

corpus and Bush has not advocated loyalty oaths. The fact is that even during wartime, presidents have not attempted to restrict civil liberties in the face of settled Supreme Court precedent. Although presidents often will push the envelope where the law is unclear, they do not defy established constitutional doctrine.

Fourth, it is often said that the Supreme Court will not decide a case against the government on an issue of military security during a period of national emergency. The decisions most often cited in support of this proposition are, of course, *Korematsu* and *Dennis*. In fact, however, there are many counter-examples.

During World War II, the Court upheld the constitutional rights of American fascists in a series of criminal prosecutions and denaturalization proceedings, effectively putting a halt to government efforts to punish such individuals. During the Cold War, the Court rejected President Truman's effort to seize the steel industry and eventually helped put an end to the era of McCarthyism. And during Vietnam, the Court repeatedly rejected national security claims by the Executive. So, although it is true that the Court tends to be wary not to "hinder" an ongoing war unnecessarily, it is also true that the Court has a significant record of fulfilling its constitutional responsibility to protect individual liberties—even in time of war.

Fifth, it is useful to note the circumstances that have tended to produce these abuses. They invariably arise out of the combination of a national perception of peril and a concerted campaign by government to promote a sense of national hysteria by exaggeration, manipulation and distortion. The goal of the government in fostering such public anxiety may be either to make it easier for it to gain public acceptance of the measures it seeks to impose or to gain partisan political advantage, or, of course, both. If all that sounds familiar, it should.

Finally, I want to say a word about our responsibilities as lawyers. In each of these episodes, lawyers played an important role, both in imposing the restrictions on civil liberties, and in opposing them. At the moment, I'm more interested in the latter. Albert Gallatin offered brilliant arguments in opposition to the Alien and Sedition Acts. Gilbert Roe defended the free speech rights of dissenters in World War I. Professors Ernst Freund and Felix Frankfurter, of the Chicago and Harvard law schools, played a critical role in illuminating the civil rights violations of the Red Scare and bringing that era to a close. Francis Biddle played a courageous role within the Roosevelt administration during World War II in opposing both the Japanese internment and the prosecution of American fascists. Joseph Welsch, a Boston lawyer, publicly humiliated Senator Joseph McCarthy hearings with his blistering questions "Have you no sense of decency, sir, at long last? Have you left no sense of decency?" And a group of lawyers here in Chicago from such organizations as BPI, the ACLU, the Better Government Association and the Alliance to End Repression helped put an end to end COINTELPRO and to the City of Chicago's Red Squad during the Vietnam War.

Now, to return to our own perilous time. The threat of terrorism is real, and we expect our government to protect us. But we have seen disturbing, and all-too-familiar, patterns in our government's activities. To strike the right balance in our time, we need judges who will stand fast against the furies of the age; members of the academy who will help us see ourselves clearly; an informed and tolerant public who will value not only their own liberties, but the liberties of oth-

ers; and, perhaps most of all, lawyers with the wisdom to know excess when it exists and the courage to preserve liberty when it is imperiled.

Thank you.

ADDITIONAL STATEMENTS

CABOT TEACHES THE VALUE OF DAIRY

• Mr. LEAHY. Mr. President, I am pleased to take this opportunity to commend one of Vermont's most successful farmer-owned enterprises, the world-renowned Cabot Creamery of Vermont. Since its founding by 94 farmers in 1919, Cabot's farm families have preserved the heritage and proud agrarian traditions of the State of Vermont and our great nation.

Cabot has an 80-year history of doing what they do best, making the world's best cheddar cheeses. When Cabot Creamery earned the title of "Best Cheddar in the World" and "Best Flavored Cheddar" at the 22nd Biennial World Championship Cheese Contest, they did it as a team, steeped in family traditions and pride and with skill and expertise that has been painstakingly built over the generations. That same teamwork goes into every aspect of their business.

In 1992 Cabot joined forces with another New England farmer-owned cooperative, Agri-Mark Inc, to open new markets for Vermont dairy farmers. Today the cheese made by Cabot is from the milk of more than 1,450 Agri-Mark dairy producers throughout Vermont, New England and New York. The Cabot Creamery of Vermont combines the best aspects of both cooperative farming and value-added agricultural products to provide much-needed price premiums to Vermont dairy farmers.

The dairy farmers of Cabot Creamery also have a rich history in teaching their communities about the importance of dairy to the economy and to nutrition and health. Dairy products pack a powerful punch of eight additional nutrients needed for stronger bones and healthier bodies. Throughout New England, Cabot runs the Ag in the Classroom program, an educational program for elementary students that teaches them about agriculture. This program has been recognized by educators as a valuable resource that helps connect students to their communities, raises self-awareness and fosters creativity.

Cabot also has sponsored Calcium Crisis Challenge, a program for 6th–8th-grade students that helps them learn about calcium and its importance for stronger bones and healthy living. The program brings attention to the fact that more than 75 percent of Americans do not get enough calcium in their diets.

This week in Washington, D.C., the dairy farmers of Cabot Creamery will host a reception to highlight the na-

tional 3-A-Day education campaign. The 3-A-Day campaign is simple—three servings of milk, cheese or yogurt is a deliciously easy way to help build stronger bones and better bodies. Most Americans are eating only half the daily recommended servings of dairy each day, resulting in loss of bone density and in related health problems. Eating 3-A-Day of dairy is an easy and wholesome way for families to help meet their calcium needs.

Along with Senator JEFFORDS and Congressman SANDERS, I am pleased to join Cabot's involvement with this important education campaign to highlight the importance of dairy products to healthy diets.●

IN HONOR OF NATIONAL BIBLE WEEK

• Mr. MILLER. Mr. President, I am honored and humbled to serve as the Senate Co-chairman of the 2003 National Bible Week. During the week of November 23 to 30, communities and churches across this Nation will participate in this fine tradition by reading and reflecting on the teachings of the Bible. I am very proud to be a part of this celebration and I salute the National Bible Association for its sponsorship of this annual event.

The very first National Bible Week was organized in 1941, during World War II. Organizers created National Bible Week as a way to extend comfort and hope to our Nation during a troubled time. Today, in 2003, we are facing another troubled time when our country could use a dose of comfort and hope. The Holy Bible is our richest source of great inspiration, spiritual guidance and strength. That is why so many refer to it as their solid rock, their foundation.

During National Bible Week, I encourage everyone to read the Bible every day and to pledge to continue to turn to this Good Book throughout the year. Reflecting on Scripture, using the Bible's stories to teach our children right from wrong, and seeking to appreciate the literature on which our great United States of America was established is always time well spent. I congratulate the National Bible Association for its dedication to the celebration of God's word, the Holy Bible.●

MESSAGES FROM THE HOUSE

At 10:44 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 291. Concurrent resolution expressing deep gratitude for the valor and commitment of the members of the United States Armed Forces who were deployed in Operation Restore Hope to provide humanitarian assistance to the people of Somalia in 1993; to the Committee on the Judiciary.

H. Con. Res. 302. Concurrent resolution expressing the sense of Congress welcoming

President Chen Shui-bian of Taiwan to the United States on October 31, 2003; to the Committee on Foreign Relations.

The message also announced that pursuant to section 1 of the Library of Congress Trust Fund Board Act (2 U.S.C. 154 note), and the order of the House of January 8, 2003, the Speaker appoints the following member on the part of the House of Representatives to the Library of Congress Trust Fund Board for a 5-year term to fill the existing vacancy thereon: Mrs. Elisabeth Devos of Grand Rapids, Michigan.

At 6:38 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker of the House has signed the following enrolled bills:

H.R. 2691. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes;

H.R. 3288. An act to amend title XXI of the Social Security Act to make technical corrections with respect to the definition of qualifying State; and

H.R. 3289. An act making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.

The enrolled bills, previously signed by the Speaker of the House, were signed on today, November 4, 2003, by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 291. Concurrent resolution expressing deep gratitude for the valor and commitment of the members of the United States Armed Forces who were deployed in Operation Restore Hope to provide humanitarian assistance to the people of Somalia in 1993; to the Committee on the Judiciary.

H. Con. Res. 302. Concurrent resolution expressing the sense of Congress welcoming President Chen Shui-bian of Taiwan to the United States on October 31, 2003; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4984. A communication from the Associate Bureau Chief, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Commission's Rules to Establish New Personal Communications Services, Narrowband PCS; Implementation of Section 309(i) of the Communications Act—Competitive Bidding, Narrowband PCS, GEN Doc. No. 90-314" (FCC01-135) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4985. A communication from the Associate Bureau Chief, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "2000 Biennial

Regulatory Review—Spectrum Aggregation Limits for Commercial Mobile Radio Services" (FCC01-328) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4986. A communication from the Associate Bureau Chief, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Cellular Service and Other Commercial Mobile Radio Services in the Gulf of Mexico" (FCC01-387) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4987. A communication from the Associate Bureau Chief, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of Competitive Bidding Rules to License Certain Rural Service Areas" (FCC02-09) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4988. A communication from the Attorney Advisor, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of Sections 309(i) and 337 of the Communications Act of 1934 as Amended" (FCC02-82) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4989. A communication from the Associate Bureau Chief, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "The 4.9 GHz Band Transferred from Federal Government Use" (FCC02-41) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4990. A communication from the Associate Bureau Chief, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "The Development of Operational, Technical, and Spectrum Requirements for Meeting Federal, State, and Local Public Safety Agency Communication Requirements Through the Year 2010" (FCC02-216) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4991. A communication from the Associate Bureau Chief, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "1998 Biennial Regulatory Review—Private Land Mobile Radio Services" (FCC02-139) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4992. A communication from the Associate Bureau Chief, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended" (FCC00-403) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4993. A communication from the Associate Bureau Chief, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "The Development of Operational, Technical, and Spectrum Requirements for Meeting Federal, State, and Local Public Safety Communication Requirements Through the Year 2010" (FCC01-10) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4994. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to

law, the report of a rule entitled "In the Matter of Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service" (FCC02-286) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4995. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Charles Town, West Virginia, and Stephens City, Virginia)" (MB Doc. No. 03-12) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4996. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ehrenberg, Arizona)" (MB Doc. No. 03-174) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4997. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wright City, OK)" (MM Doc. No. 01-255) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4998. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Crowell, TX and Florien, LA)" (MB Doc. No. 02-168, -169) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4999. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dickens, Floydada, Rankin, San Diego, and Westbrook, TX)" (MB Doc. No. 02-258, -259, -262, -264, -265) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5000. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cobleskill and Saint Johnsville, NY)" (MM Doc. No. 00-40) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5001. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cambria, CA)" (MB Doc. No. 03-182) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5002. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Lamont and McFarland, CA)" (MB Doc. No. 03-64) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5003. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of