

difficult to lose a loved one. But Lucy is strong. I know she is left with the comfort that Ned is in a better place, that his life was extraordinary in the way it touched others, and that he loved her and their family and Kentucky so dearly. Ned Breathitt was as good as they come. He was Kentucky at its best.

#### CRISIS IN ZIMBABWE

Mr. FEINGOLD. Mr. President, I want to call the Senate's attention to the ongoing crisis in Zimbabwe. For years now, the Government of Zimbabwe, led by President Robert Mugabe, has pursued policies characterized by repression, brutality, corruption and mismanagement. The costs to the people of Zimbabwe have been terribly steep. Alongside intimidation and repression, Zimbabweans must contend with the economic consequences of this disaster. According to *The Economist* magazine, the country's GDP has shrunk by a third in the past 3 years; inflation has surged over 420 percent and 70 percent of the population lives in poverty. A country that should be an engine of growth in the region has instead become an anchor, dragging down the prospects for increased investment and prosperity. A people that should have been able to unite and focus their energies on fighting the AIDS pandemic that threatens their society is instead coping with the systematic destruction of the rule of law within their borders.

Mugabe's government would like the world to believe that it is pursuing a policy of defiance, charting an independent course, and refusing to be bullied by westerners. But this is a smokescreen, a distraction from the fact that when voters are intimidated, it is not the West that is defied, it is the will of the Zimbabwean people. When journalists are tortured and independent media outlets—most recently the popular *Daily News*—shut down, the bully is not the West, it is the Government of Zimbabwe. There is nothing heroic or revolutionary about the policies pursued by Mugabe's government. Sadly, they are taken from the familiar playbook used for decades by self-serving, dictatorial governments around the world.

Secretary of State Powell was right to call on African leaders, and especially South African President Thabo Mbeki, to take a stronger position on the crisis and to re-energize their efforts to help resolve it. Make no mistake, these leaders are not indifferent to the problem. They are coping with waves of Zimbabwean migrants fleeing persecution and the hopelessness of complete economic collapse. They are struggling against the downward force of the economic maelstrom across their borders. But quiet diplomacy is not working, and Zimbabweans continue to suffer. I urge African leaders to tell it like it is, and to express their solidarity with the Zimbabwean peo-

ple, not the disgraced and corrupt Zimbabwean Government.

#### AGRICULTURAL CONCENTRATION

Mr. FEINGOLD. Mr. President, increased consolidation and market concentration are, without question, prevalent concerns throughout the Nation. In particular, I am deeply disappointed to learn that the pork division of Farmland Foods has been sold to Smithfield Foods in a bankruptcy auction. Acquisition of Farmland Foods by either of the auction's bidders, Smithfield Foods and Cargill, has significant potential to lessen competition, harming both farmers and consumers. In this and many other cases, the Department of Justice has looked the other way in enforcing antitrust law, failing to maintain competitive markets.

As I travel around my home State of Wisconsin, agricultural concentration is raised by farmers and growers on a consistent basis. I am greatly concerned that industry trends toward consolidation and concentration are causing great disruption, and sometimes ruin, for our Nation's small- and medium-sized producers. It is my understanding that this acquisition would give Smithfield control of a significant portion of the pork processing industry in the U.S. market access for small and independent pork producers is already inadequate, and this merger will only exacerbate the problems of discrimination, a lack of negotiating power, and the low prices that farmers face.

While this acquisition would reduce competition among purchasers of live hogs, I am also concerned about the lack of benefit to consumers. At the other end of the food marketing chain, consumers are not seeing any decreases in the price they pay at the grocery store for these products. Having fewer competitors providing pork products to American consumers is unlikely to result in lower prices in the supermarket.

I am disappointed that the Department of Justice did not choose to enforce antitrust laws regarding the acquisition of Farmland Foods by either Cargill or Smithfield Foods. The lack of action by the Department does a disservice to the hard working men and women in the agricultural industry and only functions to increase the mounting obstacles to garner a fair price for their product.

#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Okinawa,

Japan. On October 27, 1992, Terry Helvey brutally murdered Navy Seaman Allen R. Schindler, Jr., his ship mate. Helvey beat and stomped Schindler to death because Schindler was gay. Helvey's attack was so vicious that he destroyed every organ in Schindler's body. Schindler was so badly beaten that he could hardly be identified afterward. Schindler's mother, Dorothy Hajdys-Holman, could only identify her son by the remains of a tattoo on his arm. The medical examiner compared Schindler's injuries to those sustained by victims of fatal airplane crashes.

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 is 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.

#### A TRAGEDY IN GAZA

Mr. SMITH. Mr. President, this morning, we awoke to the tragic news of what happened to the convoy of United States personnel traveling in Gaza. My condolences go out to their families, loved ones and colleagues.

These brave Americans were accompanying United States diplomats going to interview young Palestinians for the opportunity to study in this great country on Fulbright scholarships—offering them a chance for a better life. These fallen men were the 48th through 51st American victims of Palestinian Arab terrorism since the signing of the Oslo accords in 1993 alone.

Several of my colleagues have made mention of the fact today that Saddam Hussein rewarded terrorists who carried out suicide bombings in Israel. We must not forget that dozens of Americans were among their victims, and that many who planned and orchestrated these horrific acts remain at large today.

The deplorable attack on the U.S. convoy sickens me, but it does not surprise me. It should have not been allowed to come to this. For far too long, the State Department has done little to bring the murderers of Americans in certain regions and incidents to justice.

For the other 48 Americans, the wheels of justice have been virtually non-existent. This is because every step of an investigation abroad must be cleared by and coordinated with the Department of State. For too many years, and for too many American families, adequate consent and opportunity to pursue has simply not been forthcoming due to "diplomatic" considerations.

This is wrong. The families who have lost loved ones should not have their grief compounded by a lack of justice from our own system. The virtual impunity afforded certain terrorists sends the wrong foreign policy signal to

would-be terrorists around the globe. If we are indeed engaged in a global war on terrorism, then why is justice not pursued to its fullest extent when the terrorists are Palestinian or citizens of countries, such as Indonesia or Yemen, with which we are keen to maintain good relations?

We must send the message that we, as a country, are no less than 100 percent committed in our resolve to investigate and prosecute the murder of innocent Americans abroad, whether they be high-level diplomats, school teachers on a picnic, or children whose lives are cut short.

We have sent precisely the wrong message to would-be terrorists in certain regions of the world for far too long. This culminated in today's tragic events in Gaza. The State Department obviously maintains considerable influence in the investigation of the cases of official and non-official Americans who have been killed abroad.

But the pursuit of justice should not primarily be an issue of diplomacy, but of justice. The return address for this entire issue of Americans who have been killed by terrorists abroad simply belongs in the Justice Department.

That is why I call upon you today to join me and almost two dozen other Senators in cosponsoring the Koby Mandell Act of 2003. The act calls for transferring the lead responsibility for the investigation and prosecution of terrorists who have killed Americans abroad into its rightful destination, the Department of Justice.

I urge you to cosponsor S. 684, the Koby Mandell Act of 2003, and to send a message to terrorists that we have their number, and that one day, hopefully sooner than later, their number will be up.

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#### CELEBRATING HISPANIC HERITAGE MONTH

Mr. DOMENICI. Mr. President, I rise today to pay tribute to the contributions of Hispanic Americans to New Mexico and our country. I would like to focus my remarks today particularly on the representation of Hispanic Americans in the Federal judiciary.

Hispanics are currently dramatically underrepresented in our Nation's judiciary, making up only 3.8 percent of Federal judges while comprising 14 percent of our country's population. New Mexico leads the Nation with the highest Hispanic population percentage of any State, nearly 43 percent. As New Mexico's senior Senator, I am proud to have played a strong role in recommending Hispanic nominees for the Federal bench, and am even prouder that these recommendations have been accepted. Soon, three of the seven judges serving on U.S. District Court for the District of New Mexico will be Hispanic. Of the last five nominations made by President Bush to this court, all based on my recommendations, two were Hispanic women: Judge Christina Armijo, confirmed in November 2001,

and Judith Herrera, nominated last month.

Judge Armijo, formerly a judge on the New Mexico Court of Appeals, brings a great deal of judicial experience and a history of public service to the Federal bench in New Mexico. A 1975 graduate of the UNM School of Law, she was an attorney and public defender before joining the Court of Appeals.

Ms. Herrera, a distinguished attorney from Santa Fe, has experience in the public sector as a University of New Mexico regent from 1999 to 2003, a Santa Fe City Councilor from 1981 to 1986, and as an assistant district attorney. She has been an attorney with the Herrera, Long, Pound & Komer firm in Santa Fe since 1987. She was a member of the New Mexico Economic Development Commission from 1998 to 2000, and is a current member of the Federal Magistrate Merit Selection Commission. She also served as the Chairman of the Board of Trustees of St. Vincent Hospital from 1991 to 2000. I know that she will serve her country well, and that her appointment is a step in the right direction to ensure that New Mexico's Federal bench better reflects the composition of our population. I have great hope that the Senate Judiciary Committee and then the full Senate will confirm her expeditiously.

While New Mexico's Federal courts present a stronger-than-average picture of Hispanic representation, there is another story with a more dismal ending in the case of Miguel Estrada, who if confirmed, would have been the first Hispanic judge on the DC Circuit Court of Appeals. It was a sad day for our Federal judiciary and for Hispanic Americans when Mr. Estrada decided to withdraw his nomination after Senate Democrats prevented an up-or-down vote, despite seven attempts by Republican leadership to end debate. I am still outraged that a purely partisan filibuster prevented this well-qualified Hispanic American from serving his country on the Federal bench.

At this time when we seek to honor Hispanic heritage, I invite my Senate colleagues to send the right message to all those who aspire to public service or seek to achieve their goals in this country: through hard work, honesty, and integrity, it is possible to overcome any barrier and succeed on your own merit. To me, this means giving qualified nominees a fair chance to succeed. I appreciate the qualified Hispanic Americans leading the way through their service on the Federal bench in New Mexico, and look forward to greater representation of Hispanics throughout the Federal judiciary.

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#### HONORING TED KOCH OF BOISE, ID

Mr. CRAPO. Mr. President, I give a well-deserved "thank you" to a member of my staff who recently left the U.S. Senate. Ted Koch was with me a short time as a congressional fellow on leave from U.S. Fish and Wildlife Serv-

ice, and has since returned to Idaho. During this experience here, I benefited from his expertise and abilities, and wanted to let him know how much I have appreciated his contributions.

Ted stepped into the breach upon the departure of my staff director at the Senate Environment and Public Works Subcommittee on Fisheries, Wildlife, and Water. He filled the role expertly and with great enthusiasm. I appreciate that Ted aspires to principles embodied by another "Ted," President Theodore Roosevelt. He deeply enjoys and understands the ecology of hunting and fishing. He strives to make progress. Ted and I both believe that the best hope for people and wildlife in Idaho is to defend property rights. With greater certainty about the inherent value of property, landowners have the confidence and freedom to advance their own ideas for conservation. These qualities and beliefs make Ted a valuable spokesman for intelligent conversation in Idaho. He has made himself a friend of Idaho through his friendships in the State and here in Washington. I appreciate his invaluable participation on my staff, and wish him well in future endeavors. I have no doubt about his continued success.

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#### COMMENDING DENNIS HERTEL

Mr. LEVIN. Mr. President, I commend the services of Dennis Hertel, who is retiring after 6 years as a director of the Northeast-Midwest Institute. Dennis has ably served as chairman of the Institute's policy committee.

Dennis, as all my colleagues know, also is a former Congressman from Michigan. He served with distinction on both the Armed Services and Merchant Marine and Fisheries Committees.

I serve as a cochair of the Northeast-Midwest Senate Coalition's Great Lakes Task Force. For many years, the bipartisan Coalition and the Institute have provided valuable services to the State of Michigan and the entire Northeast-Midwest region. Dennis Hertel has been particularly effective in ensuring that the Institute's work is relevant to policymakers. He also has been a valued champion of protecting and restoring the Great Lakes. I am pleased to commend his leadership at the Northeast-Midwest Institute.

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#### ADDITIONAL STATEMENTS

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##### PHYLLIS COLE BADER

• Mrs. BOXER. Mr. President, I call the Senate's attention to my extraordinary constituent, Phyllis Bader, who is celebrating her 90th birthday today in California with her children, grandchildren, and great-grandchildren.

Though she might take the day off, Phyllis is not resting on her laurels. At an age when most of us might be at least thinking of slowing down, she is