

acts of incredible bravado. In 1776, the population of the United States was estimated to be between 2.2 million and 2.9 million people dispersed over an enormous swath of lightly populated country. Some 70,000 British loyalists had fled the new United States after independence was declared. The remaining tiny population was taking on the British empire at the height of her power—a colossus five times larger in terms of population that was the greatest and richest in history since the fall of Rome and the recent victor of wars against France and Spain that left her in sole possession of much of the North American Continent. To wave flags and shoot off fireworks in celebration of the Declaration of Independence from such a behemoth was tantamount to a junior varsity football team taking on the entire National Football League for the Super Bowl and thumbing their noses to boot. In point of fact, it took everything the new Nation had to eke out a victory. There were many points during the Revolution at which the outcome was far from certain.

Even in the aftermath of victory, the future of the new Nation was fragile. Burdened by war debt, exhausted, struggling to form a workable government out of 13 highly independent new States, the new Nation limped along without even an established capital. It was not until the Constitution was drafted in 1787 and the new Capital established in Washington, DC, that the new Nation took on a sense of stability and permanence. On July 4, 1801, President Thomas Jefferson, the principal drafter of the Declaration of Independence, opened the White House to guests while the Marine Band played patriotic music on the lawn and militia units conducted military drills with fixed bayonets.

Independence Day celebrations were conducted far from Washington as well. Two hundred years ago, July 4, 1805, found the Lewis and Clark expedition traveling along the upper Missouri River in Montana. LT William Clark noted in his journal that the group honored the day with as much of a feast as they could muster, drank the last of their brandy, and pulled out the fiddle for dancing and merriment until “a late hour.” I am especially pleased to note that fiddle playing was part of the day’s celebration. In my younger days, family gatherings always included some fiddle playing, a little singing, and maybe a little dancing. It is a tradition as old as the Fourth of July.

I hope, Mr. President, that on this Independence Day, many Americans may enjoy a little fiddle music—it keeps you down to Earth—a healthy dollop of patriotism, and the pleasure of family. As we celebrate the day with friends and families at home or out amid our Nation’s beautiful wild spaces, I hope all of our citizens will spare a moment or two to read the Declaration of Independence. Let us remember that each person who signed

that Declaration of Independence virtually was signing his own death warrant. After all, they could have been charged with treason against the King and hanged. Think of it.

The colonists rebelled against a government that was arbitrary, unjust, high handed, and unwilling to even hear the concerns of those it governed. They rebelled against a tyrant who made the military independent of and superior to civil authority, who imposed taxes without their consent, deprived them of the benefits of trial by jury, cut off their trade, abolished their laws, and fundamentally altered the form of government, suspended their legislatures, captured their people at sea, and forced them to bear arms against the colonists, and ignored their pleas for justice, these things among many other grievances.

On the Fourth of July, Americans celebrate and honor the tremendous vision of our Founding Fathers, their incredible courage, and their willingness to take on a fight that must have seemed a desperate gamble. We celebrate a document that laid out for all the world to see just what kind of a nation we aim to be and just what kind of a government we would never stand for—we should never stand for.

The Declaration of Independence is more than a piece of paper. The Declaration of Independence is more than a piece of history. It is a vow for the future, a call to battle, and the cornerstone of a new nation. As we watch the flags snap and pop in the breeze as the parade swings past, recall the words of the Declaration that put troops on the march to take on the King’s armies. Each citizen, each family, has much to be grateful for as a result of that document.

And so, Mr. President, let me read briefly from that beautiful Declaration:

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature’s God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

On this Fourth of July, let us honor and let us recall the generations of brave Americans who have fought on and off the battlefield to preserve our freedom, and then let us remember the words of Henry Van Dyke’s poem “America For Me.”

Tis fine to see the old world, and travel up  
and down  
Among the famous palaces and cities of re-  
nown,  
To admire the crumbly castles and the stat-  
ues of the kings;  
But now I think I’ve had enough of anti-  
quated things.  
So it’s home again, and home again, America  
for me!  
My heart is turning home again, and there I  
long to be,  
In the land of youth and freedom beyond the  
ocean bars,  
Where the air is full of sunlight and the flag  
is full of stars.  
Oh, London is a man’s town, there’s power in  
the air;  
And Paris is a woman’s town, with flowers in  
her hair;  
And it’s sweet to dream in Venice, and it’s  
great to study in Rome  
But when it comes to living there is just no  
place like home.  
I like the German firwoods, in green battal-  
ions drilled;  
I like the gardens of Versailles with flashing  
fountains filled;  
But, oh, to take your hand, my dear, and  
ramble for a day in the friendly [West  
Virginia hills] where nature has her  
way!  
I know that Europe’s wonderful, yet some-  
thing seems to lack:  
The past is too much with her, and the peo-  
ple looking back.  
But the glory of the present is to make the  
future free;  
We love our land for what she is and what  
she is to be.  
Oh, it’s home again, and home again, Amer-  
ica for me!  
I want a ship that’s westward bound to  
plough the rolling sea,  
To the blessed land of room enough beyond  
the ocean bars,  
Where the air is full of sunlight and the flag  
is full of stars.

—Henry Van Dyke.

Mr. President, I yield the floor.

Mr. BENNETT. Mr. President, I will say to my friend from West Virginia, I had occasion to live abroad for 2 years, and as I caught the ship to come home again, westward bound—I suppose that dates me because now you go by plane—I recited that poem. It is good to hear it recited on the floor of the Senate in the shadows of the Fourth of July.

While I was waiting and heard the Senator from West Virginia urge us all to read the Declaration of Independence, I took the copy that is in my desk and I read it through so I can report to him that I have done my homework.

Mr. BYRD. I thank the Senator.

(The remarks of Mr. BENNETT pertaining to the introduction of S. 1379 are printed in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

JUSTICE SANDRA DAY O’CONNOR

Mr. CORNYN. Mr. President, I rise to mark a historic occasion, and that is the retirement of our Nation’s first female Supreme Court Justice, Justice Sandra Day O’Connor. As the father of two daughters who are now 22 and 23, I

appreciate in so many ways the career of Justice Sandra Day O'Connor, but one of the ways I appreciate her career is that she has paved the way toward the highest accomplishment for women in our society, and for that I shall be grateful always.

She was Justice O'Connor, after all, born in El Paso, TX—I have to remind my colleagues of that—on March 26, 1930. She married law school classmate John Jay O'Connor III in 1952 and raised three sons: Scott, Brian, and Jay—all while managing, as many women do in our society today, a career and family at the same time, but in this instance demonstrating and living out one of the most remarkable legal and political careers in our history.

She received her undergraduate and law degrees at Stanford University and graduated third in her class. She then served as deputy county attorney in San Mateo County, CA, and then as a civilian attorney for Quartermaster Market Center in Frankfurt, Germany. She later served as assistant attorney general of Arizona and then as a member of the Arizona State Senate. As one who has now served in the executive branch and the judicial branch of State government in Texas and now serves in the legislative branch in Washington, the kind of service Justice O'Connor has had in all of her varied and important positions during her career has well prepared her as a Justice on the Court and understanding both the opportunities and potential and the limitation of government to do good in our country and in our society and what questions can be resolved by government and which questions are best reserved to the people.

In 1975, she was elected judge of the Maricopa County Superior Court and served there until 1979, when she was appointed to the Arizona Court of Appeals. In 1981, it was President Ronald Reagan who nominated her as Associate Justice to the U.S. Supreme Court. She has written two books, "Lazy B" and her most recent, "Majesty of the Law."

Justice O'Connor has played a leading role in some of the Nation's most contentious legal disputes in recent years. And she has provided a critical voice of judicial restraint on a number of important issues on which the Court is closely divided 5 to 4.

She authored the Court's 5-4 majority opinion upholding the three-strikes-and-you're-out law for repeat convicted criminals. She wrote the Court's plurality opinion in Hamdi, affirming the President's legal authority to detain enemy combatants in wartime and thus preserving a key tool in the ongoing global war on terrorism. She provided the critical fifth vote protecting the First Amendment freedom of association of the Boy Scouts. She has provided the critical fifth vote in case after case after case, involving the important role that States play in our federalist system of Government, and in the protection of religious liberties

and religious expression in the public square.

Justice O'Connor has made important contributions to our jurisprudence, even when she was not part of the Court's ruling majority. Just last week, she penned an important dissent on behalf of private property rights against overreaching and ever-growing government—and against the 5-4 majority ruling in Kelo which has attracted so much national attention and outrage this past week. Last year, she provided a critical voice in defense of the voluntary recitation of the Pledge of Allegiance in public schools, even though a majority of her colleagues refused to do so. And 2 years ago, she demonstrated respect for precedent when she refused to join the Court's controversial majority opinion in *Lawrence v. Texas*, the 2003 decision that inspired State and Federal court rulings and local government actions against traditional marriage laws nationwide.

Throughout her 24 years of service on the Nation's highest court, Justice O'Connor worked to restore common sense to our criminal justice system and due regard for the power reserved to the States under the Constitution, and to limit restrictions on faith in the public square. Thanks to Sandra Day O'Connor, victims of crime are more likely to receive justice, and inner city children are no longer constitutionally barred from access to school choice programs. Although I have not always agreed with her rulings, I have always felt a deep and abiding respect for her commitment to public service, her reverence for the law, and her regard for her fellow man and woman.

In a time when so many controversial issues divide Americans of good will, it is especially critical that our Federal courts, led by our Supreme Court, be steadfast in its interpretation and application of the law as it is written, and for our courts to avoid picking winner and losers in the great political debates of our day. Under the steady hand of Sandra Day O'Connor, America has weathered some of the most heated legal controversies our Nation has ever endured—and for that, the American people will forever be grateful.

Today's historic announcement also raises an important question about the Senate and the role we will play in the confirmation process of the President's selection to succeed Sandra Day O'Connor on the Supreme Court. Moments ago the President called upon the Senate for a dignified process, and I think we should heed that call. We should conduct ourselves in a way worthy of this great body, which has served the Nation for more than 200 years, and which time after time after time, when there has been a vacancy on the Court, has done its job, providing advice and consent, asking hard questions, investigating the background of the President's nominees—but ultimately providing an up-or-down vote to each and

every one of the President's nominees to the U.S. Supreme Court.

The process for considering the next Associate Justice should reflect the best of the American judiciary—not the worst of American politics. We deserve a Supreme Court nominee who reveres the law—and a confirmation process that is civil, respectful, and keeps politics out of the judiciary.

As I wrote in an op-ed piece this past Monday in *National Review Online*, which I had printed in the *RECORD* yesterday, history affords us some important benchmarks for determining whether the Senate has undertaken a confirmation process worthy of the Court and of the American people. There is a right way and a wrong way to debate the merits of a Supreme Court nominee. The Senate's past record, unfortunately, has been mixed.

Whoever the nominee is, the Senate should focus its attention on judicial qualifications—not personal political beliefs. Whoever the nominee is, the Senate should engage in respectful and honest inquiry, not partisan personal attacks.

I wish to congratulate Sandra Day O'Connor on her extraordinary life and commitment to public service. I wish her and her family well. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

#### ARMY SPECIALIST JULIE HICKEY

Mr. DEWINE. Mr. President, as we approach the celebration of America's Independence Day, I am reminded of something that President Franklin D. Roosevelt once said about the ideals we hold dear. He said this: "In the truest sense, freedom cannot be bestowed; it must be achieved."

That was certainly true of our Founding Fathers when they established America's freedoms and independence over 225 years ago. And, it is still true today of the men and women in our military who are serving around the globe to achieve freedom in nations that have never, ever known it before.

Today, I rise to recognize the contributions of an exceptional young woman whose mission it was to protect our freedom here at home and to promote its achievement abroad. I pay tribute to her now as we approach the Fourth of July—a date that is significant not just because she embodied the ideals it represents, but because it marks the anniversary of this brave young woman's death.

Army SPC Julie R. Hickey, of Gallo-way, OH, died at Landstuhl Regional Medical Center in Landstuhl, Germany, on July 4, 2004, from diabetic complications. She was 20 years old.

Julie Hickey was born on January 17, 1984. Growing up, she was a fun-loving child with a gift for making friends. Her younger sister Rachel says that Julie was always the shoulder to cry on and also the person who wanted to make sure you had fun.