he completed his bachelor's degree in biology at Southwest Texas State College in 1967. He entered active duty in 1972, and received his Doctor of Medicine degree in 1973 from the University of Texas Medical School in San Antonio. He then completed residencies in family practice at Scott Air Force Base, IL, and general surgery at Keesler Air Force Base, MS. An active chief flight surgeon, General Locker has logged more than 1,000 hours of flight time in numerous military aircraft, including 21 combat missions and 25 combat hours.

From early in his career, General Locker's exceptional leadership skills were always evident to both superiors and subordinates as he repeatedly proved himself in numerous select command positions. He was the Chief of Surgical Services in his first post-residency assignment at Mountain Home Air Force Base, ID. From there, he went overseas to serve as Chief of General Surgery and Director of U.S. Air Forces in Europe Flying Ambulance Surgical Trauma teams in Wiesbaden, Germany. While in Germany, he also was the military consultant to the Air Force Surgeon General for general surgery. Next, he moved to the Royal Air Force Lakenheath, England, where he served as deputy commander for hospital services. Then it was back to Texas to command, first, the 96th Strategic Hospital at Dyess Air Force Base, and then the 82nd Medical Group at Sheppard Air Force Base. After proving his staff proficiency as Director of Medical Service Officer Management at the Air Force Military Personnel Center at Randolph Air Force Base, TX, then-Colonel Locker, was summoned to be the Command Surgeon at Headquarters, U.S. Air Forces in Europe in Ramstein Air Base, Germany. While in that position, he was responsible for management, resources, and oversight of all health care provided at 12 Air Force clinics, hospitals, and medical centers throughout Europe.

In 1997, Dan Locker was promoted to brigadier general, and was selected for his current high-profile position as commander of the second largest medical center in the Air Force at Keesler Air Force Base in the great State of Mississippi. General Locker took Keesler Medical Center to new heights, earning the 81st Medical Group the Air Force Outstanding Unit Award, the Department of Defense TRICARE Customer Service Award, and the TRICARE Access to Care Award. The TRICARE honors resulted in a \$100,000 cash award, that was used to improve the quality of life and benefit the more than 2,000 health care professionals of the 81st Medical Group at Keesler. General Locker has worked diligently to

hone the military professionalism of the "Combat Medics" at Keesler Medical Center, which is responsible for the direct delivery of health care to more than 50,000 patients in the Keesler area, and provides referral and consultative services to an additional 605,000 beneficiaries in a 5-State region.

As Lead Agent for TRICARE Region IV, General Locker is responsible for the direction of all managed health care activities at 23 military treatment facilities throughout all of Mississippi, Alabama, Tennessee, and parts of Louisiana and Florida. In addition, through a \$4 billion contract with Humana Military Healthcare Services, he is responsible for the provision of care to all military beneficiaries in the region. The Managed Care Support Contract relationship with Humana was so strong that both parties were recognized by the National Managed Health Care Congress with the 2001 AstraZeneca Partnership Award for improving the delivery of health care throughout the Gulf-South Region.

A dynamic and skilled lecturer, General Locker has delivered presentations around the world on a variety of clinical and technological health care issues to a broad range of audiences, both military and civilian. Still active in his surgical practice, he spends a week each winter, leading a team on a humanitarian mission trip to Mexico to help provide much-needed care to rural and under-served patients. Just last week, he was presented the prestigious Excalibur Award by the Society of Air Force Clinical Surgeons for demonstrating the highest personal dedication, surgical competence, and providing leadership and vision to further advance the field of surgery.

I offer my congratulations to Dan, his wife, Cynthia, daughters, Valerie and Rachel, and son, Ryan. The Congress and the country applaud the selfless commitment his entire family has made to the Nation in supporting his military career.

I know I speak for all of my colleagues in expressing my heartfelt appreciation to General Locker. He is a credit to both the Air Force and the United States. We wish our friend the best of luck in his retirement and we look forward to working with General Locker in his next career.

TRIBUTE TO BRIGADIER GENERAL  
ROOSEVELT "TED" MERCER, JR.,  
COMMANDANT, JOINT FORCES  
STAFF COLLEGE

Mr. LOTT. Mr. President, I would like to take a moment today to recognize one of the finest officers in the United States Air Force, Brigadier General Roosevelt "Ted" Mercer, Jr. On May 9, 2002, General Mercer will become the Commandant of Joint Forces Staff College at the National Defense University in Norfolk, VA. He will be leaving the job as Commander of the 81st Training Wing at Keesler AFB MS, a position he has held and executed

with great pride, leadership, and honor. During his time at Keesler, as Commander of the 81st Training Wing, General Mercer personified the Air Force core values of integrity, service before self, and excellence in all things. Many Members and staff enjoyed the opportunity to meet with him on a variety of Air Force issues and came to appreciate his many talents. Today it is my privilege to recognize some of Ted's many accomplishments since he entered the military 27 years ago, and to commend the superb service he provided the Air Force, the Congress and our Nation.

Ted Mercer entered the Air Force through the Reserve Officer Training Corps program at University of Puget Sound in Tacoma, Washington. While there, he completed his bachelor's degree in urban planning in 1975, as well as being a distinguished graduate of the university's ROTC program. Upon graduation, he was assigned to Vandenberg Air Force Base in California, where he became proficient in Titan II missile combat crew operations, so much so that by 1980 he became an instructor in missile combat crew operations at Vandenberg.

From early in his career, General Mercer's exceptional leadership skills were always evident to both superiors and subordinates as he repeatedly proved himself in numerous select command positions. He was the Commander of the 447th Strategic Missile Squadron at Grand Forks Air Force Base, North Dakota; Commander of the 45th Logistics Group at Patrick Air Force Base, Florida; and at Minot Air Force Base, North Dakota he was Commander of the 91st Operations Group. In June 1998, he assumed command of the 30th Space Wing at Vandenberg Air Force Base, California. As I've stated earlier, he superbly led the 81st Training Wing at Keesler Air Force Base, Mississippi from September 2000 until May 2002.

Ted Mercer also has excelled in a variety of key staff assignments. These include serving as Deputy Director of Operations, Headquarters U.S. Space Command at Peterson Air Force Base, Colorado; Vice Director of Plans, Directorate of Plans, Headquarters U.S. Space Command at Peterson Air Force Base, Colorado; Chief, Nuclear Division, Directorate of Plans and Policy, Headquarters U.S. European Command, Stuttgart, Germany; and Executive Officer, Directorate of Personnel Plans, Deputy Chief of Staff for Personnel, Headquarters U.S. Air Force, Washington DC. General Mercer also served as Chief of Congressional Affairs, Deputy Chief of Staff for Personnel, Headquarters U.S. Air Force in Washington DC, and has been awarded a Defense Superior Service Medal and Legion of Merit among other decorations.

We were all pleased to see General Mercer selected as Commandant of the Joint Forces Staff College at the National Defense University in Norfolk, VA. I offer my congratulations to him,

his wife, Mike, and daughter, Sidnee, on this new assignment. The Congress and the country applaud the selfless commitment his entire family has made to the Nation in supporting his military career.

I know I speak for all of my colleagues in expressing my heartfelt appreciation to General Ted Mercer. He is a credit to both the Air Force and the United States of America. We wish our friend the best of luck in his new command.

#### ARTHUR M. SCHLESINGER, JR. ON AMERICAN DEMOCRACY

Mr. KENNEDY. Mr. President, few individuals have made a greater contribution to the study of American history than Professor Arthur M. Schlesinger, Jr.

Arthur's been a pre-eminent historian for over half a century, ever since 1946, when he won the Pulitzer Prize at the age of 28, for his book "The Age of Jackson."

As Oscar Wilde once said—anybody can make history but only a truly great man can write history. And Arthur Schlesinger has written about history with unsurpassed eloquence, and he's shaped that history with his unsurpassed wisdom and scholarship. In so many ways, Arthur Schlesinger represents the best of the liberal and progressive ideal in the 20th century.

Arthur Schlesinger continues to represent these ideals in the 21st century, and I believe that his article on the 2000 presidential election published in last month's issue of *The American Prospect* will be of interest to all of us in Congress. I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the *American Prospect*, Mar. 25, 2002]

#### NOT THE PEOPLE'S CHOICE

(By Arthur M. Schlesinger, Jr.)

The true significance of the disputed 2000 election has thus far escaped public attention. This was an election that made the loser of the popular vote the president of the United States. But that astounding fact has been obscured: first by the flood of electoral complaints about deceptive ballots, hanging chads, and so on in Florida; then by the political astuteness of the court-appointed president in behaving as if he had won the White House by a landslide; and now by the effect of September 11 in presidentializing George W. Bush and giving him commanding popularity in the polls.

"The fundamental maxim of republican government," observed Alexander Hamilton in the 22d *Federalist*, "requires that the sense of the majority should prevail." A reasonable deduction from Hamilton's premise is that the presidential candidate who wins the most votes in an election should also win the election. That quite the opposite can happen is surely the great anomaly in the American democratic order.

Yet the National Commission on Federal Election Reform, a body appointed in the wake of the 2000 election and co-chaired (honorarily) by former Presidents Gerald Ford and Jimmy Carter, virtually ignored it.

Last August, in a report optimistically entitled *To Assure Pride and Confidence in the Electoral Process*, the commission concluded that it had satisfactorily addressed "most of the problems that came into national view" in 2000. But nothing in the ponderous 80-page document addressed the most fundamental problem that came into national view: the constitutional anomaly that permits the people's choice to be refused the presidency.

Little consumed more time during our nation's Constitutional Convention than debate over the mode of choosing the chief executive. The framers, determined to ensure the separation of powers, rejected the proposal that Congress elect the president. Both James Madison and James Wilson, the "fathers" of the Constitution, argued for direct election by the people, but the convention, fearing the parochialism of uninformed voters, also rejected that plan. In the end, the framers agree on the novel device of an electoral college. Each state would appoint electors equal in number to its representation in Congress. The electors would then vote for two persons. The one receiving a majority of electoral votes would then become president; the runner-up, vice president. And in a key sentence, the Constitution stipulated that of these two persons at least one should not be from the same state as the electors.

The convention expected the electors to be cosmopolitans who would know, or know of, eminences in other states. But this does not mean that they were created as free agents authorized to routinely ignore or invalidate the choice of the voters. The electors, said John Clopton, a Virginia congressman, are the "organs . . . acting from a certain and unquestioned knowledge of the choice of the people, by whom they themselves were appointed, and under immediate responsibility to them."

Madison summed it up when the convention finally adopted the electoral college: "The president is now to be elected by the people." The president, he assured the Virginia ratifying convention, would be "the choice of the people at large." In the First Congress, he described the president as appointed "by the suffrage of three million people."

"It was desirable," Alexander Hamilton wrote in the 68th *Federalist*, "that the sense of the people should operate in the choice of the person to whom so important a trust was to be confided." As Lucius Wilmerding, Jr., concluded in his magisterial study of the electoral college: "The Electors were never meant to choose the President but only to pronounce the votes of the people."

Even with such a limited function, however, the electoral college has shaped the contours of American politics and thus captured the attention of politicians. With the ratification of the 12th Amendment in 1804, electors were required to vote separately for president and vice president, a change that virtually guaranteed that both would be of the same party. Though unknown to the Constitution and deplored by the framers, political parties were remolding presidential elections. By 1836 every state except South Carolina had decided to cast its votes as a unit—winner take all, no matter how narrow the margin. This decision minimized the power of third parties and created a solid foundation for a two-party system.

"The mode of appointment of the Chief Magistrate [President] of the United States," wrote Hamilton in the 68th *Federalist*, "is almost the only part of the system, of any consequence, which has escaped without severe censure." This may have been true when Hamilton wrote in 1788; it was definitely not true thereafter. According to the Congressional Research Service, legislators since the First Congress have offered

more than a thousand proposals to alter the mode of choosing presidents.

No legislator has advocated the election of the president by Congress. Some have advocated modifications in the electoral college—to change the electoral units from states to congressional districts, for example, or to require a proportional division of electoral votes. In the 1950s, the latter approach received considerable congressional favor in a plan proposed by Senator Henry Cabot Lodge, Jr., and Representative Ed Gossett. The Lodge-Gossett amendment would have ended the winner-take-all electoral system and divided each state's electoral vote according to the popular vote. In 1950 the Senate endorsed the amendment, but the House turned it down. Five years later, Senator Estes Kefauver revived the Lodge-Gossett plan and won the backing of the Senate Judiciary Committee. A thoughtful debate ensued, with Senators John F. Kennedy and Paul H. Douglas leading the opposition and defeating the amendment.

Neither the district plan nor the proportionate plan would prevent a popular-vote loser from winning the White House. To correct this great anomaly of the Constitution, many have advocated the abolition of the electoral college and its replacement by direct popular elections. The first "minority" president was John Quincy Adams. In the 1824 election, Andrew Jackson led in both popular and electoral votes; but with four candidates dividing the electoral vote, he failed to win an electoral-college majority. The Constitution provides that if no candidate has a majority, the House of Representatives must choose among the top three. Speaker of the House Henry Clay, who came in fourth, threw his support to Adams, thereby making him president. When Adams then made Clay his secretary of state, Jacksonian cries of "corrupt bargain" filled the air for the next four years and helped Jackson win the electoral majority in 1828.

"To the people belongs the right of electing their Chief Magistrate," Jackson told Congress in 1829. "The first principle of our system," he said, is "that the majority is to govern." He asked for the removal of all "intermediate" agencies preventing a "fair expression of the will of the majority." And in a tacit verdict on Adams's failed administration, Jackson added: "A President elected by a minority can not enjoy the confidence necessary to the successful discharge of his duties."

History bears out Jackson's point. The next two minority presidents—Rutherford B. Hayes in 1877 and Benjamin Harrison in 1889—had, like Adams, ineffectual administrations. All suffered setbacks in their midterm congressional elections. None won a second term in the White House.

The most recent president to propose a direct-election amendment was Jimmy Carter in 1997. The amendment, he said, would "ensure that the candidate chosen by the votes actually becomes President. Under the Electoral College, it is always possible that the winner of the popular vote will not be elected." This had already happened, Carter said, in 1824, 1876, and 1888.

Actually, Carter placed too much blame on the electoral system. Neither J.Q. Adams in 1824 nor Hayes in 1876 owed his elevation to the electoral college. The House of Representatives, as noted, elected Adams. Hayes's anointment was more complicated.

In 1876, Samuel J. Tilden, the Democratic candidate, won the popular vote, and it appeared that he had won the electoral vote too. But the Confederate states were still under military occupation, and electoral boards in Florida, Louisiana, and South Carolina disqualified enough Democratic ballots to give Hayes, the Republican candidate, the electoral majority.